Legislative Council

Thursday, 27 November 1980

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 11.30 a.m., and read prayers.

ROAD TRAFFIC AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 26 November.

THE HON. H. W. GAYFER (Central) [11.47 a.m.]: At the commencement of my remarks I extend an apology to the Leader of the Opposition for having requested an adjournment of the debate last night, and I thank the Leader of the House for allowing me to do so. The Leader of the Opposition has already spoken to the Bill, and perhaps it was a little discourteous of me to ask for an adjournment, but I wanted to examine the detail in the Bill because I was worried about what I heard when the Minister introduced it. I have spoken with the Leader of the Opposition briefly this morning and have indicated that I was not on a committee which studied this matter despite the fact that Liberal back-bench members indicated that as I was on the committee and should have known what was contained in the Bill. In fact, one of my colleagues was on the committee, but I am not, and some of the detail was unknown to me. The Leader of the Opposition informed me that his party knew what was contained in the measure as it had a committee working on the matter. He had asked why I had not been working on it. I therefore apologise for my indiscretion in adjourning the debate.

I did not want the Bill to be shot through, because a mass of figures was given by the Minister, and at 12 o'clock last night I could not possibly deduce what they meant without the aid of a calculator; I do not have the prowess of the Hon. A. A. Lewis.

The Bill does several things. I will not mention all of them because I believe speeches today should be as short as possible. However, I will air one or two matters. I will refer to the first item which alerted my concern. In the Minister's second reading speech he said—

> A small but increasing number of farmers are using heavier trucks commercially and in so doing are effectively competing with commercial road hauliers.
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> I do not believe that the farmers' concessionary licence should be used in this way and it is proposed accordingly that the Act be amended to limit the farmers' concession to vehicles whose load capacity does not exceed 14 tonnes.
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> This is the normal load capacity of a two axle rigid truck and has been adopted as representing the cut-off point between a typical farm truck and a heavier commercial haulage vehicle.

Many years ago concessions were given to farmers for one main reason which I think is now being lost because of the build-up of new laws, and increased costs; it is lost in the morass of bureaucracy. We do not know why certain things were done, but in this case the concession was granted because most of the mileage that farmers do is on their farms. They do not use roads as much as other people do, and that is the first point I want to make.

The second point is that farmers are growing up. Perhaps the Minister does not know this, and certainly his department does not realise it. The trucks used by farmers in days gone by are no more applicable to the work on a farm now than is a header that cuts six feet of wheat. Such headers were used in days gone by, but now headers cut 35 feet. When we try to relate a concession to a vehicle used on a farm—that concession is a farmer's right—we must take notice of the number of miles he does around his property as against the number of miles he does on the public roads.

I believe we are taking away a right; farmers should still receive a concession because they are only keeping up with the times. I am trying to say there has been that much fuss and performance this year about increases in rail freights and competition in the transport field—so many Bills have passed through this House—that the general consensus of opinion of an outsider who sees a farmer with what is known as a big rig is that the farmer is setting himself up in competition with transport companies, but that is entirely wrong. Farmers now use four-wheel tractors of 300 horsepower whereas in days gone by their farm tractor would have had a capacity of, perhaps, 60 horsepower. We must learn to grow up.

I will refer to the break-off point for the farmer's concession for a vehicle with a certain load capacity. The two-axle rigid truck has been adopted as the size of truck to be the cut-off point. The cut-off point is now no longer the average; it is below the average. In this world of our chasing economies we will find bigger and bigger trucks being used. I know that is correct because I am in the game. I can give the House another illustration of why the situation has to be

that way, especially in the wheat belt which is the area in which I see the concession having the most use. Trucks used by farmers in that area are not used all year round; they sit in a shed most of the time. Mr Brown would know that in his area it is necessary to have a bigger truck than was used, say, five years ago.

The Hon. J. M.Brown: Kelvin Barlett might have caused some problems.

The Hon. H. W. GAYFER: That is perhaps so. Co-operative Bulk Handling in its wisdom—it is a farmer-owned company and uses farmers' funds—with the agreement of its shareholders, the farmers, decreased the number of receival points which are spread across the State from 320 to approximately 250. A farmer still has to transport his wheat to a siding, and it is not his fault that he has to travel a little further. In addition, because there is now only one siding instead of two at which he can unload his wheat, he may have to wait a while in a queue. Farmers are not complaining that they have to wait, but when they go to a siding they make sure they have a load that is big enough to warrant the wait. Perhaps that does not make sense to people who live in the city because they do not understand the way farmers work. I can assure the House that anyone here who represents farmers would know that what I am saying is true. Consequently, to impose a limit of 14 tonnes after which the concession is not granted, and couch that limit in the terms used by the Minister—that is, that it is almost a criminal offence that a farmer buys a 14-tonne vehicle and therefore is setting up in opposition to private enterprise—is just not right. I am surprised the Minister did not say, "and/or the railways".

The Minister has tried to place a restriction on farmers so that they cannot keep up with progress; that is what the situation amounts to. I must admit that my nerves were jarred somewhat when I heard mention of a weight limit for the concessions. We have never had a weight limit. Why do we need a weight limit now? Whom are we protecting? We should consider all the private enterprise operators. Where does one think the trucks go when they are worn out as a result of being used on the public roads and are useful only for a little bit of running to and from a siding? Where does one think the farmers buy the big rigs? In a way, the farmers are assisting private enterprise.

The farmers work hard for their money, but we are attempting to place restrictions on them. We are being very short-sighted in the guise of trying to protect other people. The concession is the right thing to have; I have no argument about that. I am sure some people will rise to their feet and say that more trucks are going to the ports and the sidings, but that is not so in every case. We are dealing with an anachronism; years ago a big rig would have been an eight-ton truck, and years before that if a farmer had a three-ton truck he was a big boy because many people had to cart their produce in one-ton trucks. Other restrictions exist in regard to main roads and Australian standards for the protection of our main roads which require heavy vehicles with more tyres on them to carry a smaller load. A truck owner is not allowed to overload his truck because the roads must be protected. I have no argument with that, but there is now more protection of the roads than there was years ago. We have to spread the same load over more tyres, whether or not we like the situation. If a truck is overloaded the owner receives a heavy fine, as legislators here well know.

The Hon. D. K. Dans: Only if you get caught.

The Hon. H. W. GAYFER: I am afraid that everyone out there happens to get caught. We call the people who police these laws "mermaids" because they travel with scales!

The Hon. D. K. Dans: I have seen them operating.

The Hon. H. W. GAYFER: The point is that they are there and they are not very popular. I am opposed to that system because I believe one cannot accurately determine the weight of a full load over three axles—it is literally impossible.

I am making the point that, in order to conform, a farmer has been restricted to multiwheeled units and trailers to carry the same load he previously carried on his eight-tonne truck, which previously, perhaps, was 15 tonnes. Actually, he loaded the truck until it was about to break in two. I repeat: For what purpose have the Government, the committee, the RTA—or whoever it was—designed this proposal?

I am not too sure that the Government is not bringing in something which is working against the farmer and which is taking something away from him. We are not living up to the requirements of the present time. I do not care who argues with me on the practical side, it has lost its practical application.

An average farmer ties his rig to a shed post, sometimes for nine months of the year. I know the Minister will ask, "Why not license the vehicle for three months only?" I wish to point out that that would be the first mistake the person making the assumption would make. One never knows when one will want to use one's truck on the roads. When I say that a truck is used for only three

months of the year, I am referring to its total use on the road. Perhaps it is used for six weeks during harvest.

The Minister may not have heard, but there is a drought in many areas this year. Already, I have two trucks carting 6 000 gallons of water a day. I blame the Government for not putting in a pipeline, and I have spoken about that matter on several occasions. However, it is necessary for a truck to be ready to go onto the road at any time to do that type of work. This is the first time I have had to cart water during the last five years. I have to cart water, and I am no orphan Annie.

The trucks have to be ready to work. A farmer cannot decide suddenly he wants to cart a load of super from a local centre and then have to license his truck. CSBP has erected a dozen depots throughout the State in order to diversify, and to help keep traffic out of the city.

During seeding a farmer may want a load of super from a local depot, so what is he expected to do? Does he then have to license his truck? I am saying that the truck is not on the road for nine months of the year, but the three months it is on the road are not consecutive months. Certainly, Mr McNeill would know what I mean.

So, I do not know what the Government is trying to do. I have my supposition; this measure has been introduced in order to protect the railways and to cut out competition against private enterprise. However, the measures are unnecessarily harsh, and they will be introduced at the expense of the farmers who have to use the type of units which are to be affected. There is much more I could say on this matter, but I will leave the subject at this stage.

I would like the Minister to explain to me, when he replies to the debate, the details concerning motor drivers' licences in regard to which certain conditions or limitations will be applied. For example, when the holder of a driver's licence is required to have an aid, or to have specific appliances fitted to his motor vehicle, such information is to be endorsed on that licence. The Minister said it is necessary for the Road Traffic Authority to have the power to cancel or suspend the operations of a licence if the holder fails to comply with the conditions so endorsed. Perhaps Mr Olney may be able to help me on this point.

The holder of a licence may be somebody not as fortunate as the rest of us, and not have complete control of his limbs. He may require an aid in his car in order to obtain permission to drive it. If he is found driving without that aid in the car, his licence will be taken from him. I can see that point, but the proposed amendment will give the licensing authority the power which exists already in respect of the application for a licence. What power? I am referring to the power which exists in respect of an application for a licence. What is behind this move? What does this mean? Does it mean the authority will now have the power to re-examine everybody? I feel that is an anachronism.

The Hon. R. G. Pike: It is somewhat obscure.

The Hon. H. W. GAYFER: Mr Pike should make an observation.

That does not jell with me. I do not believe that anybody is attempting to be sinister, but the provision has a sinister application. We are back to square one where we, perhaps, will have to get a permit, be tested, and be placed on probation. I want to know what the Government is driving at.

Another interesting matter I want to comment on is related to breathalysers. I read this provision with a great deal of interest because I was associated with some of the original breathalyser testing. I remember the heartaches caused in the corridor at the time, and the breathalyser equipment experiments which were carried out voluntarily by some members. I think the Clerks may still have some of the cartoons about the conditions which prevailed at that time.

I can recall also that at the time we did not want too great a reliance to be placed on the breathalyser machines. We all queried whether a machine should prove the guilt or otherwise of a person. Many of us believed that only one machine was capable of doing that—Madam Guillotine. The fact that a machine test, applied by a policeman, was capable of verifying a man's conditon, perhaps resulting in the imposition of a complete ban on his driving for the rest of his life, was viewed with a great deal of alarm. This applied particularly in country areas where there would be a lack of witnesses. I can well remember the general feelings at that time, and I view this new provision with some alarm.

It is set out in the Minister's speech that the amendment to the Bill will eliminate the option which permitted an alleged offender to choose a breath analysis or a blood analysis. In certain instances a person will be required to submit a sample of blood for analysis, and the sample is to be taken by a medical practitioner. Instances have occurred when a medical practitioner has not been available within the time permitted—four hours—or within the prescribed limit of 40 kilometres.

When a person has refused to give a blood sample, the charges have been dismissed, because

of the difficulty of producing evidence and the unavailability of a medical practitioner.

The Minister said—

> The proposed amendment will remove the necessity to prove the unavailability of the medical practitioner and counter the situation where a person refuses to nominate a medical practitioner. The patrolman will in the prescribed circumstances be entitled to nominate a medical practitioner to carry out the test.

I view this with alarm.

Let us consider the position of a man out in the country, 45 kilometres from a town, at 11 o'clock at night. He has one headlight a little higher than the other—as happened in a case I heard of the other day. A patrolman pulls him up to look at the headlight, but when he steps out he can smell alcohol on the man's breath. The time is now half past eleven at night, and the man is 45 kilometres from the nearest place with a pub. He could have spent the whole day, or perhaps the whole week, there. There is reasonable ground for the patrolman to assume that the man should have the breathalyser bag put on him. According to my interpretation of the Act, the man has to comply with such a request. The patrolman says, "All right, your reading is so-and-so. You had better come with me." The man goes with him to the police station.

I have never been in this situation, but I can imagine what will happen. They arrive at the police station, and by that time it is one o'clock in the morning. The man is not very happy with the patrolman; and by that time the patrolman, having listened to the man for 45 kilometres, might not be happy with him. The man requests a medical practitioner, and the patrolman says, "There are none available." That is it. The man is not in a position to argue.

On page 11 of the Bill the following appears—

> (9) Where—
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> (b) pursuant to subsection (5) or (7) of this section a person nominates a medical practitioner to take a sample of his blood but a patrolman has reasonable grounds . . .

Again we have those lovely words "reasonable grounds". It continues—

> . . . to believe that the medical practitioner so nominated—
>
> (i) is not available within a distance of forty kilometres;
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> (ii) is not available within the time limited by this section for taking blood samples;

To return to the story: There are 10 minutes to go before the limit of four hours is up. The patrolman will not take any notice of the man's request. The provision continues—

> (iii) refuses to take the blood sample; or
>
> (iv) cannot readily be located,
>
> the patrolman may require the person to provide a sample of his breath for analysis or to allow a medical practitioner nominated by the patrolman to take a sample of the person's blood for analysis.

Once again the man will be "hanged" on the machine, or he will have to allow a medical practitioner nominated by the patrolman to take a sample of his blood. If that happens in a country town, where is the practitioner, when the patrolman has said that a medical practitioner is not available, anyway?

I am a little perturbed that we are taking away the rights of the individual. The Minister may not agree; but we must have some sympathy and understanding for the person concerned. Regretfully we have all been through this sort of thing when we have been interrogated by an RTA patrolman who believes no longer that courtesy and education are the names of the game.

I am fearful that this provision could be misused. Time has not allowed me to investigate fully all the circumstances. I urge other members to give consideration to the situation. Whilst I have been talking, perhaps I have added fuel to the fire, and perhaps I have not. However, I believe that we should give this clause careful consideration. Members would be well advised to think carefully about the subject. By our giving an alternative, people could be losing a fundamental right that we wrote into the Act many years ago. There was the provision for an alternative choice, and there was no hard-and-fast rule. After all, the machine is like any other machine and we know that it has been challenged from time to time.

I support the second reading of the Bill.

THE HON. R. J. L. WILLIAMS (Metropolitan) [12.15 p.m.]: It was not my intention to speak to this Bill until the Hon. H. W. Gayfer dealt with the amendment to section 66. Everybody would know I have had more than a passing interest in the use of breathalysers, blood sampling, and urine sampling, for people suspected of having broken the law.

I will say something to the House now which will probably be printed; and perhaps it is the wrong thing for me to say. The Hon. H. W. Gayfer said that the individual will be losing his rights; but he is wrong. Section 67, which immediately follows section 66, gives one the right to refuse any of the breath, blood, or urine tests.

The Hon. N. E. Baxter: What do they do then?

The Hon. R. J. L. WILLIAMS: Forgetting the question of innocence, if one is picked up and refuses to take a test, for the first offence one can be fined a maximum of $150, and one's licence can be suspended for three months.

The Hon. W. M. Piesse: But one may be innocent.

The Hon. R. J. L. WILLIAMS: If one is innocent, we need not go into that. This raises the question of the medical practitioner; and it applies to the smart aleck fellows in the city who nominate a doctor who is on holiday in Augusta. Such people say, "I want that practitioner to take my blood." I feel strongly about this. I do not think the Hon. H. W. Olney ever dirties his feet in that sort of court; I think he is what one calls "a civil lawyer"—

The Hon. G. C. MacKinnon: Does the Hon. John Williams know that the doctor in Augusta is John Williams?

The Hon. R. J. L. WILLIAMS: Yes. I know him well. He is not related to me. The anomaly in the Act relates to section 67. If by any chance I am pulled up by a patrolman, I will adopt this procedure. I will refuse to take a breath test; I will refuse to take a blood test. I will accept the automatic conviction and a suspension for three months.

Obviously this would apply if I had been drinking. However, no more do I ever drink and drive.

For a subsequent offence, the fine would be not less than $200 and not more than $500. In any event, a conviction would mean the suspension of the licence for a period of not less than six months. Members should compare that with the savagery one expects for a conviction for drunken driving on a first offence. That involves fingerprinting, photographing, and a conviction sheet. There are young men in our community—and I have spoken about this before—who have been so convicted—properly according to the law, I might say—

The Hon. H. W. Gayfer: If you refuse to take the tests—

The Hon. D. K. Dans: Nothing would happen if you did not break the law.

The Hon. R. J. L. WILLIAMS: Of course.

The Hon. H. W. Gayfer: If you do not take the test, would you spend the night in gaol, to bring you to your senses, to make you take the test?

The Hon. R. J. L. WILLIAMS: If one spent the night in gaol, one would not take the test after four hours. However, that is another matter.

The Hon. H. W. Gayfer: Can they say, if you will not take the test, "Goodnight, it was nice knowing you."?

The Hon. R. J. L. WILLIAMS: If one were wise, one would get out of the car, lock the car, walk up the road, and leave the car there. If one is 500 miles from home, then it is a long walk home. Nevertheless—

The Hon. H. W. Gayfer: I was wondering how you get a lawyer, or something like that.

The Hon. R. J. L. WILLIAMS: I am explaining to the House the benefits of my reading of section 67 of the Act. Members of the House may wish to remember that.

The Hon. D. K. Dans: Do you remember, Mr Williams, when there was a man over there a few years ago who argued with me about what "reasonable grounds" meant?

The Hon. R. J. L. WILLIAMS: It is quite simple to me.

The Hon. D. K. Dans: It is all in *Hansard*.

The Hon. R. J. L. WILLIAMS: I wish only to answer the point made by the Hon. H. W. Gayfer. This may sound contradictory, but I hope the day is not far distant when, under the Road Traffic Act, the RTA will have the support of the public and the House in its insistence on having included into legislation compulsory blood testing for every person involved in an accident.

The Hon. W. M. Piesse: No!

The Hon. R. J. L. WILLIAMS: Although some members may disagree, it should be borne in mind such a situation has existed in Victoria for 10 years.

The Hon. W. M. Piesse: That does not make it right.

The Hon. H. W. Olney: What about the people killed and maimed by drunken drivers?

The Hon. R. J. L. WILLIAMS: What I am saying is this: I have a record of a person who was totally sober, but who was in danger of being convicted of manslaughter until it was found, as a result of compulsory blood testing, that the person maimed was totally drunk. He did not know where he was going and he had stepped off the pavement in front of the car, giving the driver no chance whatsoever to avoid him. Not one person

in the car had had a drink and compulsory blood testing proved that point.

Do not let us go overboard on the liberty of the subject. There is no liberty when one knocks on a person's door to tell him his son, daughter, wife, or husband has been killed by a drunken driver. Where is the liberty of the subject then? Members who object to this sort of provision should try telling people their son, daughter, or other relative has been wiped out by a drunken driver. I have had to do this. Do not let us get high-handed about compulsory blood testing for persons involved in accidents. It has been going on in Victoria for so long and the programme has been conducted so properly that it does not even cause a ripple.

The Hon. N. E. Baxter: Is that the case in every accident?

The Hon. R. J. L. WILLIAMS: It is the case in every reportable accident where injury is involved.

The Hon. N. E. Baxter: That is better.

The Hon. R. J. L. WILLIAMS: A sample of blood is taken from every person involved and divided into three samples; one sample goes to the doctor, one to the custodian, and one to the person himself.

That is all I wish to say about the matter. People get hysterical about the liberty of the subject when talking about blood and breathalyser tests; but nobody is more hysterical than someone who has something to hide. If people do not have anything to hide, what do they have to fear?

THE HON. W. M. PIESSE (Lower Central) [12.24 p.m.]: I am horrified and amazed by the suggestion we have just heard. I have never heard anything like it previously—every person involved in an accident—

The Hon. R. J. L. Williams: In a reportable accident.

The Hon. W. M. PIESSE: —will be subjected to compulsory blood tests. I ask members to cast back their minds to a situation recently when eight or 10 people were injured in an accident which occurred in the morning. Is the member suggesting all those people should line up for three samples of blood to be taken from them in the morning, just in case? I have never heard anything like it.

The Hon. R. J. L. Williams: Are you saying people are not drunk in the morning? You have a lot to learn.

The Hon. W. M. PIESSE: I know a little about people being drunk and I know a little about Victorian legislation, but that does not make the honourable member's suggestion or the Victorian legislation right. If we are really serious about the matter of drunken drivers, there are other actions we can take, but we will not take them.

The Hon. R. J. L. Williams: What are they?

The Hon. W. M. PIESSE: Firstly, we can use a price differential to influence people in the kind of alcohol they drink. Secondly, we can impose penalties such as taking off the road the car of a convicted person. However, we will not do that. Thirdly, we can be less lenient in the case of a serious or second offence of drunken driving and not return a person's driver's licence within a very short time. In other words, if a licence is removed for six months that should in fact occur and, regardless of that person's pleas, he should not be allowed to drive a car and his car should be taken off the road. If that occurs, we would have little trouble, because the wives of such offenders would very soon take action themselves! We can take a number of other alternative types of action before taking blood from the whole community.

The Hon. John Williams has suggested we apply ourselves to section 67 and if a person is stopped and he has an aroma of alcohol about him and the traffic patrolman quite rightly says, "You should have a blood test", the person should submit even if he knows he has had only one sherry or one beer or that someone has spilt some brandy on him, which does happen, which has resulted in the odour being on his clothing, but he is not drunk. The Hon. John Williams has suggested that, although we know we are innocent, because we are hounded, it is best to accept the $150 fine for a first offence. Therefore, we should say, "Have your own way. We will pay." What sort of attitude is that? It is a false attitude all the way through.

Point of Order

The Hon. R. J. L. WILLIAMS: I am not in the habit of telling falsehoods to anybody in this House, neither is it my practice to do so outside the House. Therefore, I ask that remark, which I consider to be offensive, be withdrawn.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): I did not hear what the Hon. W. M. Piesse said; therefore, I am in no position to judge at this stage.

Debate Resumed

The Hon. W. M. PIESSE: I did not say the Hon. John Williams spoke falsehoods; what I said was I do not believe it is the right attitude for

anyone in the community to virtually admit guilt and accept a fine of $150 by dint of the use of section 67, when in fact such a person is not guilty and has not had a drink. I do not think that is the right attitude.

I do not wish to delay the House, but I would like to say I support fully the remarks made by the Hon. H. W. Gayfer. I support him fully and there is no need to go over it again.

I should like to turn to clause 8 which amends section 66 of the principal Act. Paragraph (b) of proposed new subsection (9) refers to the words ". . . but a patrolman has reasonable grounds". I, too, am somewhat niggled about this situation.

I believe I am a reasonable person and yet some people tell me I am unreasonable about certain subjects. It seems to me it is a matter of opinion and I should like to know what the Minister regards as "reasonable grounds". The provision says, ". . . but a patrolman has reasonable grounds to believe that the medical practitioner so nominated . . .". There may be a very good reason for a person to refuse to have a blood sample taken. I do not believe a patrolman should override the decision of a medical practitioner who, for whatever reason, says a blood sample should not be taken from a person.

I am anxious also about the provision which says, ". . . a medical practitioner nominated by the patrolman to take a sample of the person's blood for analysis." Again this probably applies mostly in country areas where there are different kinds of medical officers. A person may very well prefer not to have his veins interfered with by a particular medical officer. The rights of that person should be respected on those grounds. I am concerned about this particular clause of the Bill and I await the Minister's explanation.

THE HON. H. W. OLNEY (South Metropolitan) [12.30 p.m.]: I feel compelled to rise because the publicity which may be attached to the Hon. John Williams' comments may be such as to mislead people into doing what perhaps might not be in their best interests.

It is true that in recent years I have not practised in courts which have been dealing with the sorts of offences about which the Hon. John Williams was speaking, but I did spend many years in and around the petty sessional courts in country areas—particularly in the area represented by the Hon. Jim Brown.

I am speaking of the days before the breathalysers but maybe my experience does not go back to the days before blood testing. Twenty years ago blood testing was not readily available in the country yet the police still managed to obtain numerous convictions for drunken driving. There was a day when I could recite a policeman's statement with regard to such convictions. It was usually as follows: "I was proceeding south in So-and-so Street and I stopped the car and the breath of the driver smelt of alcohol. He could not stand on his feet and his speech was slurred so I asked him to come to the police station. When he got out of the police car he could not stand up straight and when I asked him to write his name in the book he could not do so, etc."

A similar statement was made time and time again. The person concerned was often requested to draw a line around a spiral and of course even a perfectly sober person could not do so. On that evidence, the alleged offender was inevitably convicted and fined for drunken driving. Even if a person refuses a breathalyser test, he will be fined $150 and also convicted by the old-fashioned method. Therefore, I would not advise anyone who feels he may have some advantage by refusing the test to act in the way the Hon. John Williams has suggested.

By way of an interjection I said that I agreed with what Mr Williams said about the blood testing of people who are involved in accidents. I can be perfectly objective on this matter because I have been an abstainer all my life. I am quite happy to comply with tests at any time if the RTA wishes to stop me and test me. This is probably something with which we all will have to grapple if not now then later, because it is an important moral issue.

I must say that after several years of living on a very busy road in an inner city area near a number of hotels I have been afforded an opportunity to understand the effect of drink on driving, on property and on individuals.

I felt I must make some remarks following Mr Williams' comments. I support the Bill.

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [12.32 p.m.]: I thank members for their contribution and I thank Mr Gayfer for his contribution on behalf of the farmers. He pointed out the suggestions of the farming community—

The Hon. H. W. Gayfer: People I represent.

The Hon. G. E. MASTERS: —and he mentioned that I did not know much about haulage. I come from a family that has some interest in haulage so I do know a little about the problems involved. I also happen to represent a country area. I just wanted to place that on record so the honourable member would not have any doubts as to the area I represent. I do know the

extent of the problems in the country areas and the effects of drought.

Mr Gayfer spent most of his time referring to heavy trucks. I think the problem is that there have been some complaints from local operators in country areas that there is some unfavourable competition from farmers who have large vehicles. I was interested to learn from Mr Gayfer's remarks that trucks of over 14 tonnes would be used around a farm. I would have thought that a large truck would not be suitable and if that is the case I am rather surprised.

The Hon. H. W. Gayfer: If farmers seed up to 600 acres a day, the bigger the truck, the less the running in and out they have to do.

The Hon. G. E. MASTERS: However, I wish to point out that the trucks are used over a short period. Mr Gayfer did say that it would not be possible to take a licence for three months. I would have thought that that would be possible and perhaps a lighter truck would be the best to use around the farm. However, I take note of the point made by the honourable member.

At this time the Government believes that a reasonable cut-off point would be in the region of 14 tonnes.

The Hon. D. K. Dans: That is very fair.

The Hon. G. E. MASTERS: It seems fair that farmers should be required to pay the normal licence fees over 14 tonnes carrying capacity. The Minister, in consultation with a large number of country members, made his decision after careful consideration and I am sure he will take into account the comments made by the Hon. Mick Gayfer.

The Hon. H. W. Gayfer: He will have as broad a view as you.

The Hon. G. E. MASTERS: I take it that that comment was meant in a nice way. I understand the problems of the farmers. I say again that the Hon. Mick Gayfer always puts forward the views of the farming community. I think it is fair enough to say that 14 tonnes is considered to be reasonable.

Mr Gayfer referred to the question of licensing and said there was some doubt about the amending of the words, "The proposed amendment will give the authority the same power that already exists with respect to an application for a licence". We are talking about drivers' licences which have special requirements. The previous paragraph states as follows—

> Further to the amendment to allow conditions and limitations to be endorsed on a driver's licence which is already in force, it is necessary that the Road Traffic Authority has the power to cancel or suspend the operation of such a licence if the holder fails to comply with the conditions so endorsed.

We are saying therefore that with an application for a new licence it may be necessary to have endorsed on the licence the fact that there are special conditions to apply to the licence. I think that is fair enough because there may be a person who has a disability and who wishes to apply for a licence to drive a vehicle. This endorsement is done of course for public safety. However, at this time it is not possible for a driver, who already has a licence to have special conditions placed upon it at a later stage. The Bill proposes to rectify that situation.

It is in the interests of the driver and in the interests of the public; that is how I understand the comment in the second reading speech. When we consider the matter of breath and blood testing we must first of all talk about the rights of the public. It is all very well to talk about the rights of the individual; and it may well be unfair to have tests carried out unnecessarily. However, recently I was shocked and horrified to hear on the TV figures in respect of the carnage on our roads. I cannot recall the exact figures, but in a certain period the number of people killed on our roads was greater than the people killed in one war—

The Hon. D. K. Dans: That did not relate only to drunk people.

The Hon. G. E. MASTERS: I am saying that much of the trouble is caused by the consumption of and over-indulgence in alcohol.

The Hon. D. K. Dans: Being a total abstainer...!

The Hon. G. E. MASTERS: Mr Olney is not on his own! Of course, we all abstain at times.

We must consider the safety of the public. It is fair enough to say it is not right that all people should have a blood test after being involved in an accident; but if the drivers have nothing to worry about I cannot really see that much harm would be done.

The Hon. H. W. Gayfer: I am worried about that let-out—"reasonable grounds".

The Hon. G. E. MASTERS: We must be concerned with the damage done by people who drink too much, and we must be concerned also with the rights and privileges of people generally. RTA patrolmen carry out a very difficult job; and it is easy for people to criticise them. However, I suggest that if we saw the damage and maiming and realised the loss of life that occurs as a result

of drink-driving, we would want to take all the precautions we could to reduce the toll.

I am sure if we put ourselves in the situation of a patrolman, we would say, "Righto, let's test this person." It is very easy for us to criticise the patrolmen and to say their actions are not fair, but it is only reasonable that tests should be carried out. Bear in mind the person is taken to the police station and may undergo either a blood test or a breath test. The person involved would not be taken to the police station unless the patrolman had reason to take him; and if there is doubt the person concerned may undertake the full tests.

The Hon. H. W. Gayfer: You have missed the point. They have the right to a blood test or a breath test.

The Hon. G. E. MASTERS: Not at all. The provision states—

> . . . the patrolman may require the person to provide a sample of his breath for analysis or to allow a medical practitioner nominated by the patrolman to take a sample of the person's blood for analysis.

Is that what Mr Gayfer is talking about?

The Hon. H. W. Gayfer: No, I am talking about the situation when the patrolman has reasonable grounds to believe, and a medical practitioner is not available. The patrolman could just say, "Oh, well, the doctor is not available."

The Hon. G. E. MASTERS: But he must have reasonable grounds. That is the point Mrs Piesse made.

The Hon. H. W. Gayfer: That is what we are arguing about—"reasonable grounds".

The Hon. G. E. MASTERS: This is a decision which must be made by a person who has common sense and a great deal of experience in the field.

The Hon. H. W. Gayfer: And who has reasonable grounds to believe he is a responsible person?

The Hon. G. E. MASTERS: I suggest the matter of "reasonable grounds" could be argued just as any other interpretation could be argued. It is not hard to detect that a person has over-indulged in alcohol whether the detection be made because of the smell of alcohol, or as a result of some other means.

The Hon. Howard Olney made the point that in the olden days such decisions were a matter of guesswork, but now the authorities are required to prove that a person has had too much alcohol.

The Hon. H. W. Gayfer: It is the matter of "reasonable grounds". The doctor might not want to get out of bed after 11.00 p.m., and the policeman might know that. That is what worries me.

The Hon. G. E. MASTERS: I do not think that will occur. I think the patrolman clearly must have reasonable grounds. He would be required to phone a medical practitioner, who might say, "No way, I will not turn out." However, this provision is introduced in the interests of the safety of the public and in an effort to combat the excessive use of alcohol in combination with the driving of cars by some people. We believe firm action should be taken, and in that respect the Bill is reasonable and proper.

The Hon. W. M. Piesse: Don't you think that rather than blood testing everyone we really should be looking at what we should be doing after we have caught them?

The Hon. H. W. Gayfer: Yes, hang them!

The Hon. H. W. Olney: Gaol them first, and then hang them!

The Hon. W. M. Piesse: In all seriousness, doesn't the Minister think that is the area we should be looking at?

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): Order! This is not a Committee debate.

The Hon. G. E. MASTERS: I will discuss that in the Committee stage if the honourable member wishes.

Question put and passed.

Bill read a second time.

Sitting suspended from 12.46 to 2.15 p.m.

In Committee

The Deputy Chairman of Committees (the Hon. R. Hetherington) in the Chair; the Hon. G. E. Masters (Minister for Fisheries and Wildlife) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 19 amended—

The Hon. H. W. GAYFER: It is my intention to move for the deletion of proposed new subsection (14c)(a)(ii). The words involved are "the load capacity of the vehicle exceeds fourteen thousand kilogrammes". If those words were deleted vehicles would be permitted to stand generally with the farmer concession at an unlimited carrying weight, a provision which is in the present Act and one which I believe should continue.

I am delighted to inform the Minister I will have some wheat to cart this year, although I will

be well short of the amount I usually have to cart. I am the owner of a big truck. No, I do not put it on the road to compete with other people. Yes, I do pay 34c a litre tax for the extra fuel my big truck consumes. I might say I found the Minister's argument about my big truck just as spurious as his argument about the right of people to buy bottles of beer on Sunday!

I am genuine when I inform the Government that it should not put a ceiling on the maximum load for a farming vehicle. These vehicles are not in competition with other people using the roads. However, they are used on the farms. Modern equipment being used in the field necessitates farm trucks to be of a larger size than they were in earlier years. The Hon. Margaret McAleer will know that in the area she represents the vehicles are getting larger and are not necessarily plying the roads from Three Springs to Geraldton.

The Hon. M. McAleer: They do not run about the farm.

The Hon. H. W. GAYFER: Perhaps not in the member's area, but in my area finance is such that we can afford to buy only one vehicle. There is no alternative. The Hon. J. M. Brown, who has recently purchased a property, would be aware of this.

Members will appreciate that we are not being too pedantic in trying to prevent a ceiling on a load for concession rights being introduced for the first time ever. In the days of horses and wagons we did not have a ceiling on what could be carried before certain things would happen. I have no argument with there being a legal carrying capacity, but in regard to the concession for farmers I believe we are in danger of seeing it going out the window. This matter will be argued in country areas for a long time to come. Therefore, I move an amendment—

> Page 6, lines 20 to 23—Delete subparagraph (ii).

The Hon. NEIL McNEILL: At the outset I say that I will not support the amendment moved by the Hon H. W. Gayfer. I say that to make my position clear. I would not support it because I believe if in fact the subparagraph were deleted we would then have to face the arguments as to why there ought to be a load limit. A substantial number of people could produce good arguments as to why there should be a load limit in relation to these vehicles. Having said that, I nevertheless believe that what the Hon. Mick Gayfer said is very worthy of serious consideration because we have so far adopted the principle of allowing farmers a concession, a principle which I support. For the first time we will say to farmers that a ceiling will be imposed in relation to the concession for these farm vehicles. The principle of giving these concessions is important and must be considered very carefully because I also believe, as the Hon. Mick Gayfer said, the imposition of a ceiling could well be the beginning of further losses incurred by farmers. The concession has been well substantiated and well accepted and recognised. As Mr Gayfer said, and in my view, the rigs are becoming bigger, but they are still farm vehicles used for exactly the same purposes as farm vehicles have been used in the past. What I have said establishes my view that a real case exists for serious consideration of this matter.

During the course of this debate a suggestion was made that we should consider short-term licences for vehicles which exceed the load limit so that they could be used for various types of carting although we would accept the principle that they were essentially farm vehicles. I think that suggestion ought to be pursued. I will restate that I agree with much of what the Hon. Mick Gayfer said because I believe the only thing that is different these days is that the machinery is bigger. It still serves the same purpose as in previous years and the same purpose as did the older vehicles. We will always be able to find a justification for the concessions to be made available, but in saying that I also recognise that when people use vehicles of this size they lend themselves to criticism because the vehicles are of a size that can be used for other purposes, and in that case would not be eligible for a concession. Therefore I see a greater opportunity to abuse a privilege, this concession.

In conclusion, I hope the message inherent in the Hon. Mick Gayfer's amendment is closely studied by the Minister and his Government.

The Hon. G. E. MASTERS: I must ask the Committee to oppose the amendment put forward by the Hon. Mick Gayfer. I listened to his comments with considerable interest. I suppose I was being frivolous when I mentioned he had a large truck. I would not suggest for a moment that that is the reason he put forward the amendment. In my opinion he has been for all time the champion of farmers, and he will continue to be so.

It is reasonable to have a limit on the size of trucks and tonnage that they can carry. I take the Hon. Margaret McAleer's point that, in the main, trucks weighing more than 14 tonnes which carry grain or whatever are more likely to be used on public roads than they are around the paddocks. I would find it hard to believe that the large trucks are used to any great extent on farms.

I know the Hon. Mick Gayfer pays 3c per litre more for petrol than do people in the city, but I also know that some cases of abuse of the privilege of the concession have been recorded. Such abuse is not common, but it does occur. I suppose we have to put up with the fact that some people abuse the system, but it has been reported that abuse has occurred, and large trucks lend themselves to this abuse. I will say again it seems to me that it is reasonable that any truck weighing more than 14 tonnes should not be covered by the concession. I believe that any truck weighing less than 14 tonnes surely could be called a farm vehicle. I realise that times are changing; we all know that. I take the Hon. Neil McNeill's point that the matter will be considered and under constant review, but at this time the Minister has decided that a limit of 14 tonnes is reasonable. I ask the Committee to support the proposal for the limit and oppose the amendment.

The Hon. H. W. GAYFER: I have one or two points I want to make at this stage. It may be of interest to members to know that in my area—I know this applies in many other farming areas—we compiled a summary in regard to these vehicles, although it was compiled for another purpose. The average truck in the area of the wheat belt in which I live does 6 000 kilometres a year. It is not necessary for a farmer to run all over the farm with his truck to obtain the concession because he does not use the truck all that much.

This is all the more reason the farmer needs that concession. He needs that large vehicle when he has to go to the siding. Imagine two 24-foot headers doing eight miles per hour in an eight-bag crop, and expecting a 4-tonne truck to keep the grain away from them and cart it to a siding. What I am saying is true.

If the Committee does not want to believe me, that is no skin off my nose. However, I want members of this Committee to get away from their one-track idea that the farmers are setting up in opposition to rail. If the Government believes that by introducing this ceiling it will stop the farmers, then it has another think coming.

I do not intend to divide the Committee on this issue. I suppose it might be said that if I was dinkum I would divide the Committee; but I am also enough of a parliamentarian, I hope, to be able to read the thoughts of the Committee. I know I would not get the support I require. I may get one or two supporters, but no more. I want that fact recorded so that those who may read this debate at some future time will know the reason I have not taken the opportunity to divide the Committee at this stage. I think it would be purely and simply a waste of time. However, my words—which have been supported to a degree by the Hon. Neil McNeill, for which I thank him—will be recorded. I feel and fear we are making a mistake for the future.

The Hon. D. K. DANS: I oppose the amendment, and I am rather astounded at the statement by the Hon. Mick Gayfer. After all, this is a Government Bill. The Hon. Mick Gayfer is a member of the Government coalition, and he is not the only member of the National Country Party in that coalition. I do not disagree with some of the comments he has made, but it would appear to me that the right place to make those comments was in the party room where the necessary adjustments could have been made. I believe as time goes by the Government may have another look at the position.

I support the view that there has to be a cut-off point. I think the Government has quite correctly made the cut-off point at the load capacity of a vehicle exceeding 14 000 kg.

The Hon. Mick Gayfer said he was a parliamentarian, but I think he should have said that he was a good politician.

The Hon. H. W. Gayfer: There is a difference, and I consider myself to be a parliamentarian.

The Hon. D. K. DANS: I think that what the member was doing was a good political job for *Hansard*. The fact is that the honourable member is in the coalition, and there was ample opportunity for this to be examined. There is ample opportunity to canvass the views of all members of the coalition party in the party room. I think it was an eleventh hour decision on the part of the honourable member.

I suppose one could go over the whole range of Government Bills, and realise that we all have an axe to grind. This is only one of a great number of those axes. There could be abuse of the regulations, but the overriding factor in a tight economic situation is that the Government has to strike a balance. Some of those balances I agree with, as does the Hon. Mick Gayfer, but with some I disagree.

I do not agree that because a truck has more wheels on it, it causes less damage to the roads.

The Hon. H. W. Gayfer: That is a fact.

The Hon. D. K. DANS: Facts are sticky things, sometimes.

The Hon. H. W. Gayfer: The number of wheels has been set by the Australian Standards Association.

The Hon. D. K. DANS: I do not believe that. Perhaps in a more private place the honourable

member will be able to convince me otherwise. There is a need for the Government to raise revenue, and while the situation exists for this regulation to be abused, I think the Bill should be supported. I think the amendment should be rejected.

The Hon. W. M. PIESSE: This is no personal axe grinding. This is dealing with country people, and we support country people.

The Hon. D. K. Dans: You had your opportunity in the party room.

The Hon. W. M. PIESSE: How does the Leader of the Opposition know what went on in the coalition party room?

The Hon. D. K. Dans: I would not put that in *Hansard*, otherwise your supporters will see that you have no say in the party room.

The Hon. W. M. PIESSE: I am having my say right now. I venture to suggest that if the Leader of the Opposition was speaking about the stevedoring industry at the Fremantle harbour I would not butt in very often because my knowledge of that subject would be limited.

The Hon. D. K. Dans: Plenty of your members think they do.

The Hon. W. M. PIESSE: I do know something about the matter under discussion. The remarks made by the Hon. Mick Gayfer are relevant, and I support him.

The Hon. H. W. GAYFER: I will retract what I said earlier and I now indicate that I intend to divide the Committee to prove the support of the National Country Party.

Amendment put and a division taken with the following result—

Ayes 3	
Hon. N. E. Baxter	Hon. H. W. Gayfer
Hon. W. M. Piesse	*(Teller)*

Noes 24	
Hon. J. M. Berinson	Hon. N. McNeill
Hon. D. K. Dans	Hon. I. G. Medcalf
Hon. Lyla Elliott	Hon. N. F. Moore
Hon. V. J. Ferry	Hon. Neil Oliver
Hon. T. Knight	Hon. H. W. Olney
Hon. R. T. Leeson	Hon. P. G. Pendal
Hon. A. A. Lewis	Hon. R. G. Pike
Hon. P. H. Lockyer	Hon. I. G. Pratt
Hon. G. C. MacKinnon	Hon. P. H. Wells
Hon. G. E. Masters	Hon. R. J. L. Williams
Hon. F. E. McKenzie	Hon. D. J. Wordsworth
Hon. T. McNeil	Hon. Margaret McAleer
	(Teller)

Amendment thus negatived.

Clause put and passed.

Clauses 4 to 7 put and passed.

Clause 8: Section 66 amended—

The Hon. LYLA ELLIOTT: I have been concerned for many years—long before I became a member of Parliament—that we always seem to be dealing with the symptoms of a problem rather than the cause. The Hon. Mick Gayfer said earlier today that if a member were really dinkum about objecting to a piece of legislation, he would divide this Chamber. I suggest that if the Government were really dinkum about doing something to reduce the road toll which is caused by the excessive consumption of alcohol, it would do something to control the alcohol industry.

I spoke on this matter in this Chamber some two years ago. I do not need to tell members that one of the major causes not only of deaths on our roads but also of serious ill health, crimes of violence, and other problems is the excessive consumption of alcohol. It was found several years ago by the Senate Standing Committee on Social Welfare that some 73 per cent of crimes of violence were committed by people who had been drinking before the commission of the offences.

This clause, which seeks to give the authorities power to establish the level of alcohol in a person's body either by blood sample or by breathalyser testing is yet another example of our dealing with the symptoms, and not with the cause of the problem. It is about time the Government gave serious consideration to the cause.

For too long, the liquor industry has been able to get away with unrestricted advertising which glamorises alcohol. It has been going on for years; young people have been brainwashed into thinking it is smart and glamorous to drink and to drink to excess.

Unfortunately, it is an Australian ethic that one must be able to hold one's liquor to be considered a man, and that it is funny to get drunk. It is funny, that is, until a person kills somebody, or becomes ill or an alcoholic. Then it is not funny; it is a disgrace and a crime.

If we consider the Criminal Code, the Police Act, the Prisons Act, the Road Traffic Act, and many other similar pieces of legislation, we find we are dealing with the symptoms of crimes and offences which have been committed by people who, generally, have excessively consumed alcohol.

It is about time the Government became dinkum on this issue, and instead of trying after the event to undo the damage done to the lives of people, it should look at the question of banning the unrestricted advertising of alcohol.

The Hon. T. KNIGHT: I support the clause, but with very strong reservations. I admired the

way the Hon. Win Piesse put forward her piece in the debate; I considered her the last person in this Chamber who would put a point of view on that matter.

I believe this clause represents the first foot in the door of an active policy of random breath testing. I have never received as many telephone calls as I received over the last weekend from people demanding their right to democracy and their right as individuals; they were concerned that recent RTA activities would affect social functions in country areas.

The Hon. H. W. Olney: The right to kill and maim on the road.

The Hon. T. KNIGHT: I look at it this way: Over the last few years, there has been a great increase in the number of motor vehicles on our roads; in addition, the network of roads has increased, and Western Australia's population has increased. Yet we are still managing to maintain the level of road deaths from year to year. I agree there is no level better than zero road deaths, but that is not feasible. I believe the Police Force and the the Road Traffic Authority are doing a fantastic job keeping the road toll to that level.

The Hon. P. H. Lockyer: Do you not think it has been a success in Victoria?

The Hon. T. KNIGHT: I believe the use of the phrase "on reasonable grounds" means we are getting a situation in almost every walk of life where we are under the surveillance and control of some Government authority. I say without fear of contradiction that every member will know of some member of the Police Force or Road Traffic Authority who was a blot on the good name of the force. In every barrel there is always a rotten apple, and the Police Force is no exception.

The Hon. A. A. Lewis: I doubt that. That is a very uncomplimentary remark to make of members of the Police Force.

The Hon. T. KNIGHT: This type of policy means people start reflecting on the good name of the Police Force and the Government. Mr Lewis is interjecting; he will get his chance to put his point of view.

The Hon. A. A. Lewis: I will, if you keep up with this sort of nonsense, denigrating the Police Force.

The Hon. T. KNIGHT: I do not agree with what is happening with random breath testing. The Government seems to be introducing a policy of random breath testing by the back door, claiming in fact that it does not have such a policy and invoking the use of the phrase "on reasonable grounds". I make it clear here and now that I strongly oppose the introduction of such a policy.

I support the clause, because it does not deal precisely with that point. However, I object to the trend of taking away the rights of individuals in our community, by the setting up of road blocks and the like.

I am concerned about the level of road deaths. However, I believe that in these days of increased motor vehicle numbers and population, it has been a damn remarkable achievement to keep the road toll figure at the same level each year. We should not kid ourselves that we can reduce that toll to a negligible level; I do not think we will ever achieve that aim. I believe the Police Force and the Road Traffic Authority would be better occupied in reducing some of the larrikinism on the road instead of—as Mr Gayfer said—allowing an officer to demand this or that if he has reasonable grounds to believe a doctor is not within a 40-mile radius. We as a Government should protect the rights of individuals in this country.

The Hon. D. K. DANS: I support the whole of this Bill, and of course I support this clause. However, I take the point just made by Mr Knight.

I do not know whether all the actions we take in respect of the road toll will be successful, because we have a conflict of interests. The Hon. Lyla Elliott made this abundantly clear. Whilst there are outlets for liquor, people will drink it. Whilst there are motor vehicles, people will drive them after they have been drinking.

One could argue all day long as to how much alcohol a person can drink and still remain fairly safely in control of the vehicle he is driving. Be that as it may, there must be a level; and the level in this State has been set at the magical figure of .08. I am not one of the people who says, "He that is without sin among you, let him first cast a stone". Like a lot of other people in this Chamber, I have managed to evade the dragnet over a long period.

The Hon. A. A. Lewis: And you will continue to do so.

The Hon. D. K. DANS: I do not run the risk any more.

The reason for this clause is that a number of prosecutions have been unsuccessful. Whether we like or dislike the RTA, we must accept that the RTA must be backed up with the right legislation so it is simply not wasting its time.

I take Mr Knight's point in his criticism of the Government. The Government has gone around the situation in a very snide manner.

I cast my mind back to the time when Mr Baxter was the Minister for Police. This is no reflection on him. He will recall I debated with him the question of a policemen having "reasonable grounds". That debate appears in *Hansard*. It was a friendly debate. No-one became very excited about it; but we had various opinions on the subject. The sections dealing with that are being used in this so-called road-block exercise in which the RTA has a look at one's licence, tail lights, and everything else; and, in addition, gives one a breath test.

The Government should be looking seriously—and I underline the word "seriously"—at the adoption of a position of principle in relation to random breath tests. I take the point Mr Gayfer made the other night. If the Parliament debates that principle and comes to a decision, that decision then becomes the law. Then we would arm the RTA and the police with the necessary powers.

What is happening now? There are a lot of disgruntled patrolmen in the RTA who are being abused at every road block because the members of the public believe that the chief of the RTA has put on these road blocks without any prodding from the Government. So we have indiscriminate abuse of the patrolmen because the people believe they have not received the necessary endorsement from the Parliament of Western Australia to carry out some kind of unflagging harassment of them.

I have listened at great length to what happens in country areas and what does not happen in country areas, relating not only to this Bill, but also to a whole host of other Bills. We have debated the rights of individuals relating to strikes, street marches, and anything else. It is the right of every individual to drink; but it is not the right of every individual to drink to excess and then drive his car in the city or in the country areas.

The Hon. A. A. Lewis: It is not only the country areas.

The Hon. D. K. DANS: I said that. At least in the country areas the people know where the RTA patrolmen are. The RTA claims it has not enough patrolmen in the city; but sometimes they are around the place like flies.

The Hon. H. W. Gayfer: None of them is around at half past six in the morning.

The Hon. D. K. DANS: I do not catch the point of that interjection.

The Hon. H. W. Gayfer: I am sorry.

The Hon. A. A. Lewis: He is talking about licensed premises.

The Hon. D. K. DANS: I know that; but I do not see the point. There is the right of every individual to go about his business in as safe a manner as possible.

I am convinced that if there were legislation for random breath testing, that would provide an answer. There is no real yardstick; but at least there has to be a starting point. The important point is that we establish a principle of which I hope the Government will take note.

At least the public knows that the RTA is not acting of its own motion. People know where they stand. They know they are dealing with one thing. At the road blocks, the patrolmen are pulling people up to see if they have drunk too much. At least in those circumstances every one of us knows where he stands.

I support this clause. If I did not support it, in my opinion, I would be failing in my duty as a member of this Chamber.

The Hon. A. A. LEWIS: It is fascinating to hear the Hon. Tom Knight talking about the rights of the individual.

The Hon. T. Knight: It usually is fascinating to hear about it.

The Hon. A. A. LEWIS: We have heard Mr Knight speak about the rights of individuals before. As far as the building industry is concerned, individuals have to be registered, controlled, and everything else. Then he rises on this Bill and starts talking about the rights of the individuals. I have never heard such garbage from any member than that which he spoke about in contradictory terms. The Hon. Tom Knight just wants to pick a publicity item to put in his local paper, to make himself a big boy. Well, he is only a minor, and he will continue to be a minor if he takes that sort of attitude.

The problem of the individual is that one has to recognise the rights of other individuals. The rights of other individuals are important to every Bill before the Chamber.

Let me now deal with the Leader of the Opposition. Despite the fact that he supports this clause—as I do—he starts talking in veiled terms about the Government's instructing the RTA.

The Hon. D. K. Dans: Well, it has been.

The Hon. A. A. LEWIS: The Leader of the Opposition has been here long enough to know that this Government never instructs the police or the RTA.

The Hon. D. K. Dans: I will withdraw that comment.

The Hon. A. A. LEWIS: The officers of the RTA are the people who are left to do their job within the law that we prescribe in this place. We are responsible; we make the laws.

Mr Dans is trying to crawl out from under by interjection.

The Hon. D. K. Dans: What am I crawling out from under?

The Hon. A. A. LEWIS: Mr Leitch and Mr Larsen do their jobs as they see them; and they are not instructed by the Government.

The Hon. D. K. Dans: They would love you all the more if you gave them the right to pull people up for breathalyser testing.

The Hon. A. A. LEWIS: If that was done, the Leader of the Opposition—

The Hon. D. K. Dans: You do not believe what you are saying. I can always tell by the look on your face.

The Hon. A. A. LEWIS: That is very good, because at the present moment I did not think the Leader of the Opposition could see this far.

The Hon. D. K. Dans: You are not suggesting I have been to the pump, are you?

The Hon. A. A. LEWIS: By the myopic look on the face of the Leader of the Oppositon, I am suggesting he cannot see as far as this.

The Hon. D. K. Dans: Not myopic. Yours is bovine.

The Hon. A. A. LEWIS: I will not deal with the interjection, because it is extremely unruly to interject.

The Leader of the Opposition made the accusation or insinuation that the Government had instructed the RTA what to do. I believe the Government can stand on its record of not instructing the Commissioner of Police and the Commissioner of the RTA in making these decisions. They run their own shows within the law. The only reason I got to my feet was because of the two idiotic speeches which preceded mine.

The Hon. T. KNIGHT: I am sorry I subjected the Committee to such a deluge of verbal garbage, but I was putting forward the views of the people who had called me over the weekend about this matter. I promised I would raise the issue here and I referred to it in the party room on exactly the same lines. I intend to pursue those lines whether or not I agree with Mr Lewis and his constituents.

I am entitled to my own views and, while I represent the people in the southern part of this State and they expect me to put forward particular matters in this Chamber, I shall do so regardless of the opinions of Mr Lewis.

The Hon. P. H. WELLS: I rise to speak in support of this measure and wish to refer to the blood alcohol content and the statements made by the Hon. Lyla Elliott in connection with the Government's actions. I suggest the Government has been doing something about the matter, as a result of which members in this Chamber and in the other place are starting to squirm, because the RTA is carrying out the law.

I suggest the Parliament has made the law and the RTA is carrying it out, but some people have decided they do not like it. It is the job of the RTA to carry out what has been passed in this place. References were made to patrolmen who stop drivers and check their licences. I should like to point out that 22 years ago I was stopped in Northam and my licence was checked. I wonder how members expect the police to carry out their duties if they cannot occasionally check up to ensure the laws passed in this place are being obeyed.

I should like to refer to the blood alcohol level and I point out that if we are to reduce the number of alcohol-related motor vehicle accidents, people need to provide alternative non-alcoholic drinks to visitors especially at functions. Alcoholics Anonymous made a suggestion recently that people provide alternative drinks to their friends over the festive season and I suggest members might like to adopt that practice. People tend to argue about the way in which alcohol-related motor vehicle accidents are killing people on the roads; but whenever one attends a function the choice of non-alcoholic drinks is very limited. If I attend the bar in this place I have perhaps 55 alcoholic drinks from which to choose; but the range of non-alcoholic beverages is very small and would probably be limited to soft drinks and fruit juices.

I suggest people in the community can attack the problem of drunken driving by ensuring that, when they organise functions, they consider the needs of all the people who attend. Many people do not wish to spend the evening drinking alcohol and a number of alternative non-alcoholic beverages should be offered.

I have been to a number of functions at which I have had to drink soda water, Fanta, or Coke all night. I am sure other members have had the same experience. If such a policy were adopted and a number of alternative, non-alcoholic drinks were offered at functions, it would not be necessary for a medical practitioner to check

people's blood alcohol content, because those people would accept their responsibilities. Frequently women are offered only hard alcoholic drinks—

The Hon. A. A. Lewis: Surely you are not suggesting women are being proscribed against.

The Hon. P. H. WELLS: On many occasions the alternative drinks offered are wine-based.

The DEPUTY CHAIRMAN (the Hon. R. Hetherington): Order! I suggest the member return to the clause. I have been very tolerant, but he is straying rather widely.

The Hon. P. H. WELLS: I am referring to these types of drinks, because the clause relates to the taking of blood samples. I shall return to the argument put forward by the Hon. Lyla Elliott as to what the Government can do. There needs to be a groundswell of opposition, both by members of this Chamber and by the general public, against the road toll and individuals must provide a range of non-alcoholic drinks both in their homes and at functions which they organise. We should then look seriously at putting into effect an education programme which will alert the community to the dangers of driving after they have consumed alcohol. That would have a greater effect than would the abolishing of advertising.

The Hon. A. A. Lewis: Would you suggest that the people who do not believe in the consumption of alcohol should also provide a range of alcoholic beverages for their guests?

The Hon. P. H. WELLS: I believe in a responsible approach to the matter. If the Hon. Sandy Lewis visited my house, I am sure he would be happy to drink what I provided. I would not provide any drinks which would result in the RTA having to implement this particular clause.

The Hon. D. K. Dans: I do not think Mr Lewis will ever call on you after that statement.

The Hon. P. H. WELLS: If it was my responsibility to organise a function which was to be attended by drinkers and non-drinkers, I would ensure, as I have done on other occasions, that a balanced range of beverages was provided and an adequate choice would be given to non-drinkers.

The Hon. A. A. Lewis: I have organised many parties and I have never yet had a complaint from either drinkers or non-drinkers in the selection of what they have had to drink.

The Hon. P. H. WELLS: I look forward to attending one of the Hon. A. A. Lewis's functions, because I suggest he is one of the few people who would provide an adequate range of beverages for non-alcoholic drinkers.

During the festive season an increasing number of people tend to drink and drive, because there is an increased consumption of alcohol. I believe individual members and people in the community should adopt the suggestion of Alcoholics Anonymous and provide a range of alternative, non-alcoholic drinks. If that occurred, this clause would not need to be implemented. I support the measure.

The Hon. N. E. BAXTER: This provision in the Road Traffic Act causes people to become rather emotional, because, to some extent, it impinges upon the rights of the individual.

With the provisions as they apply in this clause when a motorist has had a few drinks the RTA patrolman has to decide whether there are "reasonable grounds to believe"—and there are four listed—that a medical practitioner is not available in the time allotted.

There have been cases where motorists have been apprehended and have been taken by the RTA officers to a police station and have been asked to nominate a doctor. The patrolman is a little stuck if this occurs in the middle of the night and he believes there are "reasonable grounds" to believe a person has been driving under the influence, but he has not made any effort to find out. He has just decided "on reasonable grounds". The Act has given him the right to do that.

I believe there should be something additional in the legislation which will provide that someone else is involved. There is always a justice of the peace available. If he is not available in person he can be contacted by telephone. The patrolman could contact the JP to confirm that there are reasonable grounds to believe that the medical practitioner so nominated "is not available within a distance of 40 kilometres; is not available within the time limited by this section, refuses to take the blood sample or cannot be readily located". I move an amendment—

> Page 11, line 35—Insert after the word "grounds" the words "in conjunction with a Justice of the Peace".

I think that would then be a let-out to the motorist and to the patrolman if a justice of the peace backed the belief.

The Hon H. W. OLNEY: I have been intrigued to hear so many adverse comments about the term "reasonable grounds for believing" because that phrase is one which crops up often in legislation, especially in section 54B of the Police Act under which the Commissioner of Police, where he has reasonable grounds for believing certain facts, may refuse to permit a march or meeting.

It appears that it is acceptable for the Commissioner of Police to have reasonable grounds for believing things without going to a magistrate or a justice of the peace or anyone else. He does not have to answer to anyone and can deny the right of a march or a meeting, or whatever.

Now, because we are involved in this contentious area of civil rights, the right of people to drive on the road and maim and kill, there is a need for the matter of reasonable grounds to be referred to a justice of the peace.

The Hon. R. J. L. WILLIAMS: I do not think I can support Mr Baxter's amendment because I have been thinking of the country people and I have some doubt about the fact that the patrolman would be able to contact a justice of the peace to verify his actions. Is it not a fact or a possibility that some justices of the peace can be asked to sit on the bench and adjudicate? We would therefore run into difficult situations. Consequently I cannot support the amendment.

The Hon. G. E. MASTERS: I oppose the proposition because there could be many occasions when a justice of the peace may not be available and even though a person may be suspected of being under the influence, he may well get away with the crime.

The Government makes no apology for clamping down and attempting to save lives. The Bill attempts to do just that. We are not suggesting that we are attempting to stop people drinking; we do not want people to drink and drive. People may drink in their homes.

This Bill is aimed at persuading people that it is a bad thing to drink and then drive a car. So, any action we take which will deter this from happening is good.

It would be unwise to support this amendment because we should give the patrolmen the credibility they deserve. The Hon. Tom Knight said that there are rotten apples in every bunch, but I believe we should not tar all patrolmen with the same brush. The great majority have always performed their tasks properly.

The clause we have before us simply provides an opportunity to close a few of the gaps that have been evident over recent years and which have prevented successful prosecution. Although I understand what Mr Baxter is attempting to do, it is something which I cannot support.

The Hon. N. E. BAXTER: Some of the members who are opposed to this amendment have not the slightest idea of what may happen with the RTA patrolmen in country areas. I wish to quote an incident which occurred some years ago. Three young chaps were working in the country and they had stopped at Pinjarra for a few drinks. They then drove on towards Mandurah and at about midnight were apprehended by an RTA patrolman. The person who was driving had been drinking so he was apprehended and the other two went with him back to Pinjarra. They had to ring Perth and make arrangements for someone to guarantee bail. Therefore, by this time it was about 2.00 a.m. After their friend had been bailed out they had to get back to their car which was eight miles out of Pinjarra, towards Mandurah.

The police would not take them back to their vehicle so the young men had to hitchhike. The police car followed them to ensure that they did not drive their vehicle. That is how far some patrolmen do go. I am not saying the majority do that, but some go to such lengths. We need some safeguard in this matter.

With regard to justices of the peace, at least two, and even three or four would be available in a town which has an RTA station. It would be easy for the patrolman to phone a JP and say, "I have a chap who has nominated Dr So-and-so. Do you know him?" The JP could co-operate with the patrolman's reasonable belief that the provisions of the Bill apply. It is only fair to the motorist that this should be so, otherwise he could rot in gaol until he was bailed out; and if he had no-one to bail him out he could remain in gaol until next morning, simply because the RTA officer said he had reasonable grounds to believe that the provisions applied.

I trust members will see reason and support the amendment. A person is innocent until proven guilty, but in this case a person can be treated as guilty without having any say.

The Hon. D. K. DANS: When the original Road Traffic Act was debated in this Chamber Mr Baxter and I argued for a long time about the rights of patrolmen in respect of the words "reasonable grounds". I recall asking Mr Baxter how many times a completely innocent person had been pulled up by the police while his wife and children were in the car. I will not hold him to that argument.

The point is that we are dealing with one of the complexities of our society, and it is hard to know where to draw the line. I do not believe any legislation can really solve everything in the ultimate. We all know that the public, whether in the country or the city, feel a great deal of apprehension about the RTA. Members are aware that the policy of the ALP is that it would be

better if the traffic officers were under the banner of the Police Force, but that is another debate.

I find it hard to bring myself to support Mr Baxter's amendment. I point out that one of the problems concerning the RTA is the trenchant criticism it faces, coupled with the fact that I am told most of the officers are dragooned into it; few of them are volunteers. On the other hand, sometimes we have in the RTA what can be described as young macho men. Much of the criticism could be removed if the Road Traffic Authority engaged in teaching its officers a little about public relations, and in instructing them how to be more courteous to motorists they pull up. Even though the police in America wear guns they are so courteous that they say, "Excuse me, Sir, I am going to take a pot shot at you." They earn respect as a result of their courtesy.

I could tell all sorts of stories about the RTA, and I do not discount the one Mr Baxter cited. I do not know if any of them are true. I recall the incident related to me of a young girl and her fiancee in a car in Sleat Street in Applecross. The patrolman took her boyfriend away at 3.00 a.m. and left her there high and dry.

The Hon. P. G. Pendal: You would expect there to be another side to that story.

The Hon. D. K. DANS: Yes. I have been picked up for minor offences, and I can say only that I have been treated with nothing less than courtesy. However, the criticism coming from country areas is too consistent and too well documented to be discounted. Even if only 50 or 25 per cent of it were true, steps should be taken to enable the police to re-establish their bona fides in the public relations field. This would remove a great deal of apprehension and suspicion; because if a man keeps kicking a dog long enough sooner or later it will turn on him.

I regret I cannot support Mr Baxter's amendment for the reason that the public are clamouring for something to be done about the road toll. I would say to the Government that if a few of the RTA boys are getting a bit rough because they are frustrated as a result of the criticism directed at them, then we had better have a little more PR work.

I heard criticism recently because the Metropolitan Water Board had the audacity to send receptionists to a modelling course. I support that. Why not do that if it will help them provide a better and more courteous service to the public? I do not suggest we send the RTA boys to a modelling academy, but ways and means should be found by which to advise them on how best to conduct themselves in the face of adversity and criticism; on how to keep their cool and do their job in a restrained manner.

I am aware of what happens in country towns where the people tend to be gregarious and like to get together for a drink. Many issues are involved in this, but we cannot have one law for the country and another for the city.

The Hon. G. C. MacKINNON: As members are advancing their theories and experiences, perhaps the Chamber might be interested to hear mine. It is not long since, when in an impoverished country at the end of an arduous day, my confreres would go to a hotel and perhaps have one or two more drinks than they should have. They would then climb into the back of a sulky, whack the horse, drop the reins, and the horse would take them home.

Perhaps that sort of habit has become ingrained in people in country areas. Perhaps we feel we still have the right to do that, but when we kick the horses in our cars they do not behave in the same way as did our four-legged friends. That is my theory as to why there should be a difference between the country and the city areas; and it is about as valuable as anyone else's!

The Hon. P. H. WELLS: I do not support the amendment, not because I do not think it is well intended, but because I believe the legislation seeks to enable us to implement the law more effectively. In the twentieth century—as distinct from the horse-and-sulky days to which the Hon. Graham MacKinnon referred—people seek to evade the RTA and those who would implement the laws passed in this place. I suggest this is just one of those areas which tend to extend onwards, because the blood alcohol content disappears with time. While we are waiting around to get a justice of the peace—

The Hon. N. E. Baxter: He is only a telephone call away.

The Hon. P. H. WELLS: I am not sure how a justice of the peace is to make his contribution by telephone in remote areas. However, I am prepared to accept the advice of RTA officers who are a responsible group who have been charged with the responsibility to implement this part of our law.

I suggest there have been cases under the present Act when there have been difficulties with people who choose doctors who are far away because they want all the time possible to delay the moment they must have a blood sample taken. They delay like this so that they might avoid detection. Anything which we could place in the Act to overcome that loophole should be accepted. Certainly people will try to find a way of not

taking a breathalyser test or having a blood test taken. Delay is one tactic reported as a means by which apprehended people seek to avoid being found to be under the influence of alcohol. The amendment would allow a delaying tactic.

I do not accept that there is any problem with respect to justices of the peace in the country also sitting on the bench. From my experience in Norseman and other country towns there are sufficient of these people; if we need more the member should see more are recruited for appointment. When we consider the number of deaths which have occurred on the road between Kambalda and Kalgoorlie we would realise that any sort of delaying tactic is undesirable. For those reasons I cannot support the amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 9 and 10 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), and passed.

DENTAL AMENDMENT BILL

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [3.34 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes amendments to the Dental Act to overcome some anomalies. It will allow for changes in the employment situation of dentists in this State and alter the composition of the Dental Board.

The first amendment proposes to reduce by one the number of members on the board, and to simplify the manner of nomination of members so it is similar to the Medical Board in its appointment process.

There has been no need found for a medical practitioner to be always on the board. Consequently, this position has been deleted.

By agreement, the board will comprise four dental practitioners selected from a panel nominated by the Australian Dental Association; a legal practitioner nominated by the Law Society; and two representatives of the Commissioner of Public Health, at least one of whom shall be a dentist. At present, the nomination of four dentists selected by election from among the State's registered dentists is an outmoded requirement of the Act which presents unwarranted administrative difficulties.

The next amendment proposes restrictions on the automatic registration of graduates from certain overseas colleges and countries. All overseas dentists, except those from universities of the United Kingdom, Ireland, and New Zealand, will be required to pass the committee's dentistry examination on overseas professional qualifications before becoming eligible for registration.

Dental organisations in Australia are concerned at the apparent unchecked immigration of dentists and its effect on the future of the Australian-trained dentist. The supply now generally exceeds the demand and will become worse if deterrent steps are not implemented now.

A school dental therapist, trained outside Western Australia, can undergo further training, as required by the Dental Board, to become eligible for registration for employment in private practice. There is no such provision for the Western Australian-trained school dental therapist to undergo this training and to be registered. Equal opportunity for registration should be given to school dental therapists trained in this State and the amendment is proposed to correct this anomaly.

The Act is very restrictive on the use of the words "dental", "dentist", or any other similar word. It prohibits its use by any person other than a dentist or by a company or firm other than one registered with the board.

The Bill proposes to allow such legitimate use of these terms, as this prohibits such usage of such terms as dental technicians, dental equipment suppliers, dental mechanics, dental nurses, and by people and firms legitimately associated with the profession.

Another amendment proposes to delete the reference to "female" in relation to dental attendant, to ensure that a male dental attendant is subject to the same provision of this Act.

A further amendment proposes to permit the board to seek from dentists simple statistics and information at the time of requesting payment of their annual practice fee. The information sought is purely for manpower planning and student intake purposes and is on similar terms to those in the Medical Act. It will include such things as location and nature of his practice, and further qualifications gained since being registered. It

would not include private or patient information, nor would it involve the dentists in an onerous increase in work.

The last amendment is to allow the board to take action against a dentist who is deregistered for an act that may have been committed by him prior to deregistration. If a dentist's name is removed from the register at his request or for any simple reason, he is then not subject to the Act and its regulations. The board could be powerless to take action against such person on a complaint received after, but occurring before, he was deregistered, regarding his professional conduct or practice.

I indicate I have an amendment to make to the Bill; I commend the Bill to the House.

THE HON. R. HETHERINGTON (East Metropolitan) [3.39 p.m.]: The Opposition opposes this Bill. It seems to us that it is a fairly badly drafted Bill containing several unfortunate features, although there are one or two good aspects of it. I am glad dental assistants are now to be "sex neutral".

The Hon. P. H. Wells: We are looking after the males.

The Hon. R. HETHERINGTON: It is highly desirable that all jobs which can be handled by both sexes should be open to both males and females.

I am rather intrigued by clause 3 of the Bill which changes the method by which the board is to be appointed.

At present it is envisaged that the board will consist of a medical practitioner, a legal practitioner, and four dentists elected from among dentists in the State. I have always preferred elections to boards wherever possible, but I will accept the Minister's assurance that there would be difficulties with that in this situation.

What intrigues me is the apparent difference between a reading of the second reading speech and a reading of the Bill. The Bill states that the board shall consist of seven members to be appointed by the Governor, of whom five shall be dental practitioners. In fact, it does not say how they will be appointed and it does not say what other kinds of people will be appointed. We are told in the second reading speech that the board will consist of four dental practitioners selected from a panel nominated by the Australian Dental Association in Western Australia. It does not say how they will be elected or how the nominations will be made, although I do not object to that. It does not say how large the panel will be, but it does say the people will be selected under an agreement. Such an agreement forms no part of the legislation and nothing in the legislation validates such an agreement, otherwise the Minister would have said so in regard to how the Government will appoint members of the board.

The Bill sets out how the Governor will appoint the seven members of whom five shall be dental practitioners, but that is all it says. If the present Minister for Health dropped dead tomorrow—I am not wishing that upon him; we would miss him sorely—his successor, as this Bill is framed, could repudiate the agreement. I do not know whether the agreement is registered anywhere or whether we could find it somewhere. The next Minister could appoint five dental practitioners at will and decide who else he will appoint. He might appoint a consumer or a legal practitioner or two more dentists.

The Bill does not state whom he should appoint. I might say in passing that I am sorry one of the members of the board will not be a consumer—a member of the public.

The Hon. D. J. Wordsworth: Most of us fit that category.

The Hon. R. HETHERINGTON: Indeed, most of us do, and one might argue that some of the dental practitioners fit that category. Dental practitioners must have their colleagues attend to their dental needs, but no doubt they have a view of the situation different from that of people who have no expertise in that field.

It is interesting to note that we have just passed a Bill in this House which allows for one member of the Environmental Protection Authority to be a legal practitioner, but in this legislation such a clause has not been included. Apparently we may or may not have a legal practitioner on this board. In regard to the agreement, I am not sure with whom it is made. I suppose it is the Australian Dental Association. The agreement is that one legal practitioner will be on the board, but the Bill does not state that. The Minister will be able to make a new agreement tomorrow or the next day. At any time, and without further recourse to this Parliament, the composition of the board could be changed. That is undesirable. It would be a good idea if the Bill were more specific in order that we might determine the intentions of the Government. Apparently it has intentions in this regard and in the future people will have to obtain not only a copy of the Bill but also something which will be a bit more difficult to obtain—that is, a copy of the Minister's second reading speech—so they might understand that an unspecified agreement was made at an unspecified time between unspecified people which states that four members of the board will

be nominated by a panel, the size of which is unspecified, and that there may also be a medical practitioner and a legal practitioner on the board. However, we will have two representatives from the Public Health and Medical Services Department on the board.

If all these things were desirable I would have thought they would be written into the Bill. I find this Bill very odd. On the one hand, if one reads the second reading speech, one finds the Minister seems to have very definite and firm intentions in respect of what the situation should be, but, on the other hand, if one reads the Bill—after all, that is the document to which one would refer to determine the legal situation—one finds nothing definite is envisaged at all.

Sitting suspended from 3.45 to 4.01 p.m.

The Hon. R. HETHERINGTON: I might come back to the question of the composition of the board during the Committee stage, but I will not pursue it further now.

I think it is time to make a passing reference to the Government that something should be done about registering dental technicians, and something should be done to get them under control. The nettle has to be grasped sooner or later, and the sooner we register them, the work they do, and the equipment they need, the better.

I intend to oppose clause 13, which is aimed at overseas dentists. Once more I must point out that the second reading speech by the Minister, in explanation of the Bill, provided insufficient information. The Minister said that dental organisations in Australia are somewhat of the belief that the unlimited immigration of dentists could affect the Australian dentists. He said the supply generally exceeded the demand which could become a deterrent to the profession if steps were not implemented now.

I want to know what evidence there is regarding the supply of dentists, how many dentists per head of population there are in Western Australia, and what is thought to be an adequate supply of dentists. I would like to know the distribution of dentists in this State because my friend in another place, who is the Opposition spokesman on health, said he found there was a great shortage of dentists in the Kimberley. If there is an oversupply, it must be a selective oversupply.

I just wonder what kind of hard evidence the Minister can give to us. I presume, of course, we will get no hard evidence because we never do. We get these vague amorphous statements which we have to take in good faith. The longer I am here the less likely I am to take in faith any statement that is vague and amorphous from the Minister and this Government. I would like such statements to be supported with hard evidence.

I am not accusing the Minister of deliberately misleading the House; far from it. It seems to me he had not provided the kind of hard evidence that he well could and should if he is to make this kind of statement.

Another matter which concerns me is that apparently we have a great oversupply of dentists—which is debatable. We are to be selective in the dentists we are to allow to come into this State. We will allow dentists from the United Kingdom, Ireland, and New Zealand to come here. We are not to allow into this State, as we have in the past, dentists from the British Commonwealth countries and the United States.

Nothing was said in the Minister's second reading speech with regard to the reason for this kind of selection. We have not been told whether the qualifications of dentists from the other Commonwealth countries, or from the United States, are any worse than the qualifications of dentists from the United Kingdom, Ireland, and New Zealand. In fact, I would have thought that many of our specialist orthodontists, and other dental specialists, go to the United States for training. So I wonder why there is to be this selection. Is it on the ground that they do not come from British countries? Ireland is not a British country any longer; it is an independent republic similar to the United States of America. Ireland broke away a little later.

What about the Commonwealth countries? We might receive people who might well come here because of some kind of persecution in their own countries. Is this a racist exclusion, or is there some other reason? Another point we might take into consideration, because we do have people who come from various Commonwealth countries throughout the world, is that some of them when they go to a dentist's surgery might be pleased to see a national who would speak the same language.

I would like to hear an explanation setting out broadly why the Government thinks there are too many dentists. No evidence was given. We are to exclude all dentists except those from the United Kingdom, Ireland, and New Zealand. That seems to me to be not good enough. This Bill is sloppy and it was not well explained. For that reason the Opposition will oppose the Bill.

THE HON. W. M. PIESSE (Lower Central) [4.08 p.m.]: I support the Bill. Before speaking to the clause to which I propose to move an amendment, I want to ask members in this House

to remember the reason for the introduction of legislation. Bills are usually introduced because some people are unhappy about a particular situation, or because somebody has misbehaved in some way.

The reasons for the introduction of this Bill are fairly clear, from the Minister's second reading speech. It is a fact that some people are unhappy; namely, dentists. They believe there is an oversupply of dentists, and that some of them will be a bit short-on with regard to practice, or should we say short-on in income.

There is a long history of a shortage of dentists in this State. I can go back 30 years to my early days here when it was pretty well impossible to get good dental treatment, particularly for children in country areas. The shire in which I lived attempted to get a dentist into the area. We were told that unless a house was provided, unless a surgery was provided, and unless a guaranteed income was provided, there was no hope of a dentist being attracted to a country area, because really there were not enough dentists to go round. That was the story.

Well, the local shire built a house, leased premises for a surgery, leased equipment, and guaranteed an income to any dentist who would go to the town. We had a series of rather strange dentists over a short time. They really were not capable of staying in the practice. That has been the history of dental services in country towns over the last 30 years. It is only in recent times that country centres have been able to obtain the services of dentists.

I was surprised to hear the Hon. R. Hetherington say that an area in the Kimberley did not have a dentist, because to my knowledge there seems to be a lot better dispersal of dentists thoughout the State.

While going through the period of the shortage of dentists, various requests, petitions, and pleas were made to the dental authorities. First of all we were informed there was a shortage of dentists, and when we asked why more dentists were not being processed we were told that the number of dentists per head of population was sufficient. However, there is no way to attract a dentist from the metropolitan area to a country area. It has been only during the last five years that we have had a greater supply of dentists, and now most country areas have a very good dental service. I hope we can keep it that way, and I will do everything I can to ensure that it stays that way.

I have noted the amendments which refer to the restriction on the automatic registration of graduates from certain overseas countries. I agree that if we are to limit the intake from overseas countries, we have to start somewhere. I have no quarrel with the fact that dentists from the United Kingdom, Ireland, and New Zealand will be accepted. Their qualifications already are similar to those which apply in this State. We have to start somewhere, and perhaps what is set out in the Bill is the only area in which there should be any type of restriction.

If we are to restrict the intake of dentists to any large extent, within five years we will be back where we were during the 30-year period preceding the last five years. That is a situation I do not want to occur. The clause which concerns me very much, and the one to which I intend to move an amendment, is clause 15 which will amend section 46 of the principal Act.

According to the Minister's second reading speech, the Bill will permit the board to seek simple statistics from dentists. The information is to be sought purely for planning and student intake. The statistics will include the location and nature of dentists, and further qualifications gained since registration, but will not include private or patient information. Let us look at that.

If we are to inquire into the practice of a dentist, we have to understand the meaning of the word "practice". According to the dictionary, the word "practice" means "an habitual action or the carrying on of an action as opposed to only theory". I think that definition applies to the work of a dentist in this case. He is carrying on his practice. If an inquiry is carried out into the practice of a dentist, among other things the inquiry will be into the kind of work the dentist is doing—certainly not into the names of his patients. It may well be that a dentist will be asked how many patients—not their names—he has treated, he may be asked what kind of habitual action he is taking. He will be asked what kind of work he is carrying out in a country area. I ask members to understand that my whole concern in this matter is for people in country areas. Is the dentist in the country area performing treatment which he is qualified to perform, but which perhaps used to be channelled to the metropolitan area?

I daresay one of the reasons for this amendment is to establish why the dentists in the metropolitan area are not as busy as they used to be. I believe one of the reasons is that fewer and fewer country people are coming up to the city for their dental treatment because they now have a much better dental service than they had years ago.

Let us look at the nature of the practice. The dictionary definition of "nature" is "things that are essential, or essential qualities". So we are looking for the essential qualities of a dental practice; the actual work may involve all these things.

I see it as a very dangerous course from the point of view of country people; the whole object of this legislation is to stabilise or even reduce the number of dentists in Western Australia. If the number is reduced, the people who will be without a dental service, once again, will be the people in the country areas.

If the provision before us were designed only to enable the board to inquire into the particular qualifications of dentists, I would have no quarrel with it. Certainly, if a dentist is to be registered, his qualifications must be submitted to the board for scrutiny. I have no quarrel with the provision that the inquiry should be into particulars concerning registration, such as whether the dentist has ever been registered in another place or has practised in another country.

However, from the point of view of country people, it is very wrong and dangerous for the board to be able to inquire into a dental practice. I intend to move an amendment in the Committee stage which I hope will be supported by every member in this Chamber who says he represents a country area; I hope those members will give close attention to the probable outcome on the dental services in their electorates if this Bill is allowed to pass in its present form. They know who will be the first to suffer; it will be the country people.

Apart from those observations, I support the Bill.

THE HON. P. H. WELLS (North Metropolitan) [4.18 p.m.]: I support the Bill. Mr Hetherington stated there was a shortage of dentists in certain areas. Rather than simply accept the Minister's statement, I discussed this matter with the President of the Australian Dental Association, who happens to be one of my constituents. The association conducted a number of surveys, one of the major ones of which was conducted in 1979 and it has confirmed there is an excess number of dentists.

In addition, at the University of Western Australia this year is the largest number of students ever sitting for their final dental examinations; some 33 students are sitting for examinations which they hope will qualify them to practise as dentists in this State. Many of these people may find themselves in part-time work after they graduate.

Therefore, the Minister is on strong ground when he says the situation has changed from that of undersupply of dentists to one of oversupply.

I have some sympathy with the Hon. Win Piesse in her concern for people in country areas, as I have lived in the goldfields for 14 years, 10 of which were spent in Norseman. As a member of the hospital and medical board of that town, I often experienced the problem of trying to attract to that town not only medical practitioners, but also dentists. Any responsible Government should take steps to ensure sufficient medical practitioners and dentists are attracted to these country towns.

I have it on very good authority that most dentists coming to Australia from overseas come from the United Kingdom. It is wrong to suggest that dentists from other countries are totally excluded from registration by the board, as they can still sit for an examination set by the board, or the Committee on Overseas Professional Qualifications, to enable them to practise in Western Australia.

It seems reasonable that at a time when we have large numbers of people graduating from our educational institutions, we should ensure we are not creating an oversupply of dentists by encouraging large numbers to move here from overseas. It has been suggested large numbers of dentists are moving here from Singapore and Malaysia. People can always go to a dentist of their choice. Currently, a metropolitan dental practice is battling to attract sufficient people to make it viable, so I do not understand how people from overseas could set up practice in the metropolitan area, and expect to attract people from a single ethnic group.

The Hon. H. W. Olney: Would you not go to a Chinese dentist?

The Hon. P. H. WELLS: I make my own choice not on the basis of race, but on the basis of the dentist's professional ability, and also on the basis of recommendation.

The President of the Australian Dental Association (Mr Kennedy) has indicated to me that, in the main, his association supports the Bill. He was one of the members of a committee which examined the matter of dental therapists practising in our schools. There is an area of contention in the training and qualifications of dental therapists. Apparently Mr Kennedy was the only member of that committee, which comprised a member of the Dental Board, a senior lecturer in dental therapy, three dental therapists, a representative of the then Department of Health and the head of the dental

therapy school, who did not support the argument to establish a bridging course. In any event, it is hoped a bridging course will be established which will enable school dental therapists to undertake graduate studies.

I understand dental therapists are currently trained at the Mt. Henry Hospital. A bridging course will enable those who wish to move into private practice to obtain the necessary higher qualifications. At present, I understand graduates from the Mt. Henry school of dental therapy do not receive training in the area of gum disorders in adults, and it does seem reasonable a bridging course should be established.

I hope that if and when a bridging course is established, it does not result in dental therapists who work within the school system being required to possess higher qualifications. It has been proved the school dental therapy service is very adequate. Mr Kennedy admitted that the dental therapists who qualify to treat children in schools are adequately trained for their job. There has been some suggestion that the dental therapy course at WAIT should be the standard to be set throughout the profession. Perhaps a long-term plan could be to establish a single dental therapist course with two levels of certificate and diploma, thus accommodating both school therapists, and those aspiring to private practice.

The association recognises the need to register dental therapists. The Australian Dental Association has conducted surveys of its members to provide the Government with information and to enable forward planning to take place. I concede that not all dentists are members of the Australian Dental Association; however, even a 70 per cent response of members would make the association quite happy as to the validity of the projections it is able to make.

It is suggested the field of dental therapy should also be surveyed to enable proper forward planning to take place in Western Australia. It is recognised there is a shortage of dentists in some areas.

The Hon. W. M. Piesse: In the country areas. Any rationalisation of the numbers of dentists will affect the country areas first.

The Hon. P. H. WELLS: This system of obtaining survey information is already provided for in the Medical Act, which states as follows—

> (1a) A medical practitioner shall, when remitting to the Board the practice fee payable under subsection (1) of this section, also furnish to the Board in writing such particulars concerning the nature of his practice, the place or places at which he conducts his practice, and of any additional qualifications which he has gained since he was registered under this Act or last furnished particulars pursuant to this subsection . . .

I am informed that the same board handles the documents containing a list of questions which are sent out to the medical practitioners. A similar system is visualised for the dental profession which would enable adequate forward planning to take place. Mining companies are required to provide the Australian Bureau of Statistics with a whole range of information relating to their mining activities, so why should not the same situation apply to dentists?

The Hon. W. M. Piesse: Are you suggesting they should also inquire into their incomes?

The Hon. P. H. WELLS: The Australian Dental Association at present asks dentists to place their incomes within a certain category.

The Hon. W. M. Piesse: Voluntarily.

The Hon. P. H. WELLS: Yes; the association regards this as essential information to assist in forward planning. I suggest that even with the honourable member's amendment, such a situation could continue to be possible. However, as I mentioned, the association is not specific in its request, and the answer is given on a voluntary basis. I understand the information is available from the Australian Taxation Department although that information, of course, is confidential.

The part of the Bill dealing with dental therapists highlights the fact there are two institutions in Western Australia currently teaching dental therapy. We have the course which was established at WAIT in about 1970, and we have the course conducted by the Mt. Henry Hospital which provides graduates for the school dental therapy system. I gather that particular operation is funded by the State on a $1-for-$1 basis.

The Hon. N. E. Baxter: There is one at Warwick which is still operating.

The Hon. P. H. WELLS: It is involved in the area of dental therapy training, but it will disappear when the rest of the schools are provided in the north of the city. In the long run, we will have to look at the amount of money spent on two institutions when the service could well be provided by one. However, we should not then say that we will accept only the qualifications gained at the WAIT institution and insist everyone qualify at that level, because it is recognised already there are two levels of involvement and the school dental therapists have made a

contribution. It was probably back in the time the Hon. Graham MacKinnon was involved here—

The Hon. Lyla Elliott: It was actually the Tonkin Government.

The Hon. P. H. WELLS: I will not argue over the time, but the contributions made by therapists in the schools area is very valuable. Initially they encouraged children to accept dentists which enabled them to adopt a responsible approach to dental care in the future. Indeed, the contribution made by school dental therapists is probably one of the reasons fewer people are seeking dental treatment, because they care better for their teeth now. Fluoridation has had an impact also on the demand for dental services.

However, people who have trained at that level should not be forced to accept training at another level when it is not required for the job they perform. The Bill does not suggest that, but it refers to the fact that a bridging course should be created for those who would like to go into the private practice of dentistry. That is a reasonable suggestion and it is possible a certificate or diploma course approach would meet the situation.

In the time available I have contacted the people associated with this matter and I believe dentists generally feel the provisions of the Bill are desirable. I contacted the President of the Australian Dental Association and read to him the clause which relates to the board. He indicated he was quite prepared to accept it, as were the members of the association.

The Hon. W. M. Piesse: You are wrong. Many of them disagree with it.

The Hon. P. H. WELLS: I spoke to Mr Kennedy as late as 12.00 noon today and he indicated he had no complaints. The association looked closely at the clauses in the Bill which relate to the constitution of the board and agreed with them.

The Bill has a number of desirable features which people involved in dental therapy seek; therefore, I support it.

THE HON. N. E. BAXTER (Central) [4.33 p.m.]: I cannot see any need for the restructuring of the Dental Board. The Bill says—

> The Board shall consist of seven members to be appointed by the Governor of whom five shall be dental practitioners.

It does not refer to any conditions of appointment. However, in his second reading speech on the Bill the Minister said—

> By agreement, the board will comprise four dental practitioners selected from a panel nominated by the Australian Dental Association.

Why was not such a provision included in the Bill? The Minister went on to say that a legal practitioner would be nominated by the Law Society and there should be two representatives of the Commissioner of Public Health and Medical Services, one of whom should be a dentist.

I agree there should be a legal practitioner and a medical practitioner on the board. I refer members to section 15 of the Act which deals with the power of the board to make rules, and one of the rules reads as follows—

> prescribing the examinations to be passed by persons desiring to be registered as dentists or dental therapists, and determining the qualifications to be held, and the evidence to be produced by any such persons;

I believe that there is a need for a medical practitioner to be involved when those examinations are prescribed. The examinations relate to the training of dentists and within that training emphasis should be placed on medical knowledge of the structure of the jaw. It is very important that dentists should be familiar with that. For that reason, a medical practitioner should be retained on the board, because different ideas are put forward from time to time in the medical and dental professions.

A tendency has developed in recent times for representatives of the Health and Medical Services Department to be appointed to boards. I referred to this matter in regard to a Bill dealt with yesterday under which three representatives of the department would be appointed to the particular board involved. We have a situation now in which two representatives of the Public Health Department will be appointed to the Dental Board. We should be trying to get away from such a tendency and not encouraging it. I believe it would be in the interests of the boards concerned to do so.

I have always supported the appointment of boards, but I do not believe departmental officers should be members, because they are highly paid public servants whose duties and responsibilities are to their departments. They should not be sitting on boards, discussing the registration of various people and other related matters. A properly constituted board should deal with such issues and the principal Act provides for such a board.

The Act sets out how the board shall be constituted and section 5 reads as follows—

> The Board shall consist of eight members, namely—

(a) four dentists to be elected by the dentists;
(b) two dentists to be nominated by the Governor; and
(c) one medical practitioner to be nominated by the Australian Medical Association (Western Australian Branch); and
(d) one legal practitioner to be nominated by the Law Society of Western Australia (Inc.).

When the Hon. Graham MacKinnon and I were involved closely in this field we did not experience difficulty obtaining nominees who were elected by the dentists. People looked forward to accepting these sorts of positions in those days. Dentists used to apply in the hope that they would be appointed to the Dental Board. They did not shy away from election to the board; in fact, they would even suggest dentists who should be nominated.

Neither did we experience difficulty when appointing medical and legal practitioners to the boards. Other boards, such as mental hospital boards, encountered difficulties in this regard, but the Dental Board did not. I cannot understand why there appears to be a sudden desire to change these boards and to have two representatives from the Health and Medical Services Department on the Dental Board. I can only come to the conclusion that this is the work of the Commissioner of Public Health and Medical Services himself I cannot understand why his thoughts are contrary to the policy adopted when I was Minister, which was that we did not appoint departmental respresentatives to boards.

I am not very happy about this provision and I am not prepared to support it, because I believe we would be a great deal better off if we left the board as constituted at the present time.

I point out to members that provisions are laid down for the appointment of members to the Medical Board and that has been the case since 1945. Of the seven members appointed to the Medical Board, the Act sets out that six shall be medical practitioners and that provision reflects the thinking of the Government at the time which was that public servants should not be appointed to these boards. The idea was that the type of work in which boards were engaged should be left to people in the field and public servants should not interfere with it. I am not prepared to support this clause and I will refer to it in more detail in Committee.

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [4.40 p.m.]: I thank members for their contributions to this debate. A number of matters were raised, but I shall deal firstly with the points made by members opposite. Probably the first issue referred to —and it was supported also by Mr Baxter—was the fact that the Bill does not designate the people who shall be appointed to the Dental Board. Such a provision was contained in the Act and the Bill removes the necessity for a medical practitioner to be appointed. As has been said, the Australian Dental Association has reached agreement with the Minister in regard to representation on the board and the Hon. Peter Wells indicated the association is satisfied with the position.

Perhaps it could be said that the previous method adopted in the Act of actually spelling out qualifications of each board member was too restrictive, and while leaving it to the Governor's discretion, while being rather old-fashioned, nevertheless had many advantages. As members will appreciate, we changed the Land Act as far as pastoralists were concerned. Under the proposed amending Bill, the people who should be appointed to the board were not specified and the people involved in this area requested that the situation be altered and I agreed with them. It appeared they were concerned I might fill the board with public servants from the Lands Department who had no experience in this area. I assured them I would not do so and altered the position which had existed previously where it had been left to the Governor.

In this case, the dental association has not approached the Minister in regard to the provisions for the appointment of members to the board being spelt out in this Bill. Therefore, it appears they are quite happy with the arrangement.

The Hon. Bob Hetherington asked for information to support the contention that there had been an oversupply of dentists. The Hon. Peter Wells drew attention to the fact that the Australian Dental Association had conducted surveys and, for the benefit of members, I would like to give some statistics which indicate the situation.

The survey indicated that 56 per cent of respondents considered their area to be overserviced by private practitioners; 50 per cent had fewer appointments booked than would be necessary to anticipate a satisfactory week's work; 40 per cent of respondents averaged less than 30 hours' work per week; and there was an indication that 37 per cent had insufficient work. Of the respondents 47 per cent indicated they were concerned their practices might not remain economically viable and an increasing number of

dentists reported a decreasing demand for their services.

The Hon. J. M. Berinson: Was a figure given as to the annual income which would indicate economic viability?

The Hon. D. J. WORDSWORTH: No, not to my knowledge.

The Hon. J. M. Berinson: So it was purely a self-interest judgment which was applied?

The Hon. D. J. WORDSWORTH: The member may call it that, but I believe it concerned the general public as well, because if a dentist in a country area does not obtain adequate work, he will inevitably leave the area.

The Hon. J. M. Berinson: There is no public judgment as to the adequacy of income, though.

The Hon. D. J. WORDSWORTH: No; there is no mention of the actual income in the results I have been given. I think this survey indicates that there could be an oversupply of dentists. One has only to look at the state of dental health today to realise that there is not the same requirement for dentists as there was in the past.

The Hon. P. H. Wells: Universities are still churning them out.

The Hon. D. J. WORDSWORTH: I guess we are turning out more of everything from the universities.

The Hon. W. M. Piesse: It is the first time there has been a supply of dentists in country areas.

The Hon. D. J. WORDSWORTH: Well, that may be so, but it does not necessarily mean that that is because of the oversupply.

The Hon. J. M. Berinson: What do you think it is due to?

The Hon. D. J. WORDSWORTH: I return to the request for more information from dentists on the nature of the services which are being supplied in country areas, and that is the reason for my amendment. I have placed an amendment on the notice paper to amend the clause in the Bill which requests dentists to provide information with regard to their practices. It could be argued that practice could mean income as well as the nature of it and the way it is set up. Under this clause we expect to find out whether the country areas are properly serviced.

The Hon. W. M. Piesse: If a person is registering he would have to give his address and we would know from that.

The Hon. D. J. WORDSWORTH: If a person gives his address as Kalgoorlie, how can we ascertain whether he services Norseman? I think it is really quite elementary. We are attempting to determine the sorts of services which are available in country areas. It may be that there are a number of services in the country which have come about because of the oversupply of dentists, but the Government also has gone out of its way to ensure that there are better services for the country areas.

We have provided a service to schools in country areas and to most of the isolated parts of the country, and disadvantaged people in those areas are able to receive a subsidy if they are in a position where they cannot pay for the service. This year the subsidy amounted to $450 000, which is a large amount to be spent on a relatively small profession.

The question has been asked: Why do we recognise the British and Irish qualifications and not the qualificiations from other countries? Mr Hetherington said we were racist.

The Hon. R. Hetherington: I did not say that. I asked whether you were.

The Hon. D. J. WORDSWORTH: Being an academic, Mr Hetherington should be well versed with this fact because the same discretion occurs on any campus. It is well recognised in educational circles that very high standards are maintained in the British universities and those in Ireland, also—perhaps I should say "the British Isles".

Having been to America, I realise that one only has to ask a person what university he attended to work out the percentage he gained in his school examinations. One cannot enter Stanford University or Harvard University unless one has an honour in every subject. If a person has only just passed his exam, he has probably attended the New Mexico University.

The Hon. J. M. Berinson: Surely you are not doubting the standards of the American universities which have been approved by our board.

The Hon. D. J. WORDSWORTH: I am not referring to any particular university; I am just saying that standards vary. Under this Bill we are not saying that a particular group is unacceptable, but they should pass an exam. We are not saying that certain people are not allowed to practise here; we are just saying they must qualify.

The Hon. J. M. Berinson: Even under the present legislation they are not accepted through the universities; they have to be approved by the board.

The Hon. D. J. WORDSWORTH: Rather than bring the universities into it, we are now

saying that these people must be approved by the board. That is not being racist and Mr Hetherington can still have other ethnic people applying to practise in Western Australia.

The Hon. H. W. Olney: Are all Australian universities of the same standard?

The Hon. D. J. WORDSWORTH: The honourable member is now entering into another debate.

The Hon. H. W. Olney: It is relevant to your argument.

The Hon. D. J. WORDSWORTH: They are not all of one standard, and we could say that there are certain members in this Chamber who have qualificiations in the legal profession which perhaps are not as good as some in other parts of Australia. There is always a difference in standards.

I think I have perhaps answered the Hon. Win Piesses' question when she expressed concern that there was something sinister in this legislation because it was making it easier for work now being done by dentists in the country to come back to the city. I do not believe that that is so, because I have illustrated the services which are being offered to people in the country areas. At the present time we send caravans to certain isolated areas so that dentists can carry out this work and it may well be that dentists would live in some of these areas if they knew that they would receive a certain amount of Government services.

I have endeavoured to remove any doubt about the nature of the meaning of the word "nature" when it refers to a practice of a dentist. I have endeavoured to assure members that the nature of the practice is not measured by its financial income. A practice should be considered in terms of the service it provides, whether it be general or orthodontic, etc. This has been done by way of an amendment to the Bill so that the legislation may correspond with the Medical Act.

I do not see that there is any sinister implication in our asking people to provide this information. The Hon. Peter Wells has done quite a deal of research in his electorate and has found that there is no fear about this or the composition of the board.

The Hon. Peter Wells also mentioned the matter of dental therapists and this has been debated on several occasions in this House, so I will not go into the details of why there were two standards, and why some have to be especially trained for the school services. I believe therapists in this State should not be disadvantaged because they are not allowed to sit for the same examinations as those therapists coming into this State.

I think we in Australia enjoy much better dental health now than we have ever before. Perhaps we have to thank the fluoride in our water or the use of fluoride tablets. Twenty years ago it was fashionable, in some circumstances, to have all one's teeth taken out and have a plate fitted.

The Hon. D. K. Dans: It would be much cheaper these days.

The Hon. D. J. WORDSWORTH: I remember having a great fear of going to the dentist but it quite amazes me that with my three children there is only one filling amongst them and they are all approaching their 20s. I might add, too, they have not enjoyed fluoridated water.

Question put and passed.

Bill read a second time.

In Committee

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

The DEPUTY CHAIRMAN: Prior to our commencing the proceedings on this Bill I wish to advise that following the point raised by the Hon. Norm Baxter earlier today in regard to the Nurses Amendment Bill, the Clerk has again been in contact with the Parliamentary Counsel who has altered his original opinion regarding the numbering of subclause (i) in the amendment inserted. The subclause will now be inserted as (i) and not (j) as originally planned. The necessary alteration will be made by the Clerk in the final print of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 5 amended—

The Hon. R. HETHERINGTON: I have stated the Opposition's objection to this clause during the second reading stage and if the Government has taken the trouble to decide the composition of the board, then it should be written into the legislation so that it may be written into the Act. We have the ludicrous situation where the words are a vague provision in the legislation and if it is required that a whole range of people should be on the board, it would change the nature of the board.

If there is an agreement, I think the agreement should be written into the new Act. If anyone wishes to know the nature of the board, under this legislation we have to read the Minister's second reading speech and hope that the agreement still

exists. As far as I am aware, it will not be written into the legislation. The Opposition maintains its opposition to this clause.

The Hon. N. E. BAXTER: I reiterate my stand on this clause and my intention to oppose it. The agreement sets out in detail the appointments to the board but this is not done in the legislation. There are to be seven members on the board to be appointed by the Government, five of whom will be dentists. However, we have not been told who the other two shall be.

It does not say that they should be dental practitioners or whatever. Apart from the second reading speech, the Parliament and the public have been given no indication about this. I object strongly to departmental officers being on this board.

The Hon. H. W. OLNEY: I am delighted to be on the same side as Mr Baxter for a change. This Bill indicates a remarkable degree of inconsistency on the part of the Minister for Health. Recently we had before us amendments to the Nurses Act in which the Minister spelt out in great detail the formula in respect of the appointment of members to the Nurses Board, who was to appoint them, and who was to recommend them. Indeed, in the case of an appointee who was the subject of an unwritten agreement, the Minister agreed to an amendment to the Bill in order to spell out that the union had the right to recommend that appointee.

Now we have a complete reversal of that. The Minister's second reading speech raises all manner of questions. He said that by agreement the board will comprise four dental practitioners selected from a panel nominated by the Australian Dental Association, a legal practitioner nominated by the Law Society, and two representatives of the Commissioner of Public Health, at least one of whom shall be a dentist.

Mr Hetherington has already asked who the agreement is between. Presumably one of the parties is the Governor or his representative—the Minister—because he is the person who will make the appointments; and presumably the other party is the Australian Dental Association which, we are told, does not represent all the dentists registered in this State. This agreement is not spelt out anywhere except in the Minister's speech, and obviously it is an agreement that can be changed at the whim of the Minister.

An alarming feature is that we are saddled with a bland provision which says the Government may appoint seven members, and that is being substituted for a detailed provision which sets out exactly who will be the members, and how they will be appointed, nominated, or elected. The reason for removing the four dentists who were elected by dentists is due, we are told, to the outmoded requirement of election which presents unwarranted administrative difficulties.

The Chamber may be interested to know that the Barristers' Board, which controls the legal profession, comprises the Attorney General, all Queen's Counsel, and five members elected by the profession. An election is held every year which does not involve any unwarranted administrative difficulty. I suggest it is not beyond the wit of man to devise a satisfactory system to elect four dentists from amongst the dental profession.

There appears to be no justification of the reason given for this change. Therefore, one asks: What is the real reason? We have been told there is an agreement, presumably between the Minister and another person or body, and we have been given a specious explanation that it is too difficult to elect dentists. However, we have not been told, for instance, why the requirement that one member shall be a legal practitioner nominated by the Law Society is being deleted from the Act but retained in the agreement.

Yesterday I expressed some reservation as to why in one breath Government Ministers condemn lawyers for various things—including their attempts to take part in the law-making process in the Parliament—and in the next breath they want to put them on all sorts of boards around the country. In the case of the Dental Board there may be good reason for this, because the board imposes discipline upon dentists. Perhaps a legal practitioner can play some role in keeping the board on the straight and narrow when dealing with important matters such as complaints against dentists.

I do not quibble at the proposal that a legal practitioner should be on the board because no good reason has been given to change that situation. That being so, the present arrangement ought to continue. In fact, the only reason given for changing the structure of the board is the claimed difficulty in conducting elections. I suggest that is not the case.

The Hon. D. J. WORDSWORTH: I have debated this before and given reasons that this is to be done at the Governor's wish. In respect of Mr Olney's point that it is easy to hold an election, I know of no other board members who are elected by the profession concerned.

The Hon. H. W. Olney: The Barristers' Board.

The Hon. R. Hetherington: It is not a bad precedent.

The Hon. D. J. WORDSWORTH: It is certainly not usual. If we follow the precedent of every other board we would have all the trouble in the world. I see no great need for an election. The board has found difficulty in this regard and has recommended that nominations should be made by the association. The Government has accepted that.

The Hon. P. H. WELLS: I support the clause. Recently it was suggested that a member of a board should be appointed from the nominees of a well-known union. The Minister has indicated that the four dental practitioners who will be members of the board will be selected from a panel of names nominated by the Australian Dental Association. That seems to be a natural agreement. The suggestion put forward by the Hon. H. W. Olney is that we should go back to a system purely of voting. The Minister has said this system has been found to be cumbersome. Yet members opposite support that a union should have the right to submit a panel of names from which to select a member of the Nurses Board.

The Hon. H. W. Olney: We are saying if there is an agreement it should be spelt out..

The Hon. P. H. WELLS: The Minister has indicated that dentists already have the majority voice on the board, and the association has vetted the clause and approved it. The Minister will have the right to select members as a result of the agreement made, and I cannot see any difficulty arising. Bear in mind that when unions submit nominees they do not necessarily elect the nominees.

The Hon. R. HETHERINGTON: I point out to Mr Wells that the nub of our argument is not the lack of an election—although I suggest it would be nice to have one. The important point is that there is an old boys' agreement which is not written into the Bill. It means the composition of the board can be changed by arbitrary fiat of the Minister.

The Hon. P. H. Wells: If the association did not nominate members, there would be hardly anyone on the board.

The Hon. R. HETHERINGTON: I have no objection to the Bill setting out what is in the agreement; I would be far happier if it did so. One of the great developments in the British system was the development of the notion of limited monarchy and limited government, and the notion that laws are knowable, known, and predictable; and we have got further away from that development with arbitrary government. I suggest this change moves away from predictability and takes us towards arbitrary government by the Minister if he so chooses.

Had I spoken on this a couple of weeks ago perhaps I would have said I would not expect the present Minister for Health to indulge in arbitrary government; however, after some of his statements lately in respect of nurses and their employment, I am not so sure now. I will not deal with that now because you, Mr Deputy Chairman (the Hon. R. J. L. Williams) would get annoyed with me, and properly so.

We are still in opposition to the Bill because it is a tiny step back towards arbitrariness.

The Hon. N. E. BAXTER: I would like the Minister to tell me why it is necessary to have two representatives of the Commissioner of Public Health on this board. What can they do that any other appointees cannot do? No reason has been given for this, and I would like an answer. Departmental officers are employed to do a job in the department, and not to sit on boards.

The Hon. D. J. WORDSWORTH: I am surprised at the past Minister because a Government servant was included on the board in respect of legislation we debated yesterday.

The Hon. N. E. Baxter: Yes, three of them; and I opposed it.

The Hon. D. J. WORDSWORTH: They were on that board when Mr Baxter was the Minister.

The Hon. N. E. Baxter: They were not.

The Hon. D. J. WORDSWORTH: Yes they were, under the original Act. I think there is good reason to have an employee of the Government on the board.

The Hon. R. Hetherington: As long as it is not the EPA.

The Hon. D. J. WORDSWORTH: As I pointed out, the Government has a school dental service and a dental service for disadvantaged people, and both those services will be going into country areas. That alone is good reason to have a Government servant on the board.

Clause put and a division taken with the following result—

Ayes 14

Hon. T. Knight	Hon. Neil Oliver
Hon. A. A. Lewis	Hon. P. G. Pendal
Hon. P. H. Lockyer	Hon. R. G. Pike
Hon. G. E. Masters	Hon. I. G. Pratt
Hon. N. McNeill	Hon. P. H. Wells
Hon. I. G. Medcalf	Hon. D. J. Wordsworth
Hon. N. F. Moore	Hon. Margaret McAleer *(Teller)*

Noes 9

Hon. N. E. Baxter	Hon. R. T. Leeson
Hon. J. M. Berinson	Hon. H. W. Olney
Hon. D. K. Dans	Hon. W. M. Piesse
Hon. Lyla Elliott	Hon. F. E. McKenzie
Hon. R. Hetherington	*(Teller)*

Pairs

Ayes	Noes
Hon. G. C. MacKinnon	Hon. Peter Dowding
Hon. W. R. Withers	Hon. J. M. Brown

Clause thus passed.

Clauses 4 to 12 put and passed.

Clause 13: Section 44 amended—

The Hon. R. HETHERINGTON: I do not understand why, when introducing the second reading, the Minister did not give the explanation he gave when he closed the second reading debate. If the Government could get into the habit of giving us more adequate explanations, we would all be a lot happier. We would have a better idea of the Government's intentions and why it was doing certain things.

It might be time we considered that, with the multiplicity of universities and institutions of tertiary education, there is a variation in Australia and in the United Kingdom in the quality of graduates. In the same way, for a long time there has been a variation in the United States of America. Instead of this kind of blanket clause, blotting out the people with the bland explanation that we received originally, we need a finer instrument.

At the time when we were short of dentists, we were prepared to take them from anywhere. Now that we are not short of dentists, the provision is being tightened up.

The Hon. Peter Wells may think it is good research to obtain the personal views and the subjective views of dentists, but I do not. I would like something a little more objective. Even allowing that we should become more selective and we should be more careful about which institutions and which countries we accept as the source of dentists, it is all right for the United Kingdom, New Zealand, and the Republic of Ireland. Of course, we know there are some American institutions which are of a very high standard; and the graduates of those institutions could pass our examinations and could be recognised. In the same way, there are British universities with a very high standard, and they could be recognised. I am not terribly happy with this clause.

The Hon. P. H. WELLS: I take up the point made by the Hon. Robert Hetherington. The dentist with whom I had contact was a member of the departmental committee considering the educational standards of the therapists. That dentist is representing the Australian Dental Association; and therefore he is the spokesman for that organisation.

Rather than our accepting the word of one of the members of my party, it is reasonable we approach a person like that. His opinion supported the opinion given by the department and the Minister; so I had reasonable grounds to believe that I could support the contents of the Bill.

The Hon. J. M. BERINSON: I support the opposition expressed by the Hon. Bob Hetherington to this clause of the Bill. The first thing about this clause to be understood is that it is a restrictive clause with no professional connotations. It is simply a further effort to support the existing monopoly of practitioners in this field.

The Hon. A. A. Lewis: A closed shop.

The Hon. J. M. BERINSON: This clause will have the effect of excluding graduates from countries other than the United Kingdom, Ireland, and New Zealand from practising in this State. It should be noted that the Act does not give open slather to the graduates of the institutions now to be excluded. Graduates from the United States, South Africa, the European countries, Canada, and so on, can practise in this State only subject to the approval of the standards of the institution from which they graduated, as prescribed by the board. If ever there were an adequate safeguard—

The Hon. P. H. Wells: What about sitting for the exam?

The Hon. J. M. BERINSON: —of the professional standards in dentistry, surely they exist in the Act.

I put to the Chamber that there is no question of inadequate standards in the present system so there is no requirement for this Bill to safeguard the standards of dental practice in this State. It is all a question of supply and demand. It is a question of limiting further the existing monopoly which this profession now enjoys.

As members will have noticed, the second reading speech of the Minister was remarkably light on detail as justification for this provision. The Minister said in his second reading speech that the supply now generally exceeds the demand and will become worse if deterrent steps are not implemented now. That was the whole of the Minister's statement. What does that mean? On what ratio to population is it thought that the supply of dentists should be set? Is there evidence of declining standards under the present system?

Is there even evidence of declining income under the present system?

Indeed, what is the standard of income which the Government is aiming to preserve by the restrictive provisions it is about to implement? More particularly, if dentists are to have such an average income preserved, the question is: Why? Where is the public interest in preserving some sort of guaranteed average income? There has not been the slightest suggestion that there is any public interest. There is not the slightest suggestion that the Government has the basic data on which this sort of judgment could be arrived at.

The best the Minister could do was produce the results of a survey. That survey was not conducted independently and it was not conducted among the public. The survey was not even conducted by the Minister's department; it was conducted on a subjective basis amongst members of the dental profession. The sorts of questions the dentists were asked apparently included the following: "Do you believe there are too many dentists coming into this State?" and "Do you believe that the standard of your income is sufficiently protected under the existing system?"

The Hon. D. J. Wordsworth: I think the person handling the legislation on your side of the Chamber feels you are going a little too far.

The Hon. D. K. Dans: We will make up our minds about that. You get back in your bunker, and only look over the parapet with a periscope.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Order!

The Hon. J. M. BERINSON: I do apologise for interjecting on that exchange between the Minister and my colleague. That exchange was in response to an interjection by me, in the friendliest possible way, about the standard on which this subjective survey among dentists was based. The Minister was unable to say what the standard was, and what sort of income the dentists were seeking to preserve.

It is undesirable to have a gross oversupply in any line of work—in any profession, in any trade, in any occupation. It is not in the interests of anybody to have a gross oversupply of skills. Inevitably, that leads to inefficiency and waste. However, we have nothing in the nature of objective evidence that that is the case in the dental profession. More importantly, I put to the Chamber, if there is a serious problem of oversupply in any category of occupation, the preservation of a proper balance is the function of the Australian Immigration policy, and not the function of the State licensing procedures. There is no reason that excessive numbers of dentists, or any other categories should be admitted to this country. That is a fundamental part of the evaluation processes of the immigration policy on which Australia now works; and that is the proper area in which the judgment should be made.

The preference for dentists after the passage of this Bill will be concentrated on graduates from the United Kingdom. That may well have some historical basis; but it certainly has no continuing justification. If there is room for dentists in this State, there is no room for the quite arbitrary distinction which is now being made. The passage of this Bill will make the whole of this provision totally improper and undesirable.

The Hon. D. J. WORDSWORTH: Knowing the previous speaker's profession, I find his arguments quite hypocritical because—

The Hon. H. W. Olney: Is that as a lawyer or as a pharmacist?

The Hon. D. J. WORDSWORTH: As a lawyer.

Withdrawal of Remark

The Hon. J. M. BERINSON: I have objected previously to the use of the term "hypocritical". It is unparliamentary, and I ask that it be withdrawn.

The Hon. D. J. WORDSWORTH: I will withdraw it if it is so desired.

Committee Resumed

The Hon. D. J. WORDSWORTH: Perhaps I could describe why I felt that was an apt description. I tried to get a lawyer to move into the small town of Esperance; but because he came from South Africa, the Law Society would not accept his qualifications.

The Hon. J. M. Berinson: Would you like my opionion on that?

The Hon. D. J. WORDSWORTH: I am not really interested in Mr Berinson's opinion.

The Hon. J. M. Berinson: If you heard my opinion, you would know the consistency of my views.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Order!

The Hon. D. J. WORDSWORTH: Like he did with all the pharmacists, Mr Berinson can move away from his associates in the profession.

As the member well knows, the only way we could get that person qualified to practise in Western Australia was to take him to Queensland, have him stay there for a year and

pass examinations and then bring him back to this State to pass more examinations.

The Hon. J. M. Berinson: Absolutely absurd.

The Hon. D. J. WORDSWORTH: Initially, as a South African he was not able to sit for the examinations in this State, but he could do so having come from Queensland. That is the sort of profession to which the Hon. Joe Berinson belongs. He has been unable to persuade his profession to do otherwise, and so why should we not allow him to persuade us to do otherwise in this House.

The Hon. A. A. LEWIS: I take exception to the Minister's typing of a member and the smartness and smugness of his reply. Just because another profession happens to make a mistake does not mean to say we should include a mistake in this Bill in regard to the dental profession.

Clause put and passed.

Clause 14 put and passed.

Clause 15: Section 46 amended—

The Hon. D. J. WORDSWORTH: I move an amendment—

> Page 6, line 15—Delete the line and substitute the following—
>
> > "the nature of his practice, the place or places at which he conducts his practice and his registration and qualificiations as".

I believe I have explained why I desire to make this change. It arose in the first place to accommodate the Hon. Win Piesse and her fears about the information required as to a practice. I feel she now need have no fears in this regard.

The Hon. W. M. PIESSE: I appreciate very much the Minister's effort to accommodate my anxiety about this clause. Nevertheless, I must vote against the amendment as it will still leave the question wide open. The board will be around for a very long time and we do not know who its members will be or what their attitude will be.

In the country we have a tremendous horror of the nationalisation of dentists; we have a horror that the net will be cast so narrowly that we will again be short of dentists in the country. We have an anxiety that if the nature of the practice is known, such as the work performed by dentists in certain areas, we may get people qualified to do the work, but restricted in their area. We have an anxiety over a specialist hierarchy being built up in the metropolitan area.

I am not sure that this part of the Bill will not lead to questions being asked of dentists about which they themselves have some anxieties. Like the Hon. Peter Wells, I have done some research to ascertain what the dentists see in this clause. If it was the case that the Dental Board, or whoever put forward this clause to the Minister, really had the interests of the dentists in mind then, surely, if they had put the case to the dentists when they presented their questionnaire, this matter would not have arisen.

I ask members who purport to represent country people to think well about accepting this clause.

The Hon. A. A. LEWIS: I support the wishes of the Hon. Win Piesse, but not for the reasons she outlined. As with the mining and other Bills, I have always opposed clauses which ask for details to be given to "Big Brother" about what individuals are doing. Unfortunately, members of the National Country Party did not support my amendments to the Mining Bill when it was before us, although they are now asking for my support.

I object on principle to having to give details to "Big Brother", and so I support the stance taken by the Hon. Win Piesse.

The Hon. M. McALEER: I support the Minister's amendment. I suppose many country members have shared Mrs Piesse's experience of being in districts deprived of dentists for short or long periods, and all of us would share her anxiety in that regard. However, I cannot put the construction on the clause which she does, suggesting that it would be used to deprive country districts of dentists.

It is true it has been very difficult in the past to get dentists in country areas, more so than doctors. One of the problems is that dentists need a greater population to make a successful practice and in less populated areas they need a very much larger catchment area. It has therefore been difficult to provide them with a reasonable or an attractive practice. It is my experience in my own district that during times of great difficulty the department has gone to immense trouble to ensure a continued supply of young dentists who have just qualified. They have come to work in the area for two years, and have then been replaced by another young dentist, until such time as the practice has been built up because of this continuity to become attractive for a private dentist, which we now have.

The various statistics of a practice are quite important to the department to ensure that when practices become vacant it may channel dentists into that area or arrange for some assistance to be given to the people. We in the country have to remember the real difficulty is that metropolitan

conditions are much more attractive to professional and other people than country conditions. This is something against which we always have to fight and contend with, regardless of the supply of those professional people, be they lawyers, dentists, or doctors.

Anything which adds to the possibility of supplying country areas with the professional people needed is a good thing, even if it means the compulsory supply of certain information. It must be remembered that as a rule voluntary questionnaires have a very low percentage of replies.

The Hon. H. W. OLNEY: The Opposition supports the Government's amendment and does not support the proposition put by the Hon. Win Piesse. I thought I must have been looking at the wrong clause because I thought we were still debating whether there should be more dentists to go into the country, but that is not the clause we are debating. We are debating the clause which requires dentists and dental therapists to supply information to the Dental Board, information which is needed by the board to plan education programmes and to make manpower predictions.

In these days when it has been said the taxpayer supports the professional training of most people through tertiary institutions and by other means, it seems eminently suitable for the board which has the responsibility for the profession to have available to it the sort of information which will enable it to do the necessary planning for the well-being of the community at large. The Opposition supports the proposal that there ought to be some requirement to supply information to the Dental Board to assist in that regard.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 16 and 17 put and passed.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Lands), and returned to the Assembly with an amendment.

QUESTIONS

Questions were taken at this stage.

INDUSTRIAL ARBITRATION AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [5.46 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to amend section 23 of the Industrial Arbitration Act 1979 which came into operation on 1 March 1980. The principal Act includes provisions which relate to the jurisdiction of the commission.

Those provisions which are embodied in section 23 include reference in subsection 3(b) to the Industrial Commission not having jurisdiction to regulate the rates of salary or wages, or the conditions of employment of—

(I) Any employee who is a Government officer within the meaning of section 96;

(II) Any person who holds an office for which the remuneration payable is determined or recommended pursuant to the Salaries and Allowances Tribunal Act 1975;

(III) Any person who is an officer or employee in either House of Parliament—

(i) Under the separate control of the President or Speaker or under their joint control;

(ii) Employed by a committee appointed pursuant to the joint standing rules and orders of the Legislative Council and the Legislative Assembly; or

(iii) Employed by the Crown; or

(iv) Any person who is an officer or employee on the Governor's Establishment.

The Government had received legal advice that, under subsection 23(1) of the Act, the Industrial Commission has jurisdiction to inquire into the dismissal of an officer or employee referred to in subsection (3)(b). The advice is that a dismissal is outside the matters of regulation of salaries or wages or conditions of employment.

This was not the intention of the Government nor Parliament, and the purpose of this Bill is to rectify the flaw in the legislation. The amending Act will, therefore, clarify and confirm the jurisdiction of the Western Australian Industrial

Commission in respect of those other aspects of employment conditions which are currently not excluded.

In addition, another fault in section 23 had come to the attention of the Government and will be corrected by this Bill.

Prior to the Act coming into operation in March there had existed in some particular Statutes provisions relating to disciplinary matters in respect of staff employed. Examples are the Police Act, the Mental Health Act and the Prisons Act.

Those Statutes also provide for various forms of appeal for staff against decisions of the employer to take disciplinary action against the employee. The appeal is determined by a specially constituted appeal tribunal established under the particular Statute.

The Government did not intend that these special arrangements should be affected by the Act. However, advice given to the Government is that the provisions of the Industrial Arbitration Act prevail over those of the particular Statutes. This Bill seeks to rectify that problem and ensure that the circumstances which applied before 1 March 1980 are retained.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

HIRE-PURCHASE AMENDMENT BILL (No. 2)

Receipt and First Reading

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

Second Reading

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [5.49 p.m.]: I move—

That the Bill be now read a second time.

This Bill is introduced to amend section 3 of the Hire-Purchase Act.

As the Act presently stands, failure by a dealer or owner to fully complete the written statement in the first part of the first schedule to the Act automatically releases the hirer from the terms charges under the hire-purchase agreement. No matter how minor the omission is, the above will apply.

The majority of documentation in relation to hire-purchase agreements is completed by dealers. It is therefore considered to be inequitable that the owner—that is, the hire-purchase company—should then be in the position where it cannot recover the terms charges for errors not of its own making. This is particularly so where the owner acts in good faith in accepting an offer to hire submitted to him on behalf of a hirer by a dealer. Protection of the hirer's rights has been retained.

Applications for relief from the terms charges by a hirer will be determined by the Commissioner for Consumer Affairs. A right of appeal to a Local Court against a decision by the commissioner is provided to those persons who are party to the agreement.

A specific penalty of $5 000 is to be provided where an owner does not comply with the provisions of subsection (2). This is a substantial increase in the penalty as at present the general penalty of $1 000 provided in section 39 applies to offences against the subsection.

The Bill will remove what is seen as being an inequitable and unfair situation, but at the same time will ensure that protection is still afforded to the hirer.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. F. E. McKenzie.

OCCUPATIONAL THERAPISTS REGISTRATION BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [5.52 p.m.]: I move—

That the Bill be now read a second time.

This Bill provides for the existing Occupational Therapists Act 1976 to be repealed and re-enacted in a more acceptable format, bringing it in line with other para-medical legislation and incorporating several amendments to overcome deficiencies in the present Act.

In preparing this legislation, the Psychologists Registration Act 1976 has been used as a model.

The Bill provides for the establishment of the Occupational Therapists Registration Board and details its functions and powers.

The Bill stipulates the term of office of members; makes provision for appointment of a chairman and deputies; and specifies the method of filling vacancies on the board. These matters currently form part of the rules under the Act,

but on the advice of the Crown Law Department, they are now to be included in the Act itself.

A further amendment will allow for an annual practising licence to replace the present annual renewal of registration. This will greatly simplify administrative procedures associated with the recording of registrations.

The Bill proposes to increase the general penalties for a breach of provisions of the Act from a maximum of $50 to a maximum of $250, and from $10 a day to $50 a day for a continuing offence. It is considered that these levels are in keeping with today's values.

While the incidence of offences is not high, a meaningful deterrent is required so the board can maintain reasonable control over its members, and the profession can be protected from unqualified or unregistered practitioners.

One amendment deals with redefining the profession of occupational therapy more accurately to describe the objectives and functions of this group within the total health sphere.

At present the registration board is composed of five persons, of whom only two are occupational therapists. The association requested increased representation which would bring the board composition more in line with similar bodies. This was regarded as a reasonable request and an amendment has been incorporated in the Bill to increase the board to six persons, of whom three will be occupational therapists.

The nomination of the occupational therapists is by the Minister, following selection from a panel submitted by the association which has now been renamed "The Western Australian Association of Occupational Therapists (Inc.)"

Since 1957 the Act has provided that the curriculum of the World Federation of Occupational Therapists be the minimum standard course of study for occupational therapists in this State.

An amendment deleting this minimum standard has been included in the Bill, as the Australian national educational body for occupational therapists has established minimum standards which are being followed by each State. These are, in fact, much higher in some respects than the world federation minimum standards, as the latter ones are in practice no longer acceptable and have fallen into disuse.

A further amendment has been included prohibiting unauthorised use, even by inference, of the title "occupational therapist" by a person not so registered. This will give greater strength and clarity to the relevant section of the Act, and provide more protection to occupational therapy and therapists.

The final amendment enables the board to impose a fee associated with reregistration on a therapist whose name has been removed from the register. The deregistration may have been for disciplinary reasons, or it may have been due to an oversight by the therapist regarding reregistration, or for a variety of other reasons. This small fee will enable the board to recoup administrative costs involved in reregistration.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. Hetherington.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.57 p.m.]: I move—

That the House at its rising adjourn until 10.30 a.m. on Friday, 28 November.

Sittings of the House: Statement by Leader of the House

I wish to make a brief reference to a statement made by the Leader of the Opposition in another place. I understand he said that I had refused to sit next week. His statement was, "The Leader of the Government in the Legislative Council has refused to sit next week." Presumably he meant that the Legislative Council refused to sit next week.

I made no such statement. If he said I did, he was quite incorrect. I did not refuse to sit next week. Indeed, what I said was that I believed there was no reason the Legislative Assembly could not sit on Friday, and, on Saturday, if necessary, in order to complete its outstanding business. I was familiar with the amount of outstanding business it had. I could see no reason for its not sitting.

My reason for saying that was that we have an important committee of this House which has made arrangements which scarcely can be altered. It is to carry out during next week its studies of committee systems in Parliaments of other Australian States and in the Commonwealth Parliament. It so happens this work can be carried out only during next week because some or all of those Parliaments will not be sitting beyond that time. That is the information I have been given and I believe it to be correct.

This House set up the committee. Irrespective of whether both sides of the House were in favour of it, a majority of members were in favour of it,

and, therefore, it was the will of the House that the committee should operate and operate properly. It would be frustrating for the committee if it were not able to carry out its studies, for which it has made arrangements, during next week.

The last thing that I or any member of this House would wish to do is in any way to frustrate the workings of this Parliament. Indeed, I made it quite clear I saw no reason that both the Assembly and this House should not be able to continue to sit on Friday, and, indeed, on Saturday, if necessary, in order to complete the business of this session. I also said—far from saying we would not sit next week or would terminate the sitting, which it was not my prerogative to say—we would be prepared to adjourn the sitting until a later date this year. In that respect I believe the will of this House would have to be consulted.

I simply made the recommendation that we should sit for a longer week in order to complete the business of the Parliament. I could see no reason the business of the Parliament could not be completed this week. I put that on record to make clear what I said.

Question put and passed.

House adjourned at 6.00 p.m.

QUESTIONS ON NOTICE

CULTURAL AFFAIRS

State Library Board: Queens Park Library

499. The Hon. R. HETHERINGTON, to the Minister representing the Treasurer:

(1) Is the Treasurer aware—

(a) that the Council of the City of Canning has decided to build a library at Queens Park at an estimated cost of $523 600;

(b) that this library should be completed in 1981;

(c) that the council, at present, provides .7 books per head of population instead of 1.5 books; and

(d) that the Library Board will provide no more books even were funds available unless a new library is built?

(2) In view of these facts, will the Treasurer consider making additional funds available to the Library Board so that the new Queens Park library may be adequately supplied with books?

The Hon. I. G. MEDCALF replied:

(1) (a) to (d) It is understood that the City of Canning is considering the construction of a new library at Queens Park. The provision of book stocks and policy in relation to book-stock ratios is a matter for determination by the Library Board within the resources available.

(2) The question of funds to be made available for stocking new libraries in 1981-82 will need to be determined as part of the board's allocation for that year and will be considered in the context of the 1981-82 Budget.

COURT: LOCAL

Small Debt Claims

500. The Hon. J. M. BERINSON, to the Attorney General:

Referring to the Premier's election commitment to establish a special division of the Local Court to provide for less costly settlement of debt claims involving $1 000 or less, when can such an establishment be anticipated?

The Hon. I. G. MEDCALF replied:

The method of implementation of this proposal is presently under consideration. It is not possible to indicate exactly when the same will be set up.

ASSOCIATIONS INCORPORATION ACT

Modernisation

501. The Hon. J. M. BERINSON, to the Attorney General:

Referring to the Premier's election commitment to a substantial modernisation of the Associations Incorporations Act, when can the relevant legislation be anticipated?

The Hon. I. G. MEDCALF replied:

Preparation of the legislation has commenced, but it is not possible at this stage to say when it will be put before the House.

COURTS

Bail: Legislation

502. The Hon. J. M. BERINSON, to the Attorney General:

Referring to the Premier's election commitment to introduce Western Australia's first Act of Parliament on the subject of bail, when can the relevant legislation be anticipated?

The Hon. I. G. MEDCALF replied:

As I indicated in the answer to question 103 on 28 October 1980, the proposals have been referred to the Law Reform Commission and other interested public authorities.

The date of introduction of the legislation will depend upon the time required for these authorities to consider the proposals and make their comments.

COURTS

Council of Law Reporting

503. The Hon. J. M. BERINSON, to the Attorney General:

Referring to the Premier's election commitment to introduce a special Act

to create a council of law reporting, when can the relevant legislation be anticipated?

The Hon. I. G. MEDCALF replied:

This matter is presently the subject of discussions with the council of law reporting. When these discussions have been completed the Bill will be introduced, I hope next year.

COURTS

Delays

504. The Hon. J. M. BERINSON, to the Attorney General:

Referring to the Premier's election commitment to take specific action to re-organise the jurisdiction of some courts to prevent delays developing, what such action has been taken or is contemplated?

The Hon. I. G. MEDCALF replied:

There has been considerable discussion and planning with a view to a reorganisation of some aspects of the jurisdiction of the superior courts. It is anticipated that policy decisions can be made in the near future. Legislation can then be prepared.

The recent decision to appoint another magistrate to the Kimberley will release one magistrate from circuit duty, thus increasing the strength of magistrates serving the city courts.

Relevant legislation is currently under examination with a view to improving procedures wherever possible.

RAILWAYS: WESTRAIL

Wages and Salaried Staff

505. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Transport:

(1) How many—

(a) wages staff; and

(b) salaried staff;

were employed by Westrail as at—

(i) 30 June 1978;

(ii) 30 June 1979; and

(iii) 30 June 1980?

(2) What was the total amount paid in wages to—

(a) salaried staff; and

(b) wages staff;

for each of the years ending 30 June 1978, 1979 and 1980?

The Hon. D. J. WORDSWORTH replied:

(1)		1978	1979	1980
	(a)	7 887	7 807	7 598
	(b)	2 178	2 155	2 129
	Total	10 065	9 962	9 727

(2)		1978	1979	1980
	(a)	26 207 520	27 552 191	30 723 128
	(b)	76 387 502	79 567 907	85 322 715
Total		$102 595 022	$107 120 098	$116 045 843

ABORIGINES

Employment in Electorate Office

506. The Hon. PETER DOWDING, to the Minister representing the Premier:

Since the Federal member of Parliament for Macarthur, the Minister for Aboriginal Affairs (Mr Michael Baume), has appointed a NEASA trainee in his Nowra electorate office, and since all Federal members of Parliament have been approached with a request that Federal members accept NEASA trainees in their electorate offices, and since in each case there is—

(a) no guarantee of permanancy; and

(b) work within an electorate office;

will the Premier say—

(1) Whether he maintains the view that an electorate office is not a suitable place for a NEASA trainee?

(2) If so, why not?

(3) Will the Premier reconsider his refusal to allow me to have a NEASA trainee in my office?

(4) If not, why not?

The Hon. I. G. MEDCALF replied:

(1) to (4) This State has a creditable record in placing more than 200 Aborigines in departments and authorities for a period of training. Every encouragement is given to these organisations to continue and expand their activities in this direction. As recently as 27 October last, the Public Service Board called a meeting of senior officers with this in view.

As the member has previously been advised, the Government considers an electorate office to be generally unsuitable for such forms of trainee employment and, as there is virtually no prospect of continuity of employment in such offices, the Government is not prepared to change its decision.

ELECTORAL

Aborigines: Compulsory Voting

507. The Hon. PETER DOWDING, to the Minister representing the Minister for Community Welfare:

(1) Is it a fact that the Aboriginal State Advisory Committee has voted unanimously that voting be compulsory for Aborigines?

(2) If so, will the Minister say why the Government will not agree to making enrolment compulsory for Aborigines?

The Hon. D. J. WORDSWORTH replied:

(1) The Minister for Community Welfare advises that he has been informed by his department that the Aboriginal Affairs Advisory Council passed a resolution on 16-17 October 1980 recommending that voting for Aborigines be made compulsory.

(2) The Aboriginal Affairs Advisory Council had previously recommended against compulsory electoral enrolment and voting for Aborigines because of difficulties associated with compulsory enrolment for traditional and semi-traditional Aborigines living in remote areas. This is the basis of the current legislation providing Aborigines with the free choice of enrolling if they desire. Once Aborigines are registered on the electoral roll, they are required to vote, as are other citizens.

The Minister for Community Welfare has not yet received the formal minutes of the 16-17 October 1980 meeting of the Aboriginal Affairs Advisory Council. When he does, he will carefully consider its new recommendation.

The member would be aware of the Aboriginal electoral education programme which has been conducted by the Australian Electoral Office with the active assistance of the Adult Aboriginal Education Branch of the Education Department and the State Electoral Department.

POLICE

Dunham River Station

508. The Hon. Peter DOWDING, to the Minister for Fisheries and Wildlife representing the Minister for Police and Traffic:

With reference to the Minister's answer to question 485 of Wednesday, 19 November 1980—

(1) Is it not a fact that—

(a) a complaint was made which suggested a possible offence under the Criminal Code; and

(b) the allegation was investigated only by a senior constable and not by a CIB detective?

(2) Why was the CIB not requested to investigate the possible commission of this offence?

The Hon. G. E. MASTERS replied:

The Minister for Police and Traffic advises as follows—

(1) (a) and (b) Yes.

(2) No criminal offences revealed.

ABORIGINES

Reserves

509. The Hon. PETER DOWDING, to the Minister representing the Minister for Community Welfare:

With reference to the Minister's answer to question 482 of Wednesday, 19 November 1980—

(1) Under what authority does the chairman of the trust exercise the role of the trust in the matter of routine permits?

(2) Will the Minister give permission to the chairman or council of each Aboriginal Community permission to issue these routine permits?

The Hon. D. J. WORDSWORTH replied:

(1) The Aboriginal Lands Trust, at a regular meeting, authorised the chairman to assume the role of the trust in the matter of routine reserve entry permits.

(2) The member's attention is drawn to the Minister for Community Welfare's answer to question 419 of Tuesday, 11 November 1980.

CONSERVATION AND THE ENVIRONMENT

Dampier Archipelago

510. The Hon. PETER DOWDING, to the Minister for Conservation and the Environment:

With reference to the Minister's answer to question 479 of Wednesday, 19 November 1980, since the nature reserves of the Dampier Archipelago are not accessible by land, how will the officer of the Department of Fisheries and Wildlife manage and police those reserves?

The Hon. G. E. MASTERS replied:

The officer has a departmental boat.

ELECTORAL

Postal Voting: Charges and Malpractices

511. The Hon. PETER DOWDING, to the Minister representing the Minister for Police and Traffic:

With reference to the Minister's answer to question 483 of Wednesday, 19 November 1980, and with reference to postal vote charges in the Kimberleys—

(1) Is it a fact that all charges issued arising out of this last State election have now been withdrawn?

(2) What evidence of postal voting malpractices in the Kimberleys is there?

(3) Have any charges been successfully taken arising out of these allegations?

The Hon. G. E. MASTERS replied:

The Minister for Police and Traffic advises as follows—

(1) Yes.

(2) In each of the cases where charges were preferred, none of the applicants for a postal vote knew anything about postal voting and with the exception of one, all of them are illiterate. None of the applicants had the postal vote application form explained to them and did not know why they were signing.

Each of them was told that he/she "had" to sign the paper.

In each case none of the people who signed the postal vote applications had requested any person to get an application for them or to do anything in respect of the election.

In some cases, although the applicants could sign their names, they were told to simply sign with a cross or mark. In many cases the signatures or marks on the enrolment cards are not the same as those on the postal vote applications. In the majority of cases the Aboriginal voters were assembled by the accused people and a roll read out to them and on the reading out of their names they came up and signed the application as instructed.

With regard to the postal ballot papers, in each of the cases charged none of the applicants had the document explained to them nor did they know why they had to sign.

Many of them say they did not mark the postal ballot paper even though the declaration declares that they did.

In many cases the Aborigines were handed Labor how-to-vote cards and told to mark the ballot papers the same as the how-to-vote card. None of them was given a Liberal how-to-vote card.

There is ample and clear evidence that many of the Aborigines had attended bush schools where they had been taught to write the figures "1, 2, 3" in a vertical line commencing with the "1" at the bottom and finishing with the "3"

at the top. In every case, these were the only European figures that these people could write apart from their name and they did not know that "1, 2, 3" could be written in any other way.

Some of the Aboriginal voters were blind and in each of those cases, they had their hands held while the paper was marked and they were not told what they were doing.

In some cases the Aborigines have leprosy and do not have the power to hold a pencil. One man has no fingers and yet there is a postal vote application signed by him with a cross or mark.

There is evidence that an intensive drive was made just prior to the State parliamentary elections to enrol vast numbers of illiterate voters. There are 174 enrolment cards for illiterate Aborigines which have been filled out in the handwriting of Steven Arthur HAWKE and on none of them has he witnessed the signature of the voter. These signatures are witnessed by Aborigines over which he exercises a deal of control.

There is evidence that a number of "imports" were flown to the Kimberley from the Eastern States specifically to manipulate the Aboriginal postal vote.

In Derby, postal vote applications were submitted for five senile Aborigines and one white person who do not have the power to communicate even with the hospital staff. Two of these were able to indicate that they wanted to vote for the Liberal Party. When these votes were submitted they were invalid because the declaration was "incorrectly completed by the person assisting" and the remainder were not even submitted to the voter.

(3) No.

TRAFFIC: MOTOR VEHICLES

Roebourne and Wickham

512. The Hon. PETER DOWDING, to the Minister representing the Minister for Police and Traffic:

With reference to the Minister's answer to question 481 of Wednesday, 19 November 1980—

(1) Why will a vehicle inspection facility be established at Wickham and not in Roebourne?

(2) Is it a fact that this Government proposes to downgrade Roebourne and denude it of facilities?

(3) If not, what is the policy of the Government in respect of Roebourne?

The Hon. G. E. MASTERS replied:

The Minister for Police and Traffic advises as follows—

(1) The answer to question 481 was identical to that given for question 416 of Tuesday, 11 November; these state collectively that if sufficient demand exists and a suitable applicant is available, an authorised inspection station will be established in either or both locations early in 1981.

(2) No.

(3) In respect of the Road Traffic Authority, answered by (1).

HOUSING

Derby

513. The Hon. PETER DOWDING, to the Minister representing the Minister for Housing:

With reference to the Minister's answer to question 112 of Tuesday, 19 August 1980—

(1) Is it a fact that Mr Kel McKenzie continues to occupy a three-bedroomed State Housing Commission home in Derby?

(2) If not, does he occupy any State Housing accommodation?

(3) If so, what sort?

(4) What is the waiting time for applicants with dependent children for—

(a) one-bedroomed accommodation;
(b) two-bedroomed accommodation;
(c) three-bedroomed accommodation; and
(d) four-bedroomed accommodation;

in Derby?

(5) Does Mr Kel McKenzie have any dependent children?
(6) If so, what are their ages?

The Hon. G. E. MASTERS replied:

(1) Yes.
(2) and (3) Answered by (1).
(4) (a) Not applicable;
(b) currently assisting applicants with January 1980 listing date;
(c) currently assisting applicants with February 1980 listing date;
(d) currently assisting applicants with January 1980 listing date.
(5) and (6) It is not the commission's policy to make public, facts relating to individual tenancies and I can only refer you again to a letter from the general manager dated 20 June 1980 advising the member of the circumstances.

LAND

Broome

514. The Hon. PETER DOWDING, to the Minister for Lands:

(1) Has horticultural land been released in Broome in November 1980?
(2) In respect of each block released, to whom has it been granted?
(3) Is any grantee already the holder of one or more horticultural blocks in Broome?
(4) If so, who, and what land?
(5) Has any grantee previously been allocated horticultural land, but disposed of it prior to this release?
(6) If so, who, and what land?
(7) How many blocks were available for release?
(8) How many blocks were released?
(9) Who were the members of the land board approving the release?

The Hon. D. J. WORDSWORTH replied:

(1) No. However, if the member is referring to the 22 Dampier locations and the Broome suburban lot, applications for which closed on Wednesday, 20 July 1980, the information sought is as follows.
(2) Details of the allocation are particularised in the *Government Gazette* dated 14 November 1980, pages 3858 and 3859.
(3) Yes.
(4) K. & J. Stuart—Broome suburban lot 409.
R. E. & S. M. McCorry—Dampier location 110.
R. F. & M. R. Kirby—Dampier location 146.
(5) According to Lands Department records, no.
(6) Not applicable.
(7) and (8) 23.
(9) H. E. Coffey.
W. W. Vickery.
P. G. A. Reid.

LAND

Kununurra

515. The Hon. PETER DOWDING, to the Minister for Lands:

(1) When was the last land released in Kununurra?
(2) Who were the members of the Lands Board?
(3) Upon what date was the land allocated?
(4) Upon what date were the successful applicants notified?
(5) Was any Member of Parliament notified who were the successful applicants before the applicants were notified?
(6) If "Yes"—
(a) Who was the member of Parliament;
(b) when was he notified;
(c) for what reasons was he given for advance notification

The Hon. D. J. WORDSWORTH replied:

The most recent release comprised 6 King locations for which tenders were invited 19 November 1980.

However, the question appears to relate to the 18 King locations, applications for which closed on Wednesday, 30 July 1980 and the answer is as follows—

(1) 27 June 1980.
(2) B. Blackburn.
R. J. Barter.
A. D. Gray.
(3) Friday, 24 October 1980.
(4) In accordance with normal practice, I issued a Press statement on 12 November 1980, advising of the outcome of the land board sitting and the statement was copied to parties who had requested same. Also in accordance with usual practice, this public advice was followed up by confirming advice to each of the successful applicants on 18 November 1980, with one advice being forwarded on 19 November 1980.
(5) Yes.
(6) (a) Hon. W. R. Withers, MLC.
(b) and (c) Answered by (4).

EDUCATION

Aborigines: Language

516. The Hon. PETER DOWDING, to the Minister representing the Minister for Education:

With reference to the Minister's answer to question 478 of Wednesday, 19 November 1980—

(1) Why has the Education Department not taken steps to involve itself in the teaching of the relevant Aboriginal languages in the areas in which this is a means of communication between the people in that area?
(2) Does the Minister accept that it is a responsibility of the Education Department which it has failed to meet?
(3) If not, why not?

The Hon. D. J. WORDSWORTH replied:

(1) to (3) Please refer to my answer to question 478 of Wednesday, 19 November 1980.

HEALTH: MEDICAL PRACTITIONER

Broome Hospital

517. The Hon. PETER DOWDING, to the Minister representing the Minister for Health:

(1) Is Dr Peter Reid of Broome the highest paid medical officer in the Pilbara and Kimberley regions of Western Australia?
(2) If not, who is?

The Hon. D. J. WORDSWORTH replied:

(1) No; however, he is on the maximum salary level—level 3.
(2) The maximum salary level—level 3—is also paid to—
(a) Dr E. Venables, SMO, Wyndham
(b) Dr A. Noonan, Surgeon, Port Hedland
(c) Dr D. Wilson, Surgeon, Port Hedland.

HEALTH: MEDICAL PRACTITIONER

Broome Hospital

518. The Hon. PETER DOWDING, to the Minister representing the Minister for Health:

With reference to the terms of employment of Dr Peter Reid of Broome—

(1) What are the restrictions upon the use of the motor vehicle provided for him, if any, and what is meant by "reasonable private use" in the Minister's answer to question 488 of Wednesday, 19 November 1980?
(2) Does the doctor have permission, and does the Minister approve of the use of the vehicle for—
(a) political work in support of the Liberal Party during election time;
(b) the doctor's business enterprises; and
(c) shire council work?

The Hon. D. J. WORDSWORTH replied:

(1) There are no formal restrictions. As indicated in question 488, Dr Peter Reid has reasonable private use of the Government vehicle. The term "reasonable private use" has never been quantified. It is meant to encompass normal recreational and private activity within the town and environs from which a doctor may be called back to the hospital.
(2) (a) to (c) Answered by (1) above.

INDUSTRIAL DEVELOPMENT

Townsites Development Committee

519. The Hon. PETER DOWDING, to the Minister representing the Minister for Resources Development:

With reference to the Minister's answer to question 421 of Tuesday, 11 November 1980—

(1) In view of the importance of the Townsites Development Committee and its deliberations, and the involvement of local representatives in the form of shire council nominees, will the Minister accept that it is appropriate for local members of Parliament to attend and be supplied minutes of the meetings?

(2) If not, why not?

The Hon. I. G. MEDCALF replied:

(1) The Townsites Development Committee is an advisory group examining planning and development of Crown land in certain locations.

Local authority representatives are involved because of statutory planning and operational responsibilities.

They have a statutory role in these specific areas on behalf of the community they represent.

(2) I am advised that the Minister for Resources Development is not prepared to include other than representatives with direct responsibilities in the planning and development processes.

STANFORD INSTITUTE

Report

520. The Hon. PETER DOWDING, to the Minister representing the Minister for Resources Development:

(1) Why is the Stanford Research Institute report on the hills area not a public document?

(2) Why are members of the public not entitled to know its contents?

(3) If the Government has established appropriate machinery to guide research and investigate land use matters in the Darling Range, why is it that the public may not have the full information upon which to judge the Government's actions?

The Hon. I. G. MEDCALF replied:

(1) to (3) The Government has made its position clear on this matter in response to previous questions of a similar nature. I am advised by the Minister for Resources Development that for this reason further comment is not warranted.

FUEL AND ENERGY: ELECTRICITY

Conservation

521. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Fuel and Energy:

With reference to the answer given to question 253 on 30 September 1980, in which it was stated that the State Energy Commission is currently considering a report on energy conservation—

(1) When was the report completed?

(2) Has the Minister received it yet?

(3) Has it been made available for public reference?

(4) If not, will the Minister indicate when it will be made available for public reference?

(5) If it is not the Government's intention to make the report available for public reference, will the Government state its reasons for withholding it?

The Hon. I. G. MEDCALF replied:

(1) August 1980.

(2) Yes.

(3) No.

(4) and (5) It is the Government's intention to publish this report early in the New Year. The initial draft of the report was prepared for the Energy Commission by a special work party of the Energy Advisory Council and the Government has published previous reports prepared by this body.

CONSERVATION AND THE ENVIRONMENT

National Parks: D'Entrecasteaux, Pingerup Plains, and South Coast

522. The Hon. LYLA ELLIOTT, to the Minister for Conservation and the Environment:

With reference to the Minister's response to comments by Mr Ian Rotheram in his letter to *The West Australian* on 4 July 1980, and further to question 153 on Wednesday, 3 September 1980—

(1) (a) If the Minister had in fact received a copy of this Select Committee's report in November 1979, why did he on 4 July 1980 comment that he was still awaiting a copy of the report;

(b) did he later attempt to correct the obvious inaccuracy which was relayed to the many thousands of people reading *The West Australian* of 4 July 1980;

(c) since responding to Mr Rotheram's published letter, what comments did the Minister obtain from the Chairman of the Select Committee; and

(d) as the Minister now states he received the report some seven months before Mr Rotheram's letter was published in *The West Australian*, and as the report makes no specific reference to the proposed south coast national park—or any other national park—why did he comment that he had called for a copy in response to Mr Rotheram's letter?

(2) (a) In regard to his answer to parts (2) and (3) of question 153, how does the Minister reconcile this with the fact that his Government endorsed a very specific recommendation from the EPA to establish a south coast national park having external boundaries shown in figures 2.2 and 2.3 of "Red Book 2"—published in 1976;

(b) is the Minister aware that, in its letter of transmittal accompanying "Red Book 2", the EPA stated it had arranged for a special review committee to technically appraise the competing land uses, obtained a further 200 submissions from members of Parliament and private individuals alike, and that the EPA's recommendations were made with an awareness of many points of view; and

(c) does the Minister consider that his Government's decision on 20 October 1976 to endorse all of the EPA's recommendations concerning the south coast national park, was made in a responsible and balanced manner, having given consideration to all views?

(3) Is the Minister aware—

(a) that the concept for the south coast national park was contained in a proposal made by officers of the Forests Department in March 1972 and dealt with a tract of land between Cape Beaufort—Black Point—and Walpole;

(b) that the external boundaries of the national park recommended by the EPA and delineated at figures 2.2 and 2.3 of "Red Book 2", also deal with a tract of land between Cape Beaufort and Walpole; and

(c) that his own National Parks Authority describes the D'Entrecasteaux National Park in its 1979 annual report as "...extending along the west-south coast eastwards from Cape Beaufort to join up with the Walpole-Nornalup National Park."?

The Hon. G. E. MASTERS replied:

(1) (a) and (b) The Select Committee report tabled in November 1979 was considered to be a preliminary report to be followed by a more detailed inquiry which is now progressing as a Select Committee under the chairmanship of the Hon. A. A. Lewis, with the following terms of reference—

> To consider the management, finance, allocation of lands, intergovernment and interdepartmental liaison, image of the service of and if necessary recommendations amending legislation for National Parks and to make such other recommendations as are considered desirable.

(c) General discussions on the work of the future Select Committee.

(d) My comments on Mr Rotheram's letter as appearing in *The West Australian* of 4 July 1980 regarding this committee include "I expect its comments in due course."

(2) (a) I would refer the member to the preamble to the "Red Book" on systems 1, 2, 3, and 5, which states, *inter alia* "... that the spirit of the recommendations endorsed by Cabinet be carried out as far as possible...". The recommendations contained in the "Red Books" are under constant review and although Cabinet has approved the system reports so far considered, changes have been and will continue to be made according to changing circumstances.

(b) Yes.

(c) See (2)(a) above.

(3) (a) No. I understand that the proposal referred to was a submission to the Conservation Through Reserves Committee by the Institute of Foresters, not the Forests Department.

(b) and (c) Yes.

RAILWAYS

Fremantle-Perth: Loss per Passenger Journey

523. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Transport:

Further to question 492 of Thursday, 20 November 1980, and with reference to the Minister's answer under part (1), in view of no individual subsidy figure and, therefore, no individual cost figure, being available for individual lines—how did the Government arrive at individual costs and subsidies applicable to the Perth-Fremantle railway line?

The Hon. D. J. WORDSWORTH replied:

The cost subsidy per rail passenger is a figure calculated for the entire suburban rail service. No figure for individual lines is normally available.

The decision to terminate the passenger rail service in the Perth-Fremantle corridor was based upon—

(a) The declining patronage and lack of potential for growth;
(b) improved energy efficiency;
(c) road planning benefits;
(d) the advantages in removing railway freight traffic from centre of the city;
(e) the capital cost savings;
(f) the operating cost savings.

No one item on this list formed the basis of the decision in isolation. In light of (a) to (d) above, it was considered appropriate that a special examination of (e) and (f) be made. The results of that examination were in keeping with the other considerations; namely, that the passenger rail service in the corridor should be terminated. Consideration of all of these factors together formed the basis of the decision.

ROAD

Servetus Street

524. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Transport:

Further to question 492 on Thursday, 20 November 1980, and with reference to the Minister's answer under part (3), in view of the approximate 10 per cent reduction of traffic on Stirling Highway and Railway Road, would the Government indicate the present necessity for making any decision on Servetus Street rather than waiting until this traffic is returned to normal?

The Hon. D. J. WORDSWORTH replied:

The Government has announced the deferral of any decision on a major north-south thoroughfare, including Servetus Street, pending comment from the councils likely to be affected by that decision.

Any amendment to the metropolitan regional scheme to satisfy regional transport needs will take full account of the long-term position.

525. *This question was postponed.*

TOWN PLANNING

Whiteman Park

526. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Urban Development and Town Planning:

(1) Will the Minister table the report by Maunsell and Partners on Whiteman Park?

(2) If not, why not?

The Hon. I. G. MEDCALF replied:

(1) No.

(2) No recommendation has been received as the report is still being considered by the Metropolitan Region Planning Authority.

QUESTIONS WITHOUT NOTICE

POLICE

Irish Witnesses

152. The Hon. J. M. BERINSON, to the Attorney General:

(1) Has his attention been drawn to a recent incident in the Karratha Court of Petty Sessions where the police prosecutor made a remark to the effect that Irish witnesses generally are not to be believed? I advise him that the Federal Attorney General has said that, if true, the comment was unjustified and regrettable.

(2) Would he, or would he not, support the view of his Federal counterpart?

(3) Either directly or through the Minister for Police and Traffic, has he had inquiries made and, if so, with what result?

The Hon. I. G. MEDCALF replied:

(1) to (3) Yes, I did receive a letter from a constituent by the name of Feeney, who objected to this alleged comment. I have written to the Minister for Police and Traffic asking him whether he would kindly investigate the matter. I have also informed Mr Feeney of the position. Mr Feeney has indicated that he does not think the police will do anything about it, and he would like the matter further inquired into. I did arrange to see Mr Feeney, but, unfortunately, the appointment had to be cancelled due to parliamentary commitments. I have indicated to him that if he wishes to see me to discuss the matter further, I am quite happy to meet him.

In regard to the balance of the question, I did not know that the Federal Attorney General had made any comment. I usually find I am in agreement with him, although not necessarily on all occasions. I suggest that the Hon. Joe Berinson might consider reporting the matter to Mr Grassby.

POLICE

Irish Witnesses

153. The Hon. J. M. BERINSON, to the Attorney General:

I shall repeat the last part of my previous question, as the Attorney General's quite comprehensive answer did not cover it.

Has there been any result from inquiries made by the Minister for Police and Traffic on this matter?

The Hon. I. G. MEDCALF replied:

No, I have not had a response. I do not believe the Minister has had time to look into the matter.

LOCAL GOVERNMENT

Prosecutions: Minor Offences

154. The Hon. H. W. OLNEY, to the Attorney General:

(1) Has he seen Press reports of a case in which a constituent of mine was fined $2 and $78.53 costs for an offence under the Dog Act?

(2) Is he aware that the maximum penalty for the offence is a fine of $100?

(3) Does it concern him that the use of private lawyers by some local authorities to prosecute minor offences results in obvious injustices when counsel fees are included in costs awarded on conviction?

(4) Would he be prepared to see whether some legislative amendment could be made to eliminate this injustice?

The Hon. I. G. MEDCALF replied:

(1) to (4) I have not seen the particular report concerning the member's constituent in relation to the prosecution under the Dog Act. I shall obtain the relevant report and let him have an answer in due course.