

# Legislative Council

Tuesday, the 15th August, 1978

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

## QUESTIONS

Questions were taken at this stage.

### FIREARMS ACT AMENDMENT BILL

#### *Receipt and First Reading*

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

#### *Second Reading*

**THE HON. G. C. MacKINNON** (South-West—Leader of the House) [4.45 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to widen the scope of control over firearms and also to upgrade the penalties for offences in respect of such weapons.

Firstly, it is proposed to make a distinction between persons in possession of a firearm who, on the one hand, are merely unlicensed and, on the other, have been refused a licence or had their licence cancelled under the provisions of the Firearms Act. The intended penalty for the latter and more serious offence will be \$500 instead of \$200 for the lesser offence.

A similar distinction is made in the Road Traffic Act for driving without a motor driver's licence. The Bill provides also for an offence to have been committed should a firearm be altered from its original condition of manufacture. Alteration of firearms is becoming an increasing practice and is the subject of a great deal of concern to the police and the Government, especially in relation to armed holdups.

Situations have arisen when a person in possession of a firearm for which he does not hold a licence changes the character of the weapon and upon detection cannot be charged for that act, although he could be charged with the much lesser offence of being in possession of a firearm for which he does not hold a licence.

Provision is made also to cover the situation where a person, without reasonable excuse, uses a firearm on land belonging to another person without the express or implied consent of the owner. A penalty of \$200 is provided.

In addition the general upgrading of penalties

for a number of offences has been undertaken where those existing penalties are deemed to be inadequate in present day circumstances.

The Government considers this Bill is necessary to effectively control the use, or misuse, of firearms in this State and I commend the Bill to the House.

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

### SECURITIES INDUSTRY ACT AMENDMENT BILL

#### *Second Reading*

**THE HON. V. J. FERRY** (South-West) [4.47 p.m.]: On behalf of the Attorney General, I move—

That the Bill be now read a second time.

Section 97(3) of the Securities Industry Act, 1975, was intended to provide a limit of \$500 000, as the maximum amount that could be paid out of the fidelity fund of a Stock Exchange under the Act, in the event of the collapse of a stockbroker or a member firm of the exchange.

Some doubt has been raised as to the way in which this limit is expressed. As the minimum amount of the Stock Exchange's fidelity fund is \$500 000, it was intended to impose a limit of \$500 000 for the total of all claims in respect of the one broker, or the one member firm, as the case may be. But it has been suggested that as section 97(3) is worded, the limit may apply to each claim rather than the total of all claims. So if a broker or member firm fails and there are two claims of \$500 000 each, it is suggested that they might both come within the limit contained in the section, despite the fact that in total, these claims amount to \$1 million.

Because \$500 000 is the minimum size of the fidelity fund, this is not desirable, since subsequent contributions to the fund would continue to be applied in respect of the collapsed broker or firm instead of going towards building up fresh assets to cover the possibility of a second collapse.

The Bill now before the House seeks to eliminate these doubts as to the proper construction of section 97(3) and place beyond doubt that the limit of \$500 000 applies to the total of all claims following from the one collapse.

If funds permit payments in excess of that limit, persons dealing with the broker or firm concerned are protected in any event, as section 97(5) gives the Stock Exchange a discretionary power to make payments in excess of the limit imposed by section 97(3) in those circumstances.

Section 106 of the principal Act deals with apportionment of the moneys payable out of the fidelity fund, where such moneys are not sufficient to meet all claims in full.

The Bill makes certain consequential amendments to section 106(2) to retain consistency between the language of that section and section 97(3), following the amendments already referred to.

The amendments do not change the effect of the provisions of section 106(2), except as to consistency of language.

Finally, the Bill seeks to rectify two typographical errors presently appearing in the principal Act.

The basic amendments have been agreed with the other three States participating in the Interstate Corporate Affairs Commission and are already in force in New South Wales. The corresponding amending Act has been passed in Queensland but is yet to come into force, and the Victorian Bill is due to be enacted this year.

I commend the Bill to members.

Debate adjourned, on motion by the Hon. D. W. Cooley.

## **LAND DRAINAGE ACT AMENDMENT BILL**

### *Third Reading*

Bill read a third time, on motion by the Hon. G. E. Masters, and passed.

## **WATER BOARDS ACT AMENDMENT BILL**

### *Report*

Report of Committee adopted.

### **BILLS (2): THIRD READING**

#### **1. Architects Act Amendment Bill.**

Bill read a third time, on motion by the Hon. G. E. Masters, and returned to the Assembly with amendments.

#### **2. Agriculture and Related Resources Protection Act Amendment Bill.**

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Transport), and passed.

## **HEALTH ACT AMENDMENT BILL**

### *Second Reading*

Debate resumed from the 10th August.

**THE HON. R. H. C. STUBBS** (South-East) [4.53 p.m.]: The purpose of this Bill is to amend the Health Act, 1911-1976. I do not have any quarrel with it, but there are one or two matters I wish to point out.

The Bill sets out to achieve several objectives. I am particularly interested in part VIII of the Act which deals with food and drugs, disinfectants, pesticides, etc. The first amendment is contained in clause 4 of the Bill and concerns section 205A of the parent Act. Subsection (4) will be amended where it refers to a penalty not exceeding \$400, which will be changed to a daily penalty of \$20.

All reference to penalties in the food and drug portion of the Health Act will be eliminated and, where appropriate, the words "commits an offence" have been added.

Section 247 of the principal Act is to be repealed and re-enacted as follows—

247. Any person who commits an offence against any provision of this Part of this Act, or against any by-law or regulation made under any Division of this Part of this Act, shall be liable on conviction, if there is no penalty specially provided for such offence—

- (a) for a first offence, to a penalty of not less than fifty dollars and not exceeding one hundred dollars;
- (b) for a second offence, to a penalty of not less than two hundred dollars and not exceeding five hundred dollars; and
- (c) for each subsequent offence, to a penalty of not less than three hundred dollars and not exceeding one thousand five hundred dollars, or imprisonment with or without hard labour for a period not exceeding six months.

The provisions to be repealed provided that the penalty for a first offence was to be not less than \$20 and not more than \$100. For a second or subsequent offence, the penalty was not less than \$40 nor more than \$200. I believe those penalties date back from 1944.

Some magistrates have been very lenient with offenders, particularly those who have offended against the food regulations. For that reason, I consider the new provisions to be quite appropriate and will certainly deter unscrupulous people from offending against the Health Act. Some minor traffic infringements have carried greater penalties than some serious breaches of the Health Act.

Another matter which should be examined by the Public Health Department is the establishment of an official body which can keep a record of all offences against the Health Act so

that persistent offenders will be discouraged. When an offender appears before a magistrate his record could be produced. At present the police collate all offences against particular Acts, and when a person is charged his record is presented by the police to the magistrate. The magistrate is able to impose an appropriate penalty on frequent offenders. Where an offence relates to some substandard or adulterated food, a previous conviction should be brought to the notice of a magistrate. There should be some sort of record which will stand up in court so that a magistrate will be able to take cognisance of it.

Another situation which worries me a little is in regard to legal action taken by health surveyors. A health surveyor can go through the process of inspecting premises, taking samples, and then prosecuting when the samples are below standard. Unfortunately, there have been cases where inspectors have been inhibited from prosecuting. In some cases the shopkeeper concerned may be a member of a council. I know from my own experience that health inspectors are influenced not to do certain things. For that reason I draw the attention of the Minister to the fact that in my opinion where there are breaches of the regulations which pertain to food it should be mandatory to prosecute. The provision should read, "shall prosecute".

Section 358(1) of the Health Act reads—

358. (1) The local authority may from time to time order proceedings to be taken for the recovery of any penalties, and for the punishment of any person offending against the provision of this Act or any by-law which it is the duty of the local authority to enforce, and may order the expenses of such prosecution or other proceedings to be paid out of the local fund.

(2) A health surveyor of a local authority may, by virtue of his office, and without receiving express authority from such local authority, institute and carry on proceedings against any person for an alleged offence against this Act, or any by-law or regulation made thereunder, and he shall be reimbursed out of the funds of the local authority all costs and expenses which he may incur or be put to in or about such proceedings.

In my opinion the word "may" should be deleted, and the word "shall" should be substituted. An inspector should not be put in the position that he could be influenced. If the legislation states that it is mandatory for an inspector to prosecute, he must go ahead and do so. There should be no possibility that he could be coerced into not

prosecuting. Unfortunately, I know of cases where inspectors have been influenced. Probably they do not wish to act in this way, but a young man paying off a house or car may well think twice before he bucks the local authority.

Section 358(2) gives an inspector ample power to prosecute, and to illustrate this I will refer to a case which was reported in *The West Australian* of the 3rd June, 1959. This report is headed, "Magistrate berates chairman", and it reads as follows—

NORSEMAN, Tues: An attempt by Dundas Road Board chairman P. A. Charsley to have adjourned a charge laid by the board's health inspector met with severe criticism from Magistrate M. Harwood.

Business man Thomas Anderson Fuller, charged with having failed to install a septic tank on his business premises for use by his female staff, told the Magistrate that he had been given an assurance by Mr Charsley that the charge would be withdrawn.

Board secretary W. G. Kerr, acting on instructions, said the chairman requested an adjournment, Health Inspector R. C. Stubbs objected.

Mr Harwood went ahead with the case.

He said the adjournment request was most unusual—and he would not tolerate such action.

He hoped such board action would never again be brought to his courts.

The health inspector had full authority under the Health Act to institute proceedings without interference from the board, he added.

The magistrate fined Fuller £5.

That example illustrates that there is ample power in the Act to prosecute, but sometimes inspectors are put into a position where they think twice before doing so.

The amending Bill proposes to put beyond doubt the fact that local authorities can provide houses, surgeries and take other steps to assist the provision of health services in their districts. I believe I can speak with a certain amount of authority on this matter because I have had something to do with obtaining the services of doctors for country areas. People who reside in the country are disadvantaged in many ways, and so I always try to do the best I can for them. In 1973 I was successful in obtaining the services of a doctor and a dentist for Norseman, and *The West Australian* of the 30th July, 1973, under the

heading, "Norseman gets \$19,000 recruits from Singapore", reported this as follows—

Norseman, which has been without a doctor or a dentist for 2½ years, is about to get both—from Singapore.

They were recruited by the Chief Secretary, Mr Stubbs, who is the MLC for South-East Province, which includes Norseman.

Mr Stubbs said yesterday that the dentist, Mr Chris Chang, would start in Norseman on August 13. The doctor, Dr Peter Lim, would start on August 20.

The Dundas Shire Council had guaranteed the men incomes of about \$19,000. They were under a bond to stay in Norseman for two years.

Till now, Norseman's population had to rely on the Royal Flying Doctor Service for medical treatment.

Mr Stubbs said that he recruited the men personally, with the help of a doctor friend in Singapore. He was currently negotiating for more doctors for other towns in his electorate.

Dr Lim was already in Perth to learn about W.A. conditions. Mr Chang would leave Singapore on August 6.

Dr Lim had a Bachelor of Medicine and Bachelor of Surgery from the Singapore University.

Mr Chang was a graduate in dental science from the Singapore University.

The dentist remained in the town for the two years of his contract, and the doctor stayed for four years. As I said before, I have been successful directly or indirectly in obtaining nine doctors for country towns over the years, and I am negotiating right now with other medical practitioners on behalf of country shires. I hope these negotiations will be successful. As members know, Norseman is a mining town, and sometimes serious accidents occur in the mining industry. Also, of course, the Eyre Highway passes through Norseman, and so it is imperative to have doctors available when accidents occur on that highway.

I am very happy to see that it is proposed to set up a perinatal and infant mortality committee and an anaesthetic mortality committee. If these committees are as successful as the Infant Mortality Committee, they will be of great advantage to the State. During his second reading speech the Minister said—

In 1960 this Parliament took the somewhat adventurous step of legislating to create an

expert statutory committee to study the causes of mortality associated with childbirth.

It is very satisfying to note that in the five years preceding the formation of the Maternal Mortality Committee there were 41 recorded maternal deaths. In the first five years after the committee was formed, the number had dropped to 25. In the five-year period 1972-1976, the number had dropped to 15, despite increased population.

That is a wonderful effort. The infant mortality rate has dropped from 19.1 per 1 000 population in 1971 to 13.2 in 1976. I am a little perturbed about the infant mortality rate in country areas. In 1971 it was 23.2 per 1 000 population, and although it has dropped to 17.2 per 1 000 population it is still well above the State average. Obviously certain factors are involved such as the distances from doctors and hospitals.

The same situation is obvious in regard to neonatal deaths; that is, infants who die within the first 28 days of life. In the metropolitan area the neonatal mortality rate is 7.29 per 1 000 population, whereas in country areas it is 10.8 per 1 000 population. I hope when these committees are established they will pay attention to the country areas. As I said before, these people are disadvantaged in many ways. I have much pleasure in supporting the Bill.

Debate adjourned, on motion by the Hon. G. E. Masters.

## SECURITY AGENTS ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 8th August.

**THE HON. D. K. DANS** (South Metropolitan—Leader of the Opposition) [5.10 p.m.]: We support this small Bill which is to amend section 34 of the parent Act.

The original Act was introduced in 1976 to protect the security agencies of Western Australia. The purpose of this Bill is to expand that protection to banking corporations, bank managers, and others in the banking industry. Simply, the Bill is to relieve the bank officials of their liability when they make available to authorised persons the details of a bank account; in other words, the bank officials will be given immunity in this regard. We support the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

### **STOCK (BRANDS AND MOVEMENT) ACT AMENDMENT BILL**

#### *Second Reading*

Debate resumed from the 8th August.

**THE HON. R. T. LEESON** (South-East) [5.13 p.m.]: As stated by the Minister during his second reading speech, it is obvious that the industry is having considerable trouble identifying stock brands. The Bill is an effort to straighten out the system, and it is intended to use numerals rather than letters in the stock brands because letters can sometimes be misread, especially if they are upside down. To rephrase an old phrase, I would not know a bull from a bee's foot.

The Hon. D. K. Dans: They look different!

The Hon. R. T. LEESON: No doubt the industry believes this measure is necessary, and we support it.

**THE HON. D. J. WORDSWORTH** (South—Minister for Transport) [5.14 p.m.]: I thank the Opposition for its support of the Bill. While I cannot help Mr Leeson to differentiate between a bull and a bee's foot, at least the legislation will permit him to identify the bull.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

### **UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT BILL**

#### *Second Reading*

Debate resumed from the 8th August.

**THE HON. R. HETHERINGTON** (East Metropolitan) [5.17 p.m.]: The Opposition does not oppose this Bill. At present, as far as it is possible to establish, the university is doubtful of the powers it has to control parking on university land. The end result is that the parking situation at the university is somewhat chaotic.

However, I am a little perturbed on two grounds. Firstly, I just wonder how the powers given to the university bureaucracy will be used in this instance. It is very interesting to note that in the past, when the university authorities were doubtful of the kind of powers they had, they got

over the difficulty by disciplining students if cars, belonging to the members of the families of the students who were living at the same addresses as the students, were found parked on university land. In other words the university authorities regarded such a car belonging to someone other than the student concerned as the student's; for example, belonging to the brother of the student involved as belonging to the student. This seems to have gone on for many years, and the practice was quite improper. I am told it does not happen any more.

It does seem to me there is a tendency among the people who conduct the affairs of the university to be over-zealous in bringing down the disciplinary powers they possess. I notice that this Bill will give the university authorities power to have vehicles towed away from university land. I suppose this is a necessary power, but I would be happy if it is used sparingly and lightly.

One aspect that does worry me is the fact that at one stage at the university anybody could park anywhere, because there was plenty of room for parking. There was no hierarchy relating to parking, such as the affixing of red stickers to indicate cars belonging to professors, blue stickers to indicate lesser mortals, green stickers to indicate yet lesser mortals, and black stickers to indicate cars belonging to the lowest category of mortals. In the final analysis the majority of the students have nowhere to park at all.

Of course, the University of Western Australia—I am glad Murdoch University has not done this—has solved its problem by banning students in the first and second years from parking, and so it goes on. As a visitor to the university, when I park my car there I find now there are small bays reserved for particular people, one for each department. This is a pleasant way to allocate the bays, because the departments themselves decide democratically who will occupy the bay allocated to it, and normally it is allocated to the head of the department.

I am aware that in one department a lecturer was cheeky enough to park his vehicle in the bay reserved for the head of another department. The head of the department concerned rang the secretary of the other department and threatened to let down the tyres of the vehicle concerned.

The **PRESIDENT**: Order! Will members please refrain from carrying on audible conversations. It is almost becoming an everyday occurrence for me to have to chastise members; furthermore, this is very insulting to the speaker who is on his feet.

**The Hon. R. HETHERINGTON:** The end result is that on certain occasions when cars are parked on the verges quite illegally, there are spaces where cars have not been parked. They remain vacant, and the people cannot use them.

What worries me, and this is a serious matter, is that the placing of disciplinary action in the hands of the university will only exacerbate the parking problem, not only on the university campus but also on the nearby streets. Already, very often cars are parked in the areas bordering the university, and sometimes parked dangerously. If people are not permitted to park on the grass verges legally, no doubt they will park elsewhere whether it is legal or illegal.

The parking situation has been the means of creating a great deal of revenue. At certain hours of the day—day in and day out of each week—one can drive along the road between the river and the university and observe patrolmen happily placing stickers on whole rows of cars, thus increasing the revenue of, in this case, I think the City of Subiaco. This is a means of increasing revenue, but it does not solve the dangers to life and limb which are produced by this tremendous parking problem.

I can recall 10 years ago when it was claimed there was no money to solve the problem of parking. Today there is still no money to solve the problem of parking. It appears that the problem of parking is to be solved by giving the university authorities greater power to discipline the people who park illegally.

**The Hon. G. C. MacKinnon:** Don't the students pay for parking, like everybody else?

**The Hon. R. HETHERINGTON:** What does the Minister mean?

**The Hon. G. C. MacKinnon:** We all have to pay for parking our cars.

**The Hon. R. F. Claughton:** You do not pay for parking at Parliament House.

**The Hon. G. C. MacKinnon:** I do pay down town.

**The Hon. R. F. Claughton:** You do not pay for parking at Parliament House. The students also have to pay for parking down town.

**The Hon. R. HETHERINGTON:** One would have thought that the compulsory guild fees would provide parking! After all, the students pay these fees for the provision of amenities at the universities. They are not provided with parking. However, the staff certainly do not have to pay for parking.

**The Hon. G. C. MacKinnon:** They certainly should.

(71)

**The Hon. R. HETHERINGTON:** I shall not enter into a debate on that point. If the Minister thinks the staff should pay, that is his prerogative. Perhaps he will intervene in the University Act because this Government seems to be fond of intervening with that Act to decide who should do what about fees.

A serious problem exists, and it is one in which the Government should take some interest. Certainly I hope that the member representing the electorate in which the university is located would be interested, and would do something about the parking problem.

I hope the university will be encouraged to spend money in this respect, or to do something to provide more parking space in the university grounds. Alternatively, some way of providing off-campus parking for most of the students should be found, particularly the part-time students who arrive at the university after four o'clock. They are the ones who really create the congestion. Quite often some of these students have to be dropped off by their wives, their children, or other relatives, and be picked up again.

I want to mention this worry I have concerning the parking situation around the campus at Crawley, because it has reached the stage where I think it is becoming undesirable and dangerous. I do not object to the university being given the powers contained in the Bill before us. I just hope that it uses those powers wisely, sensibly, and well; I hope it is not carried away by bureaucratic enthusiasm. Apart from that, the Opposition supports the Bill.

**THE HON. D. J. WORDSWORTH** (South—Minister for Transport) [5.25 p.m.]: I thank the Opposition for its support of this legislation. I note the comments of Mr Hetherington in regard to the parking problem at the university. I am afraid this really indicates to us that the trend of modern life has caught up with the University of Western Australia, unhappy as that may be.

**The Hon. R. Hetherington:** It has also caught up with the people who drive past the university.

**The Hon. D. J. WORDSWORTH:** I could not agree more, because I happen to drive past the university every day. We have seen shocking instances where people have parked their cars on the verges with cars sticking out on either side of the grass. One of the difficulties is that parking is controlled mainly by the City of Subiaco, and it has allowed the problem to continue. I think the university is endeavouring to do something about this matter.

One difficulty is the raising of funds to alleviate the problem. Whereas the university receives

money from the Universities Commission, the grants it receives are not allowed to be used for the provision of parking.

Obviously the university will have to follow the practice of similar institutions by providing multi-storey parking facilities. It is regrettable that to fund such parking facilities somebody will have to pay; in this case the students and the staff will be the ones to pay.

I would like to mention—and probably this will come as a surprise to people who visit the Westrail centre—that the staff who use the parking facilities have to pay, just as the public have to pay.

The Hon. D. K. Dans: This matter has raised very heated debate in this place.

The Hon. D. J. WORDSWORTH: That I do not doubt. This Bill will solve the problem at the university.

The Hon. H. W. Gayfer: The young people with the P-plates affixed to their cars who park along there surely could not afford to pay!

The Hon. D. K. Dans: That is a very good point.

The Hon. D. J. WORDSWORTH: An interesting aspect to bear in mind is the cost of running a car, and this matter was mentioned in an article which appeared in the Press recently. It certainly costs not less than \$40 per week to run a car, and in most cases the cost is in the order of \$60 per week. So, from that we can see that the cost of parking is a cheap part of running a car. One has to bear in mind the cost of parking when one calculates the cost of running a car today.

The Hon. R. Hetherington: Probably we need better public transport to the university.

The Hon. D. J. WORDSWORTH: If fewer people use their own cars we will be able to provide a better transport system. It is remarkable how many cars arrive at the university with only one person in each, whereas they could be carrying more than one. The need for cars to carry more than one person to alleviate the problem is well recognised.

I thank the Opposition for its support of the Bill. I draw the attention of members to the amendment I have placed on the notice paper.

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 Transport) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 16A amended—

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

Page 4—Delete paragraph (d) and substitute the following—

(d) providing—

(i) that where an allegation is made of a breach of a by-law and an element of the breach is the use, driving, parking, standing, or leaving of a vehicle and the identity of the driver or person in charge of the vehicle at the time of the breach cannot be immediately established a notice of the allegation may be addressed to the owner of the vehicle at his last known place of residence or business or may be served on the owner of the vehicle by leaving it in or upon, or attaching it to, the vehicle; and

(ii) that if—

(I) the prescribed penalty is not paid within the period specified in the notice; or

(II) the owner of the vehicle does not, within the period specified for the payment of the penalty—

(A) identify the person who was the driver or person in charge of the vehicle at the relevant time to an authorised person; or

(B) satisfy an authorised person that, at the relevant time the vehicle had been stolen or unlawfully taken or used,

the owner is deemed to be the driver or person in charge of the vehicle at the time of the alleged breach;

The Hon. R. HETHERINGTON: The Opposition supports this amendment as it makes impossible the kind of abuses I mentioned during the second reading debate. The amendment makes it clear where the responsibility will lie and it improves the Bill.

The Hon. NEIL McNEILL: I am surprised that the Hon. Robert Hetherington expressed enthusiasm for this amendment, bearing in mind that he has been a little critical of the potentials that may exist for the university to exercise the

authority which this amendment will give to its governing authority. My reservations arise from the powers we are granting to the university. We are not only establishing that the onus will be on the owner of the vehicle as distinct from the driver, but also we are giving the university power to do certain things; power which is not available to the police. I refer to such matters as towing away a vehicle. We are granting that power presumably to a person authorised by the university; a power that is quite severe.

The Hon. R. F. CLAUGHTON: Local authorities can take vehicles off some roads.

The Hon. NEIL McNEILL: I can recall when the power contained in the amendment was given to the police; it was a very controversial matter. This amendment is to be included, possibly as a result of discussions in another place, and it is virtually being passed without comment in this Chamber. I do not oppose the amendment, but I do have serious reservations about the way it may be implemented by an authorised person.

The number of vehicles that are parked at the university, whether they belong to the staff or the students, must surely be of great concern to the university authorities and the Minister. I wonder whether there has been a serious investigation into the possibility of further public transport. I do not know what number of vehicles is involved, but visitors must find it almost impossible to park their cars when attending the university on business. I believe an investigation would be worth while to see if a suitable alternative is available.

I emphasise my reservations and repeat that these are serious powers involving a very serious principle, and I trust the university will use the greatest caution in implementing the powers.

The Hon. D. J. WORDSWORTH: The Minister for Traffic has no power over parking in this area. He is responsible for parking in the City of Perth which is flush with money raised from parking fees which the council puts back into parking. I imagine Perth is more ably served, in so far as parking is concerned per person employed in the city, than any other city in Australia. The City of Perth cannot charge for parking at the university, although I feel that probably is the best answer.

I presume the university will appoint a parking inspector to supervise the parking just as local shires do. This amendment allows the owner of a car whose son or daughter may have driven it to the university to explain that he—the owner—did not put it there.

The Hon. R. HETHERINGTON: I take the

Hon. Neil McNeill's point. It is rather ironic to find myself supporting a clause which puts the onus on drivers, although I believe this amendment will improve the rather vague clause in the Bill. We have reached the stage where we sometimes accept too lightly, as perhaps I did, the erosion of freedoms, such as putting the onus of proof on the person concerned.

We should consider this sort of thing carefully in future and we should always be worried about this erosion of individual freedoms. I think it is a commentary on us that we take rather too lightly Bills that give these powers to authorities.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 3 to 5 put and passed.

Title put and passed.

Bill reported with an amendment.

## POISONS ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 8th August.

THE HON. LYLA ELLIOTT (North-East Metropolitan) [5.42 p.m.]: The Opposition is not opposed to the principle contained in this Bill that there should be some legislative control over the prescription of drugs, particularly drugs of addiction.

We would like to qualify our support in that we would not like to see the State unduly interfering with the legitimate rights of doctors to prescribe for patients as they see fit. I would like to hear from the Minister as to what the Government has in mind in respect of regulations in this regard. The Opposition would like to know how restrictive the regulations are going to be. Are individual doctors to be restricted; are they going to be able to prescribe certain drugs only, while others will be banned; will limits be imposed on the quantity that can be prescribed?

Although the Minister does not say so, I presume the drug the Government is concerned about is methadone. I am worried that unduly harsh restrictions will be placed on GPs, making them unable to treat their patients effectively.

I would like to draw attention to section 54 of the Poisons Act which gives the Minister wide powers. It reads as follows—

54. (1) Any inspector appointed under the Health Act, 1911, or other person authorised in that behalf in writing by the Minister, may at any reasonable time, for the purpose of ascertaining whether the provisions of this



Act and the regulations are being complied with,—

- (b) inspect and examine any room or part of the premises entered upon, and any goods or records in those premises;

Does this mean that the inspector can enter a doctor's surgery and inspect a patient's confidential records? If this is so and too much pressure is put on the individual doctors so that the confidentiality of their patient's records will be destroyed, what will be the result? Will general practitioners be less inclined to treat drug dependants who genuinely want to kick the habit? Some people do not want to go to the ADA because it is an official authority and that frightens them. Many people prefer to be treated or assisted by their own doctors. As I say, if pressure is placed on the general practitioners so that they are dissuaded from helping drug dependants to kick the habit, and those persons are the type who will not go near the ADA, what will be the result? Will there be a deterioration in the situation as we know it now, which is rather frightening, to say the least? Will these people increasingly be at the mercy of the drug pushers and therefore perhaps turn to crime to enable them to support the habit?

We hope that these controls will not have this result and that a careful check will be made on the situation. Of course the Minister has told us that there will be some safeguards because the regulations which are to be drafted will be examined by the advisory committee which comprises representatives of the pharmaceutical and medical professions. Therefore I hope that it will provide some safeguards.

Having said that, I wish to state that the Bill is rather untidy. The new section is related obviously only to drugs of addiction and specific drugs, and the section is to be inserted under part III of the Act which deals with poisons and other substances.

The Bill amends section 23 which deals with the sale of poisons—all sorts of drugs, and so forth. I would have thought it would be more appropriate to make the amendment to part IV which deals with drugs of addiction. Section 42, in part IV, in fact specifically refers to the forging of prescriptions for drugs of addiction. I would like the Minister to explain why the amendment is not being made to part IV instead of to part III.

The amendment to section 23 seems to conflict with the proposed amendment to the regulations. The amendment to section 23 allows doctors to prescribe drugs of addiction, but the amendment to section 64, dealing with the regulations, refers

to prohibiting doctors from prescribing drugs of addiction. Is it intended that individual doctors will be so prohibited? I cannot understand what the provision intends and I would like the Minister to explain it.

Finally, while we agree that it is necessary to have laws to control drugs of addiction which are capable of destroying lives, we believe that the problem will not be solved at this end. The problem must be tackled at its base, and until conservative Governments realise that preventive measures are the only real effective ones to take, evils like drug addiction, alcoholism, and crime will increase. While we have Governments like the Fraser Government continually ruthlessly cutting expenditure on things like education, community health, housing, recreation facilities, and health education in the field of family planning, and refusing to stimulate employment opportunities, all these socially disastrous policies will continue to produce the kind of desperately unhappy people who turn to drugs for relief from the anxieties in their daily lives.

With those few words and the reservations I expressed, we support the Bill.

**THE HON. R. J. L. WILLIAMS** (Metropolitan) [5.51 p.m.]: I think Miss Elliott would have been surprised had I not risen to my feet to speak on this particular Bill. Let me remind her that she implies that the Fraser Government, by its measures, is alone responsible for the increase in drug addiction, but she was a signatory to a document—as was I—in 1972, one part of which stated that there would be a grave escalation of the drug problem in Western Australia. That was as far back as 1972 and the honourable member knows we did not arrive at that conclusion merely by staring through windows. We were given the information in a great deal of evidence which was presented to us; and in 1972 Mr Fraser was not the Prime Minister of Australia. Therefore it seems a little unfair to blame him for the increase in the drug problem.

**The Hon. D. W. Cooley:** It was not Whitlam, either, in 1972.

**The Hon. R. J. L. WILLIAMS:** I did not say it was, did I?

**The Hon. D. W. Cooley:** No.

**The Hon. D. K. Dans:** He thought you might be going to.

Several members interjected.

**The PRESIDENT:** Order!

**The Hon. R. J. L. WILLIAMS:** When the

conversation is finished I will address further remarks to you, Mr President.

First of all let me say that I could give rhyme, reason, and quite a deal of information about this Bill. Unfortunately, because of the previous position I held, I gave this evidence, which I could give now, in camera to a Royal Commission and that Royal Commission has not yet submitted its report. Therefore I do not believe it would be right or proper—even if I were to claim privilege to do so—if I were to give this information now.

However, I can help out by making one or two comments about the Bill. First of all, if I had my way—and I will not have my way—I would totally ban the use of methadone. Members will recall that some furor was created 18 months ago about this particular drug and the ADA's method of handling it. Heroin, the real drug of addiction, with which methadone is intended to help, is horrible. However, do not let us forget that methadone is not as debilitating, but is twice as addictive as heroin and consequently it gave great rise for concern, not only to the ADA, but also to the Public Health Department. I can only say—for reasons I previously stated—that enormous quantities of methadone were being prescribed willy-nilly for patients in this State.

Briefly, what was happening was that the Eastern States addicts and pushers were commuting to Western Australia and doing the old trick that other addicts had done years previously with drugs such as pethidine. They were going from practitioner to practitioner and, by using fictitious names, were picking up a supply of methadone which they were then selling. The street price at that time was \$5 per tablet to the less fortunate.

The Commissioner of Public Health expressed concern about this because there were no legal means by which to limit the supply of methadone by any medical practitioner. If I read the Bill correctly, it is intended to overcome this anomaly. This aspect was mooted and was studied by a large committee of doctors and their representatives and other interested people and it was decided that only certain medical practitioners should be registered and enabled to provide certain drugs of addiction. If a doctor feels competent enough to treat an addict, he may apply to the Commissioner of Public Health for a permit to prescribe this drug, and he may prescribe only so much.

It can be readily understood that because of the number of prescription pads which had been stolen in this State, the use of the drug was escalating out of all sight, and people who were

not previously addicted were becoming addicted to methadone.

Previously in the House I have indicated that methadone was originally prescribed as a cough syrup. Unfortunately it was found that a side effect was useful in the treatment of heroin addicts. Many schools of thought in the world vary on the use of methadone in the treatment of heroin addiction. One such school seems to be having a great deal of success.

I can no longer speak for the ADA because I do not know what is going on there any more. One school of thought believes that a heroin addict should be brought down by the cold turkey method. They do not believe he should be lowered gently by means of methadone.

Some addicts go to enormous lengths to obtain supplies of this particular drug, this innocuous thing called methadone. They will cheat, lie, steal, bash, rape, and even use prostitution towards this end. Therefore it was considered essential that the Public Health Department which, after all, monitors all prescriptions in this State, should take a hand and decide what the legislation should do.

I am not a person to drop names, and I do not intend to do so tonight, but it is a great pity that after all the terrific work one or two people put into this aspect, one or two others have been reckless in the prescribing of the drug, and could not be brought to book legally. This Bill will correct this anomaly.

Members must not forget that not all practitioners wish to treat drug addicts, but those who want to do so will still be able to do so under the Bill, and that is the important point. However, if anyone prescribes a drug of addiction, without permission, he will suffer the full penalty of the law as stipulated in the Bill. No-one will be able to avoid this once proof is established that a breach of the law has occurred. The addicts and pushers will find it very difficult to obtain illegal supplies.

It is not secret that as a result of computerisation we know how much methadone is consumed in this State and what prescriptions are issued. I want to reassure Miss Elliott about the confidentiality of records. Once a prescription has been filled in and it is considered that a doctor is overprescribing a drug—let us take a common drug like mysteclin which is a common antibiotic—another doctor will visit him and ask the reason for his action and question him as to a possible alternative to prescribe. This system did not operate previously, but now, when all the charts are computerised and it is found that a

doctor is prescribing too much of a particular drug, the appropriate medical teams can move in and ascertain the reason.

*Sitting suspended from 6.01 to 7.30 p.m.*

The Hon. R. J. L. WILLIAMS: Prior to the tea suspension I was explaining the relevant passages of this Bill to amend the Poisons Act. I was explaining what is really behind the Bill, because often measures that come to this place seem innocuous enough until we start to investigate them. In point of fact this Bill is strictly to deal with drugs of addiction, and perhaps the matter we are most worried about at this point in our history is the addiction to and the prescribing of the addictive drug methadone. It was not by accident that as far back as June, 1977, a working party was set up from the Public Health Department and the Alcohol and Drug Authority to consider this whole problem.

Prior to the tea suspension I was relating to Miss Lyla Elliott the reasons for the application of the clauses of this Bill to this problem. One of the most essential matters I covered—and at the risk of boring my colleagues I will repeat it—is that not every general practitioner wishes to prescribe for or treat drug dependants, or even for that matter alcohol dependants; and as you know, Sir, from past experience, I do not distinguish between the two. Alcohol and chemically concocted drugs are to me the same, and they can be drugs of addiction if they are abused.

I remember that Miss Elliott asked why section 23 of the principal Act is being amended whereas she felt the amendment would be more appropriate to section 64. She also expressed horror at section 64. I wish to assure her and the population at large that people who receive treatment for any form of drug dependency in this State are as well protected as those who go to the special clinic in Moore Street—or indeed to any of its outposts—for the treatment of sexually transmitted diseases. The patients are treated and their names are not revealed. I think it is to the credit of both the Public Health Department and the Police Force that no pressure of any sort is placed on the staff in respect of access to patients' records. No inquiry is sought as to who the patient is or what is the drug of addiction for which he or she is being treated, even though some of them may be engaged in the nefarious trade of drug trafficking.

It is well known that people do report for treatment to drug centres in this State, and if they are drug traffickers even in a minor way their treatment is absolutely confidential. I wish to assure Miss Elliott of that.

The honourable member also mentioned that she hoped the amendment would not be so restrictive as to deny treatment to those people who do not want to go to the ADA premises for treatment. Generally speaking, those who do not want to go to the ADA for treatment are seeking the easy way out. They do not really desire to be rehabilitated; they want a soft let-down, an easing of their pain, and then they can go back out and carry on in the same way as before. It is no wonder that from time to time in the Press there appeared comments stating that the ADA refused to treat this or that patient. Such comments caused a furore in the Press, on the television, and even in another place in this Parliament.

Of course, no-one bothered to find out why treatment was refused, if indeed it was refused. A regime of treatment is required for drug addiction, and a person is required of his own free will to sign a statement saying he will follow the course of treatment. Imagine, Sir, a person saying, "I want to be treated, I have pain; but there is no way in the world I will abide by the rules of this place." One of the rules of the place was that persons being treated for alcohol dependency should not drink alcohol. We had a weird situation; in another place some members regarded as a crime the fact that the then director refused treatment because a fellow would not say, "I will come in and sober up and will not have a drink while I am taking your treatment."

Those cudgels were taken up a long time ago, yet people still wonder why at a detoxification centre—a sobering-up centre, call it what one will—where people are dangerously ill when admitted they are required to sign a statement saying they will follow the course of treatment.

These people are dangerously ill when they are admitted. I have said before in this Chamber that people who are drunk are nearer to death than they have ever known. I have seen people in an unconscious condition for as much as two days from the ingestion of too much alcohol. Imagine the situation then, when they combine both and have the polydrug abuse effect; that is, narcotics in one hand and a glass of alcoholic drink in the other hand, because it gives them a bigger kick.

Despite that, the people who were refused treatment then went to general practitioners in this fair city who were willing to treat them because they felt they had the qualifications to do so.

This simple Bill is one of the most welcome Bills for addicts that has ever been produced in this place. It ensures that no doctor, unless his own peers pronounce it is to be the case, will be

allowed to prescribe and treat people for addiction. Any doctor who is permitted to do so must keep accurate records, and I think the amendment to section 64 should be considered here because it requires that any person who writes a prescription for a specified drug must keep a copy.

In this respect let us bear in mind two things: The day after tomorrow a miracle drug could be discovered to cure a type of cancer. A miracle drug could be discovered to cure alcoholism or drug addiction. I say with all humility that in the past the side effects of some of these drugs have been known to create as many, if not more, problems than they cure. Many, many drugs are properly prescribed by medical practitioners at the moment for the benefit of their patients, and let us not believe that every addict we read about in the Press is unintelligent and ill-informed. They study their drugs, and if they find there is a drug, be it a drug of addiction or not, which will give them a kick in any way, they will use it. Therefore, it is most important that we pass proposed new section 64(2a)(b).

I congratulate the Minister and his staff and the doctors of the Public Health Department for the painstaking work they have carried out to arrive at this Bill. They are really doing a service to the public.

I am aware that Miss Elliott pointed out in her opening remarks why the Opposition supports the Bill. Perhaps it should be well noted in the Press and the other media of this State—and it will not be because it is too late—that neither the Opposition nor the Government has ever disagreed in this House that these unfortunate people need help.

I make an appeal to members: There is no need to argue about this; there are no hidden traps. Only the unscrupulous will suffer the penalties in this Bill, and I do not care whether they are medical practitioners, pharmacists, or whatever. I repeat a statement I made in this House a long time ago: The penalties which are purely pecuniary in this legislation are not sufficiently harsh, particularly if the AMA or the pharmacists guild do not discipline their members. Power is given to professional associations to strike off members, but I still think that death is too good a penalty for those people who peddle human misery.

**THE HON. D. J. WORDSWORTH** (South—Minister for Transport) [7.44 p.m.]: I thank members for their support of the Bill, both from the Opposition and from the Government side of the House. We are fortunate that we have

a person such as the Hon. John Williams who has made such a study of this subject and can explain it to us. He deserves much credit for the work he has put into this subject and the contribution he has made to the Alcohol and Drug Authority. I am sure it is very satisfying to him when he realises the help he has given to these unfortunate people.

Very little was raised which requires an answer. The Hon. Lyla Elliott raised the matter of where the amendment should be made in the principal Act. She questioned whether it should not be in a different section; at present, it is in section 23, which relates to the sale of poisons. I believe she is being a little pedantic. I find it to be a most suitable place in the legislation as obviously do the people responsible for drawing up this amendment.

I believe Miss Elliott's preference was that it should go under part IV, which has to do with drugs of addiction. There are other requirements particular to division 2 which relates to the sale of poisons, such as the keeping of records of their sale which are already contained in the legislation. It also eliminates any doubt in regard to whether they should be classified as drugs of addiction.

I thank members for their support.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

## **SMALL CLAIMS TRIBUNALS ACT AMENDMENT BILL**

### *Second Reading*

Debate resumed from the 8th August.

**THE HON. D. W. COOLEY** (North-East Metropolitan) [7.49 p.m.]: The Opposition supports this Bill, because we see that the principal amendment is designed to give the consumer a greater degree of protection. When one examines the degree of exploitation of consumers which prevails in our society today, one would agree with any amendment—within reason—aimed at tightening up the Statutes in Western Australia to give consumers a fairer deal. Certainly, it is acceptable to the Australian Labor Party. It is high time the Government took a look at legislation to protect the consumers from this exploitation and the shady deals which go on. This legislation is a move in the right direction.

The Minister in his second reading speech cited cases where the wreckers of motor vehicles sold worthless engines to unsuspecting customers. The customer was able to make a claim before the Small Claims Tribunal but, under the present legislation, it is not possible to make the seller of those goods take the goods back and either reimburse the consumer or give him an article of comparable quality in good working order.

This amendment will give the tribunal power to order the return of goods to the supplier who, in turn, will reimburse the purchaser. I imagine there is a whole range of goods, other than car engines, to which this amendment could apply, particularly among the many private transactions which take place over the weekend through newspaper advertisements and backyard trading. People are being exploited every day of the week and it is good to see that something is being done to allow them recourse to reasonable justice.

We believe the Act may later be amended to enable the tribunal to refer some of these cases to the Crown Law Department, where it is found that misrepresentation or fraud has occurred. We believe this would be an advantageous power to give the tribunal which may deter some unscrupulous people from taking advantage of consumers.

The Bill also contains an amendment designed to widen the registrar's powers to enable him to give notice to all interested people in a particular claim, including those people who may have been mentioned in the course of a proceeding before the tribunal. At present, this is not possible. If a person's name is mentioned during the course of hearings, and that person can be of assistance to the tribunal, under the law as it presently applies he cannot be subpoenaed to attend the tribunal, and this amendment will rectify that situation.

The final amendment will repeal existing provisions regarding the service of notices and provides that section 31 of the Interpretation Act will apply in this regard. At the moment, personal service must be carried out by certified mail. The amendment provides for a greater variety of service, including personal delivery by ordinary post. The Minister's explanation for the change was that it would reduce the postal expenditure. I suppose this is a common trend in Government circles, particularly after we listened to the Budget Speech from Canberra tonight.

The Hon. G. E. Masters: Are you saying that is wrong? Should not a Government try to save money?

The Hon. D. W. COOLEY: I think it is important that people receive the proper service.

This provision will make the serving of notices a far more lax affair. The Government is saving the cost of stamps. However, if Mr Masters cares to keep his eyes open he would see a tremendous waste of money in Government circles—sometimes, even in this place—far more than the expenditure of a few dollars on postage stamps. A great deal of money is expended unwisely.

We believe this provision is penny-pinching, but we do not oppose the change. I suppose we all must co-operate in this so-called policy of cutting down on Government spending. If saving a few stamps will help in that endeavour, we must go along with it. In the main, the Opposition supports the legislation.

**THE HON. O. N. B. OLIVER** (West) [7.54 p.m.]: I support the legislation. I do not agree with Mr Cooley that the whole of consumerism is a great problem, and that all consumers are being exploited.

However, I am concerned with one aspect of the legislation, and I should like some amplification from the Minister. I refer to the situation where a court order is made which places a company in receivership, or receiver managership. When this occurs, a complaint may already be lodged with the Small Claims Tribunal. However, it would be in contempt of court to proceed. The money must be paid to satisfy the complaint, but the Small Claims Tribunal is unable to proceed. I would be very interested to know whether consideration could be given to this point in the future.

**THE HON. D. J. WORDSWORTH** (South—Minister for Transport) [7.55 p.m.]: I thank members for their support of this legislation. In expressing the support of the Opposition, Mr Cooley said it was about time the Government looked at this sort of legislation. I think it is indicative of the fact that the Government is so concerned with this area that it has come up with this Bill.

He raised the point of goods being sold by Press advertisements. Perhaps some day we will be able to get down to those sort of refinements. In this Bill we are at least getting down to people who are in business, and who are making a business of selling things. I believe we would be entering a quite different field were we to consider householders, or someone else who advertises a product or an article in the newspapers. Such people would be very difficult to work into legislation because they are not professionals at selling particular products or goods, and genuine mistakes could occur more easily.

The Hon. D. W. Cooley: At present, there is too much encouragement for this sort of practice. One has only to look at the weekend newspapers, particularly the "Readers' Mart" section to know that there are thousands of people selling goods quite illicitly.

The Hon. D. J. WORDSWORTH: Let us have a look at this. We have always operated on the principle of "let the buyer beware". While it might not apply to selling secondhand car engines, it still applies to goods sold via the "Readers' Mart", where people hope to get something that is really on the cheap.

Mr Oliver referred to the position where a company goes into liquidation or receivership prior to which a claim has been made against it. Quite frankly, I am unable to answer that question offhand, but I will forward his query to the Minister, so that he may answer Mr Oliver's request by letter. It is not included in this legislation, but I do understand the problem he raised.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

## LIMITATION ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 8th August.

**THE HON. D. K. DANS** (South Metropolitan—Leader of the Opposition) [8.00 p.m.]: The Opposition supports this Bill and has a few comments on it. The Bill is a simple measure inasmuch as it seeks to add a new section, namely section 37A, to the existing Limitation Act. The purpose of the new section is to protect the Consolidated Revenue Fund where taxes, fees, or charges imposed by the State Government are shown to be invalid.

The Opposition appreciates the fact that under the existing six-year recovery period an enormous amount of money could be lost from Consolidated Revenue at the expense of the Government's ability to provide for the people of this State. The Opposition appreciates also the necessity for legislation to ensure that the State's financial resources are not exposed to such a great risk. We appreciate also the issue raised by the Minister in his second reading speech with regard to the inequity which results from the refunding of some payments that are shown to be unconstitutional. We know that the consumer or taxpayer may pay

twice for refunds, which are made, of payments shown to be invalid.

Thus, we support the legislation; however, we believe there is a strong onus on the Government to assess very closely the validity of legislation which places a charge on the people of this State before the legislation is introduced and/or the fees are charged. In other words, we should be much more careful with legislation.

The period of six years is a long one within which to refund money. We had a similar experience some years ago when the Tonkin Government decided to refund certain taxes. I think it was the stamp duty tax. In many cases the money was able to be refunded; but it was a mammoth task and in some cases, of course, people who were entitled to the refund simply said, "Forget about it." They said that because it was very difficult to get it.

The idea was sound and the Tonkin Government made the right decision when it decided to refund the money; but problems were involved.

There is some concern that charges which have been levied recently have been of doubtful validity. I wish also to make the point that if members of Parliament had a more reasonable method by which they could scrutinise legislation which comes before the House, unconstitutional or otherwise invalid legislation would not be passed through the Parliament, and people would not be in the position of having to pay taxes which they should not be paying. I am referring, of course, to Standing Committees of Parliament. If for no other reason, this House of review could interest itself in that area. We would not, in that case, need to introduce Bills to validate legislation which has subsequently been proved to be invalid or is likely to be proved to be invalid. That is the role of Parliament and it is certainly the role of the House of review. We may be sure, regardless of the way in which we talk about this House, its usefulness, or otherwise, it has a role to play and it is not playing that role.

If we look at the Standing Orders of the Legislative Council, irrespective of the side on which we sit, we will see that many years ago it was realised we needed a sufficient period of time in which to consider legislation. Perhaps in those days Standing Committees were not thought of. However, one would not quarrel that today this House is a political House. But that has not stopped the Senate from adopting a Standing Committee system which is expanding steadily.

Without detracting from our support of the Bill, I believe the members of this Chamber,

particularly in these very worrying times, should apply their thoughts and energies to the matters I have just mentioned.

I wish to make a further point in respect of levies charged recently by the State Energy Commission. These levies were found to be illegal. I believe the Minister for Fuel and Energy has been less than frank when telling people whether the services charged by the State Energy Commission were in fact illegal. I fail to see why the Minister should not be open on this subject. It is obvious that if it has been necessary to introduce legislation to validate these charges, there is no doubt they were illegal. I reiterate that the levying of taxes, charges, and fees upon the people of this State is a matter which should be taken very seriously and carried out in a manner which leaves no doubt as to the validity of the charges.

No-one willingly pays taxes. It is important that people understand taxes are collected legally. I believe that is the crux of the matter. We support the Bill. It is necessary. However, I do not believe the Government would have to introduce legislation such as this, and I do not believe it would have to bring validation Bills before the Legislative Council if in fact Standing Committees were set up to examine the situation and to draw on the expert opinion which is so widely available to us in the Public Service and indeed in the private sector. These organisations would be able to provide us with the advice we need. It is a reflection on the parliamentary processes that validating legislation, and legislation such as this, have to be introduced into a Parliament where members—and there are approximately 80 of us—have allowed legislation to be passed without making sure the charges contained in that legislation were in fact legal.

One could understand the dilemma of any Government, regardless of its complexion, if matters were allowed to continue for X number of years and were then found to be illegal. There would be great problems trying to refund the money.

This Opposition is a responsible one. It has no other course but to support the Bill, bearing in mind the comments I have made about the necessity to be very careful in these matters and also the necessity for this Parliament of Western Australia to examine the desirability of streamlining some of its operations in order to make the system more workable than it is at the present time. We should also try to ensure the system is able to withstand the pressures present in 1978.

We support the Bill.

**THE HON. G. C. MacKINNON** (South-West—Leader of the House) [8.08 p.m.]: I thank the Leader of the Opposition for his comments. As usual, his remarks were cogent and it is obvious he has given some thought to the matter. It is difficult to disagree with him. In many ways, legislation is becoming more complex, not by the nature of the legislation but by the nature of government.

The Hon. D. K. Dans: I agree.

The Hon. G. C. MacKINNON: At one time one could run many aspects of a department in isolation. It is rare now that a move can be made in any department, no matter how small, which does not result in repercussions in several other departments. There are some small departments, of course, in which this is particularly noticeable. Most obvious among these would be the Department of Conservation and Environment, which touches upon other departments.

The Hon. D. K. Dans: It could not be a better example.

The Hon. G. C. MacKINNON: In some countries, the Department of Conservation and Environment has changed in its nature and it has become the octopus which has gobbled up all the other departments. It is now the biggest of all departments in some places. It has become mammoth in its own right.

Whether or not the committee system would solve the problem I do not know. It seems to be working very well for the Senate.

The Hon. D. K. Dans: Nothing would solve it. It would make every member aware of everything that is involved.

The Hon. G. C. MacKINNON: The comment made by the Leader of the Opposition is probably correct. It is unfortunate that many of the advocates of the committee system hold it up as the panacea of all evils. That is not the case.

The Hon. D. K. Dans: It mitigates them.

The Hon. G. C. MacKINNON: There are indications it may mitigate the situation. It would, as the Leader of the Opposition has said, make more people aware of what is happening.

I use the committee system extensively outside the House, in the party system. I find committees to be very valuable in that shortcomings are pointed out and, if the actions proposed are relatively good, one tends to gain a body of support which is of equal value. Nevertheless, some very carefully examined legislation has, in my experience, proved to be faulty. Legislation, which has been examined with great care by

people with sufficient time to look at it, has proved to be faulty.

Another aspect which would need attention as we go along is the increased activity of members of Parliament. I have been a member of Parliament long enough to have noticed the change. Early in my experience I asked Sir Ross McLarty what he considered to be the biggest change he had noticed in members of Parliament. He told me at that time that progressively over the years they had become more hard working, more sober in their approach—I do not mean that in the old days they got drunk more often—and, in the main, they were very conscientious. I believe that to be the situation.

I believe constituents approach members of Parliament more frequently. This has been more noticeable amongst the members of the Legislative Council since we have moved to the adult franchise. I believe people regard us slightly differently, as members of Parliament, and I believe we should encourage the difference.

The Hon. H. W. Gayfer: I thought it might have meant some of them would have come up to join us.

The Hon. G. C. MacKINNON: At the time when the Legislative Assembly members came to join us, we were on an average age far younger than the Assembly members and they benefited from their move into this very vigorous and more virile House.

The Hon. D. K. Dans: You would have to be joking.

The Hon. G. C. MacKINNON: My friends who read *Hansard* tell me they read the Legislative Assembly *Hansard* for entertainment and the Legislative Council *Hansard* for information. That is mainly because we have studious members of the character of Mr Gayfer in this Chamber, and members who do in fact speak to the Bills. Apart from the measure before us, the comments made by the Leader of the Opposition were thought provoking and tended to make me think of one or two matters I have been meaning to do. Indeed, his comments reminded me of one matter which I thought I had started, but which perhaps I had not started.

I thank the Leader of the Opposition for his support of the Bill and ask that it be read a second time.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

Bill passed through Committee without debate,

reported without amendment, and the report adopted.

## LAND VALUERS LICENSING BILL

### *Receipt and First Reading*

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

### *Second Reading*

THE HON. G. C. MacKINNON (South-West—Leader of the House) [8.15 p.m.]: I move—

That the Bill be now read a second time.

This Bill provides for statutory control of land valuers; that is, those who, in the course of business, value land on behalf of others. At present land valuers are not subject to any specific statutory control.

Section 14 of the Transfer of Land Act provides that the Governor-in-Council may on the recommendation of the Registrar of Titles appoint sworn valuers, but it is not at present necessary to be a sworn valuator to practise as a valuer. In any event there is no guidance given in the section as to the standards required to be applied to sworn valuator applicants, nor is there any control to the behaviour of persons who have been appointed.

Apart from the Transfer of Land Act requirement, there are no legislative prerequisites of either qualifications or experience to prevent any person from nominating and entitling himself to be a valuer.

This Bill is designed to remedy the situation. Land valuers will no longer be able to carry on business as such unless they are licensed under this legislation. Applications are to be made to the land valuers registration board, which is to be set up under this legislation. Any persons aggrieved by a decision of the board will have a right of appeal to the District Court.

The land valuers licensing board will consist of five members; a chairman who will be a legal practitioner, and four members who shall be persons experienced in the valuation of land, one of whom will be nominated by the Minister, two to be nominated by the Western Australian division of the Institute of Valuers, and one to be nominated by the Real Estate Institute of Western Australia. The term of office for each member shall be for a period not exceeding four years.

The board will be assisted in the carrying out of its functions by a registrar and other officers of



the board, appointed under the Public Service Act.

The board will have the power to cancel or suspend a land valuer's licence and also to fine or caution a licensee. For these general purposes the board will have the power to hold an inquiry, to summons witnesses, and administer oaths.

The board will be required to fix the maximum amount of remuneration for various kinds of services rendered by licensed valuers.

These several points are a general outline of the proposals contained in the Bill which I commend to the House.

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

#### **ACTS AMENDMENT (LAND VALUERS) BILL**

##### *Receipt and First Reading*

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

##### *Second Reading*

**THE HON. G. C. MacKINNON** (South-West—Leader of the House) [8.19 p.m.]: I move—

That the Bill be now read a second time.

This Bill is consequential to the Land Valuers Licensing Bill and provides for minor amendments to the Transfer of Land Act, the Trustees Act and the Building Societies Act.

It is designed to amend references to valuers in those Acts to conform with the provisions of the Land Valuers Licensing Bill and I commend the Bill to the House.

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

#### **SUITORS' FUND ACT AMENDMENT BILL (No. 2)**

##### *Receipt and First Reading*

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

##### *Second Reading*

**THE HON. G. C. MacKINNON** (South-West—Leader of the House) [8.21 p.m.]: I move—

That the Bill be now read a second time.

Since the passage of the Acts Amendment (Jurisdiction of Courts) Act, 1976, appeals from decisions in Local Courts have gone initially to the District Court of Western Australia instead of

directly to the Supreme Court as had formerly been the case.

The District Court, however, is not at present referred to as a court of appeal in section 10 of the Suitors' Fund Act, 1964-1977, and as a result, an unsuccessful respondent to an appeal on a question of law from a Local Court to the District Court cannot be indemnified in respect of his own and the appellant's costs.

In order to provide a respondent the right to seek indemnity which he enjoyed in the Supreme Court before the coming into operation of the Acts Amendment (Jurisdiction of Courts) Act, it is necessary to add the District Court to the list of courts in section 10 of the Suitors' Fund Act and to make consequential amendments to sections 6 and 13 of that Act. It is the purpose of the present Bill to effect these changes.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. W. Cooley.

#### **AUCTION SALES ACT AMENDMENT BILL**

##### *Second Reading*

Debate resumed from the 8th August.

**THE HON. F. E. McKENZIE** (East Metropolitan) [8.23 p.m.]: The Opposition supports this amendment to the parent Act. As stated by the Minister, it is a simple amendment to remove the unnecessary expense involved in placing an advertisement in a newspaper circulating in the locality of the court to which an application will be made for an annual renewal of a licence.

One wonders why the provision was included in the Act initially, but, nevertheless, the fact that it is to be removed has the approval of the Opposition. We support the Bill.

The Hon. G. C. MacKinnon: Thank you.

Question put and passed.

Bill read a second time.

##### *In Committee, etc.*

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

*House adjourned at 8.26 p.m.*

# **QUESTIONS ON NOTICE** **LOCAL GOVERNMENT AND** **WATER RATES**

## *Rebates: Repatriation and Service Pensioners*

194. The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Local Government:

Further to my question No. 151 on the 4th May, 1978, relating to local government and water rates, will the Minister advise—

- (a) if the review of this matter has been completed; and
- (b) if so, whether it is proposed to introduce an amendment to the Act to extend the benefit to recipients of Repatriation and Service pensions?

The Hon. G. C. MacKINNON (for the Hon. I. G. MEDCALF) replied:

- (a) The review is nearing completion.
- (b) The need for any amendment to the Act will depend on the findings of the review.

## **BIRDS**

### *Charges under Wildlife Conservation Act Regulations*

195. The Hon. F. E. McKENZIE, to the Minister for Fisheries and Wildlife:

For the period the 1st December, 1976, to the 31st July, 1978, how many persons have been charged with offences related to the keeping of birds contrary to the provisions of the Wildlife Conservation Act Regulations?

The Hon. G. C. MacKINNON replied:

Statistics relating to offences under the Wildlife Conservation Act are published in annual reports of the Western Australian Wildlife Authority. The 1977-78 report is being compiled and the information requested is not yet available.

## **POLICE**

### *Hand-held Two-way Radios*

196. The Hon. D. K. DANS, to the Leader of the

House representing the Minister for Police and Traffic:

Will the Minister arrange for ample hand-held two-way radios to be available at all police stations to ensure the safety of police officers when they cannot reach their vehicles to call for assistance?

The Hon. G. C. MacKINNON replied:

The Commissioner of Police advises that a programme has been embarked upon to issue all Police Stations with sufficient hand-held portable two-way radios to ensure the safety of police personnel.

## **BIRDS**

### *Inspection and Confiscation*

197. The Hon. F. E. McKENZIE, to the Minister for Fisheries and Wildlife:

- (1) What authority does an officer of the Department of Fisheries and Wildlife require to enter private property to inspect the keeping of birds?
- (2) Is the officer required to show that authority before entry?
- (3) What authority does the officer have to confiscate birds and cages?
- (4) What manner of disposal does the department employ in relation to the confiscated birds and cages?

The Hon. G. C. MacKINNON replied:

- (1) and (2) See discussions on pages 2261, 2466, 2473 and 3006 of the 1975 *Hansard*.
- (3) and (4) See sections 20 and 27 of the Wildlife Conservation Act, 1950-1977 and Wildlife Conservation regulation 61.

## **PENSIONERS**

### *Free Railway and Bus Transport*

198. The Hon. R. F. CLAUGHTON, to the Minister for Transport representing the Minister for Community Welfare:

- (1) Has the Government considered extending travel concessions for pensioners living in the country by providing for free travel by Westrail rail or bus service?

- (2) If so, does the Government intend to implement these concessions?

The Hon. D. WORDSWORTH replied:

- (1) Yes, however, eligible pensioners living in the country may already travel by Westrail rail or bus services for half fare. In addition, they receive one free single or return journey a year on Westrail rail or road services. Eligible pensioners living in the country requiring specialised medical treatment in the metropolitan area also travel free of charge on Westrail rail or road services.
- (2) No further extension of existing concessions are proposed at the present time.

## POLICE

### *Ties: Removal*

199. The Hon. D. K. DANS, to the Leader of the House representing the Minister for Police and Traffic:

Will the Minister ask the Commissioner to allow policemen to remove their ties when in summer uniform?

The Hon. G. C. MacKINNON replied:

The Commissioner of Police advises that following an approach from the WA Police Union, he has agreed to review this matter in twelve months. In the interim, shirt design is being considered.

## POLICE

### *District Allowances*

200. The Hon. D. K. DANS, to the Leader of the House representing the Minister for Police and Traffic:

Will the Minister investigate the inadequacy of district allowances so they can be improved to compensate for the high cost of living in rural areas?

The Hon. G. C. MacKINNON replied:

It is assumed that the question refers to district allowances for police officers. This is a matter for determination between the Police Union and the Public Service Board.

## WESTERN AUSTRALIAN EGG MARKETING BOARD

### *Chairman and General Managers*

201. The Hon. D. W. COOLEY, to the Minister for Transport representing the Minister for Agriculture:

- (1) On what date was the present Chairman of the Western Australian Egg Marketing Board appointed?
- (2) How many general managers have been employed by the board since that date?

The Hon. D. J. WORDSWORTH replied:

- (1) 2nd December, 1976.
- (2) Three.

## QUESTION WITHOUT NOTICE

### HEALTH

#### *Asbestos and High Risk Industries: Medical Examinations*

The Hon. R. H. C. STUBBS, to the Minister for Transport representing the Minister for Health:

- (1) Will the Minister peruse the article on page 3 of the *Daily News*, the 14th August, 1978, where Mr Geoff Smith challenged him to show—
- (a) where and when the Public Health Department carried out surveys of tradesmen working with asbestos;
- (b) copies of circulars, and/or correspondence sent either to individual companies or associations in the higher risk industries;
- (c) evidence of medical examinations and regular inspections
- (2) Will the Minister inform the House when, where and how often surveys were carried out?
- (3) What circulars and correspondence were sent out, how often and to what industries?
- (4) How many medical examinations were carried out and what trade and occupations were involved?
- (5) How many inspections were involved and how often?

The Hon. D. J. WORDSWORTH replied:

- (1) to (5) While I appreciate the member must have given some notice of this question, because it is typed, as a result of the complicated nature of the question, it will have to be placed on the notice paper in order that a full answer may be given.