

Legislative Assembly

Tuesday, 18 August 1981

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

TRAFFIC: MOTOR VEHICLES

Seat Belts: Petition

MR McIVER (Avon) [4.32 p.m.]: I have a petition signed by 315 transport drivers. It is in the following terms—

We, the undersigned strongly object to the new legislation compelling transport drivers to wear seat belts as we feel it is detrimental to our safety owing to the weight and nature of our loads.

We feel that in case of an accident or brake failure we do not want to be harnessed.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

I have certified that the petition conforms with the Standing Orders of the Legislative Assembly.

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

(See petition No. 82.)

EDUCATION FUNDING

Cutbacks: Petition

MR CLARKO (Karrinyup) [4.33 p.m.]: I wish to present a petition from 405 residents of Western Australia. It is addressed to the Speaker and members of the Legislative Assembly in the Parliament of Western Australia in the Parliament assembled. The petition is similar to other petitions presented to the House regarding the education issue, and amongst other things it says—

We urge the Government to maintain funding at least at the 1980-1981 level in real terms.

The petition conforms with the Standing Orders of the Legislative Assembly and I have certified accordingly.

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

(See petition No. 83.)

TRAFFIC: MOTOR VEHICLES

Seat Belts: Petition

MR McIVER (Avon) [4.34 p.m.]: I wish to present a further petition signed by 226 fuel tanker drivers. It is along the lines of the petition I presented previously. In part it reads—

We, the undersigned, reject the new legislation compelling Tanker Drivers to wear seat belts as we feel it is detrimental to our safety owing to the flammability of our loads.

We feel in the case of an accident or brake failure we do not want to be harnessed in any way.

I certify that the petition conforms with the Standing Orders of the Legislative Assembly.

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

(See petition No. 81.)

VETERINARY PREPARATIONS AND ANIMAL FEEDING STUFFS AMENDMENT BILL

Personal Explanation

MR OLD (Katanning—Minister for Agriculture) [4.35 p.m.]: I seek leave of the House to make an explanation in regard to the second reading speech I made last Thursday when I introduced this Bill.

Leave granted.

Mr OLD: In my speech on Thursday, 13 August, in which I moved that the Veterinary Preparations and Animal Feeding Stuffs Amendment Bill be read a second time, I inadvertently made an incorrect statement to the House. In the speech I stated that the special labelling requirements at present cost the Western Australian consumer an additional \$4 million per annum or 10c per can. The correct position is that if the current legislation were administered fully the community and the pet food industry would be subject to an additional cost of approximately \$4 million per year. The amendment has been introduced to remove an anomalous situation where a requirement of the Act is not being fully administered. The saving referred to through the amendment is a potential saving and not a real saving.

I apologise to the House for having made this incorrect statement.

Mr Carr: Easy to see why you can't run a grocery store!

BORROWINGS FOR AUTHORITIES BILL*Second Reading*

SIR CHARLES COURT (Nedlands—Treasurer) [4.37 p.m.]: I move—

That the Bill be now read a second time.

The main purpose of this Bill is to provide a means of co-ordinating and consolidating the borrowing of diverse Government authorities which may be involved in the provision of infrastructure for resource development projects.

However, before explaining the main features of the Bill I consider it desirable to provide members with some background as to the changing market scene and developments in Loan Council borrowing arrangements which have given rise to the need for a measure of this kind.

There have been major changes in the Australian domestic market for fixed rate securities in recent years. The greater popularity of investment trusts as an avenue for investment by the public and the increasing tendency for insurance companies and trusts to invest more in equity shares and less in fixed rate securities have contributed to a very competitive market for Government authority paper.

It is difficult enough for large, well-known borrowers such as the State Energy Commission to raise sufficient funds; it is increasingly difficult for smaller, less well-known borrowers to attract investors, particularly if they borrow on the private loan market and do not float public loans.

Mr B. T. Burke: But you support them increasing their rates.

Sir CHARLES COURT: A new borrower on the semi-Government market today needs to be a well-known or readily recognisable entity. Lenders need to be assured that there is a firm cash flow from which to service the debt. They do not want to have to monitor the accounts of smaller authorities to keep a watch on their performance and capacity to pay.

The existence of a Government guarantee is, in itself, not enough. Lenders do not wish to incur the time and trouble involved in recourse to a guarantor. They simply want to be assured that payments will be made correctly and on time by a body with the capacity to ensure performance.

The advent of the Australian Loan Council infrastructure borrowing programme for major projects has brought into sharper focus the need for a more sophisticated and packaged approach to the market by the several authorities which may be involved in the provision of infrastructure for a resource development project.

It is important to note that the allocations by the Loan Council for infrastructure purposes have been approved on a project-by-project basis. As such, the capital requirements for a particular project can involve borrowings by several authorities including, in the case of water supplies in country areas, the Minister for Works and Water Resources. A typical example is the approved allocation for infrastructure associated with the North-West Shelf gas project, which related to the provision of items such as water supplies, hospitals, and harbour works. Borrowing approvals for infrastructure associated with the Worsley alumina project involve the provision of a water supply as well as railway works.

I should point out that, in the first example I have quoted, the need for State authorities to borrow has diminished as the joint venturers, for their own commercial reasons, have decided to make capital contributions to fund certain of the infrastructure requirements, in lieu of meeting debt charges on borrowings by the authority concerned. However, there is still a requirement to borrow for the water supply associated with the Worsley alumina project: and loans will need to be raised in the current financial year for this purpose.

It is to be expected that special borrowings will be approved in the years ahead for other projects which could require loan raising in variable amounts, some large, some comparatively small, by more than one State authority. There is, therefore, a need to have adequate mechanisms in place to enable us to raise funds in the most efficient way and on the most favourable terms. Also, as members are aware, the infrastructure borrowing arrangements approved by the Loan Council have added a completely new dimension to the borrowing capabilities of State Government authorities. For the first time in over 50 years, State bodies now have access to overseas financial markets in respect of their loan raisings.

Under the special borrowing programmes approved for infrastructure purposes, semi-Government authorities must first seek to fill their allocations from the domestic market. However, should the local market be unable to provide sufficient funds at the time they are required, with the approval of the Loan Council approaches may be made to overseas markets.

The infrastructure borrowing arrangements were framed in the knowledge that the Australian capital market was limited in the amount of funds it could provide for the projects involved and that, therefore, approaches to offshore sources would be a regular feature of our borrowing activities.

This new dimension has brought with it new responsibilities and has required the development of considerable expertise in the workings of international financial markets and the marketing of loans in these areas. Moreover, it is important that overseas borrowings be undertaken in substantial amounts at any one time and only by authorities which, recognisably, have the financial strength to service the debt. Smaller and less well-known authorities seeking to borrow relatively small sums offshore are unlikely to be acceptable to the market or, at best, they would have to pay higher rates to attract lenders.

To these ends the Bill now before the House proposes to empower the Treasurer to borrow on behalf of State authorities for the purposes of both the infrastructure programme and the programme for borrowing by larger authorities if required.

The co-ordination of loan raisings by a central authority has the essential advantage of allowing packaging of borrowings on behalf of authorities, which to date have not been major borrowers and whose individual loan requirements may not be large, with the aim of seeking loans of sizes acceptable to financial markets.

More specifically a central authority can package borrowings for a single project or for several projects, avoid fragmented approaches to markets, maintain continuity and a strong borrower name in the market, reduce the number of separate loan agreements and therefore the fees involved and, in many cases, borrow at marginally lower rates. These advantages are readily apparent in respect of offshore operations where competition for funds is fierce and the strength of the borrower is of paramount importance in gaining support for our loans at the least possible cost.

In the Australian market the ability to package is equally important in that it makes possible the issue of public loans for multiple purposes instead of seeking a series of private borrowings in relatively small amounts in what is a difficult section of the market.

Apart from marketing considerations, there is also considerable merit in centralising the rather extensive administrative procedures associated with loan raisings and repayments. In this regard the Treasury is well equipped to handle the necessary arrangements and it would provide the necessary administrative support to the Treasurer in arranging collective borrowings on behalf of other authorities.

I should point out that it is not intended that a central authority would replace the borrowing

activities of existing major borrowers such as the State Energy Commission, Westrail, and the Metropolitan Water Board; but it is recognised that there may be occasions when it is opportune economically to include part of the requirements of those authorities in a particular borrowing package if required for a particular project.

In drafting the Bill, particular care was taken to limit the power of the Treasurer to borrowing only for the benefit of authorities which themselves have borrowing power. That is necessary to demonstrate clearly that the borrowings are in no way on behalf of the State itself and that there is, therefore, no intention or means of contravening the financial agreement.

The Bill ensures also that, by virtue of the definition of "authority" and the schedule to the Bill which specifically excludes all bodies not covered by the gentlemen's agreement, borrowings can be undertaken only on behalf of those authorities regarded as semi-Government authorities for the purpose of regulation by the Australian Loan Council and the requirements of the gentlemen's agreement. It is important for members to note that borrowings proposed by this Bill will therefore be in respect only of programmes approved by the Loan Council and on terms and conditions approved by the council.

The mechanism proposed is therefore simply a means of packaging borrowings authorised under the existing rules and procedures of the Loan Council.

The main features of the Bill follow. Part I deals with the preliminary requirements of the legislation including interpretation of terms, procedures for amendment to the schedule, and relationship to other Acts. Part II of the Bill establishes the power of the Treasurer to borrow only for other authorities and provides, in clause 4, the authority and mechanisms to borrow in both domestic and overseas markets. In this part, provision is made also, in clause 5, for the payment of debts incurred by the Treasurer to be guaranteed by the State, and for the Consolidated Revenue Fund to be appropriated accordingly.

The Treasurer is clearly identified in clause 6 as the only entity with a direct relationship to lenders to ensure that multiple loan agreements with the several authorities concerned are not required.

Part III sets out the mechanics for on-lending and repayment of funds borrowed. Funds borrowed on behalf of authorities are to be credited to a special account established for the purpose and distributed to the authorities concerned in full, less any loan expenses incurred.

In turn the authorities are required to pay to the account interest, capital repayments, and any other expenses required to enable the Treasurer to service the borrowings.

In the event that any shortfall occurs in these payments and recourse is necessary to Consolidated Revenue to ensure that our obligations to lenders are met, provision is made for Consolidated Revenue to be recouped any such amount paid as soon as funds are available from the authority or authorities concerned.

Part IV of the Bill establishes the special account referred to previously which is to be titled the "Borrowings for Authorities Account" and provides for the investment of any balances held temporarily in the account and for any interest earned to be credited to the account.

Members will note in clause 11 the unusual provision which ensures that moneys credited to the account are not public moneys within the meaning of the Audit Act. This provision is considered necessary to establish that funds borrowed by the Treasurer on behalf of authorities are not available for the normal services of the State, thus avoiding any possible conflict with the terms of the financial agreement. Nevertheless provision is made in clause 14 for audit of the account by the Auditor General and for annual report to Parliament by the Auditor General on all transactions relating to this measure.

The Bill provides also, in part IV, for the authorities on whose behalf the Treasurer borrows to indemnify the Treasurer in respect of any act done or omitted to be done and any losses or costs incurred by the Treasurer when exercising his responsibilities under the provisions of this Bill. This provision is necessary to ensure that the Treasurer does not personally incur liabilities when acting on behalf of other bodies.

Provision is made also for the Treasurer to delegate to designated officers any powers necessary for the execution and documentation of loans and for ensuring that payments to lenders are made in accordance with the conditions of loan agreements.

The Bill is, I believe, a most important measure. It will enable a strong and consolidated approach to the market by our smaller authorities and will help considerably in enabling us to raise the funds required to provide for the infrastructure needs of resource development projects now and in the future.

When I have concluded this Bill and the debate has been adjourned, I will seek leave under our Standing Orders to introduce four Bills on a

cognate basis. These Bills have been dealt with as a group because they are consequential, one on the other. Members will see why they can be debated together which, hopefully, will facilitate their passage. But I felt it was only right to keep this Bill separate because of the new ground it breaks and the fact that it could hardly be said that all of this Bill has produced the consequential legislation in the four cognate Bills.

Experience has shown—especially in recent months—that when we become involved in some of the bigger raisings overseas, it is very necessary to have our Statutes in good order so that the arguments which arise between the legal people can be satisfactorily dealt with. We have found that by the time we get lawyers from perhaps America, Japan, Perth, and the Eastern States, the legislation is very much held up to the microscope and they seem to compete with each other to see who can find some point of debate as to the provisions of the legislation. In some ways this is not a bad thing, but on the other hand I must admit that the last time I saw them in action I thought they were getting to the point of trying to outbid one another in attempting to find straws to split. However, one has to realise they have responsibilities, especially as the sums of money are extremely high.

Members will see when they look at the four cognate Bills that they have a significance not only in tidying up the legislation as it should be, but also in facilitating the removal of many legal arguments that arise from time to time about the exact relationship of departmental heads, Ministers, and the like. I thought it was wise to treat this Bill separately and to treat the others cognately, as they are consequential on this Bill.

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

Message: Appropriations

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

MINISTERS OF THE CROWN (STATUTORY DESIGNATIONS) AMENDMENT BILL

As to Second Reading

SIR CHARLES COURT (Nedlands—Treasurer) [4.53 p.m.]: This is the first of four Bills, the other three being the Acts Amendment (Statutory Designations) Validation Bill; the Water Supply, Sewerage, and Drainage Amendment and Validation Bill; and the

Interpretation Amendment Bill, which are complementary to each other.

I seek leave of the House to have debate on the second reading of these Bills take place by way of a cognate debate on the principal Bill; namely, the Ministers of the Crown (Statutory Designations) Amendment Bill.

Leave granted.

Second Reading

SIR CHARLES COURT (Nedlands—Treasurer) [4.54 p.m.]: I move—

That the Bill be now read a second time.

Mr Speaker, I seek your guidance because I am not certain of the procedure to be followed under the Standing Orders as to whether the one moving of the second reading covers the four Bills or whether we have only the one speech, but go through the motions of formally moving the second reading of each Bill. I shall seek your opinion after introducing the second reading of this Bill.

The object of this Bill and the three accompanying Bills—namely, the Acts Amendment (Statutory Designations) and Validation Bill; the Water Supply, Sewerage, and Drainage Amendment and Validation Bill; and the Interpretation Amendment Bill—is to facilitate the task of changing administrative arrangements of the Government.

It has been the general practice in our legislation to make mention of departments and offices of the Government and, to a lesser extent, of Ministers, by reference to specific designation of the Minister, department, or office current at the time the legislation is introduced. This has led to discrepancies over many years when designations of Ministers, departments, and offices for one reason or another have been altered.

Consequential legislative amendments to give effect to these changes were not made to the legislation in which references to those Ministers, departments, or offices occurred. This has led to some anomalies and raised some doubts in relation to these positions.

In order to avoid some of the confusion arising from these doubts Parliament in 1974 passed the Ministers of the Crown (Statutory Designations) and Acts Amendment Act 1974. This conferred power on the Governor to amend the designations of Ministers by Order-in-Council.

The object of this Bill is to extend that power to amend references to departments and offices.

Legislation similar to this exists in the United Kingdom, the Commonwealth, and other States.

In the Commonwealth a more indirect and less satisfactory approach is taken with heavy reliance on statutory interpretation. In the States other than Victoria legislation similar to that now being introduced is in force. In Victoria there is a standing direction to Parliamentary Counsel not to mention Ministers, departments, and offices by specific designation though in some cases references do occur.

Under this Bill, whenever the Governor creates or abolishes a Ministry or a department he will be able to make an Order-in-Council to alter references in any Act, order, or document to the previous Ministry, department, or office to be read in the manner directed in the Order-in-Council. It is proposed to use this technique to keep specific references up to date with the references that will apply after any change is effected.

In order to clear up as far as possible the existing references and any doubts arising therefrom, a separate Bill—the Acts Amendment (Statutory Designations) Bill—is submitted to the House. This will amend existing references and resolve doubts that may arise from the exercise of certain functions by departments or officers other than those designated in the Acts in the schedule to the Bill.

In order to overcome the special problems in the Water Supply Act 1912-1950 a separate Bill—the Water Supply, Sewerage, and Drainage Amendment and Validation Bill—has been prepared and is now submitted to the House. This will continue the intention of the original legislation, but will clarify the designations of the Minister and the department. In addition, the opportunity is being taken to complete the corporate powers of the Minister by conferring on him the power to borrow.

In the longer term it is proposed, where necessary, to introduce the term "permanent head" into legislation. This will avoid the practice of specifying the more exact description of the permanent head in legislation thus obviating the necessity for frequent need to amend the description by Order-in-Council. There still will be a need to invoke the power where other officers are mentioned.

If the Bills are passed they will enable Governments to respond to the problems of the time with greater flexibility than is now possible and with significant advantages in speed and efficiency.

Mr Speaker, at this stage I seek your guidance as to when it would be appropriate for me to commend the Bills to the House and allow the questions to be put.

The SPEAKER: We have not had a deal of practice with cognate debates, but on previous occasions a Minister given leave of the House to conduct a cognate debate on two or more Bills has moved the second reading of each Bill separately. In fact, only the debate of a number of Bills is cognate, not the questions. My personal view is that they ought to be dealt with together, but the Standing Orders Committee in its recommendation on this matter was of the opinion that the questions should be put separately. It was argued the House may desire to defeat one of the Bills being dealt with, but would not be able to do so if, as in this case, all four were put as one question. The other three would be placed in jeopardy. Therefore I ask the Premier to take each Bill in order as they appear on the notice paper.

Sir CHARLES COURT: Thank you for your ruling on the matter, Sir. The course you have outlined appears to be the safest and most practical.

I commend the Bill to the House.

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

ACTS AMENDMENT (STATUTORY DESIGNATIONS) AND VALIDATION BILL

Second Reading

SIR CHARLES COURT (Nedlands—Premier) [5.01 p.m.]: I move—

That the Bill be now read a second time.

I commend the Bill to the House.

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

WATER SUPPLY, SEWERAGE, AND DRAINAGE AMENDMENT AND VALIDATION BILL

Second Reading

SIR CHARLES COURT (Nedlands—Premier) [5.02 p.m.]: I move—

That the Bill be now read a second time.

I commend the Bill to the House.

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

INTERPRETATION AMENDMENT BILL

Second Reading

SIR CHARLES COURT (Nedlands—Premier) [5.03 p.m.]: I move—

That the Bill be now read a second time.

I commend the Bill to the House.

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

ACTS AMENDMENT (LAND USE PLANNING) BILL

Second Reading

MRS CRAIG (Wellington—Minister for Local Government) [5.04 p.m.]: I move—

That the Bill be now read a second time.

The proposed legislation contained in the Bill is to supplement the existing metropolitan region scheme legislation governing the control of development of land within the metropolitan region. It is proposed to make provision for a form of interim control of development within areas to be known as "planning control areas".

Under the Metropolitan Region Town Planning Scheme Act, the Metropolitan Region Planning Authority is responsible for carrying out the metropolitan region scheme, including the task of controlling development so as to be consistent with the scheme. Under the Act, the authority has the responsibility of determining all applications for approval to commence development, but the authority is empowered also to delegate any of its functions to certain specified persons or bodies, including the local authorities within the region.

The authority used this power in 1963, shortly after the region scheme came into force, to delegate certain of its development control powers to local authorities. It delegated the control of development in respect of all that land which is zoned under the region scheme. Within the scheme, all land in the region is either zoned or reserved. The kinds of zones are: urban, industrial and rural, and the reservations are for public purposes such as parks and recreation, State forests, water catchments, railways, highways, hospitals and high schools.

The metropolitan region scheme legislation recognises that the scheme will need to be kept under review, and the authority has the power under clause 32 of the scheme to gazette areas where it is intended to review the proposals contained in the scheme which relate to those areas. Thereafter, all applications for

development in those areas are required to be referred to the authority for determination, even though they are within areas which are zoned.

Under the new legislation contained in the Bill it is proposed that all applications within a planning control area will be required also to be referred to the authority for determination.

The statutory process for determining applications for approval to commence development is provided for under the metropolitan region scheme and set out in the text of the scheme.

It is required that any person wishing to commence development must, first of all, obtain planning approval. To do this, he must apply in the prescribed form to the local authority in whose district the land which is the subject of the application is situated.

If the land is within a reservation under the scheme, the local authority must forward the application, together with its recommendations, to the authority, and the authority must determine the application.

If the land is within an area which is the subject of a resolution of the authority under clause 32, the local authority must forward the application to the authority with its recommendations and, again, it is the authority which must make the decision.

Whereas it may appear that the authority has retained most of the decision-making powers, the majority of developments are situated within zoned areas and are not affected by any resolution of the authority under clause 32. Therefore, they are determined by the local authorities.

When the authority or a local authority makes its determination, it is obliged to have regard to such matters as the purpose for which the land is zoned or reserved, and the orderly and proper planning of the locality. The application may be approved or refused, and if it is approved, it may be subject to such conditions as the authority or local authority may think fit.

The decision of the authority or local authority must be made within 60 days of its receiving the application, failing which the application is deemed to be refused.

Any applicant whose application is refused or approved subject to conditions which are unacceptable to him, under part V of the Town Planning and Development Act, may appeal to the Minister or to the Town Planning Appeal Tribunal. Notwithstanding what I have just said, there is no appeal against a decision when the refusal or conditional approval is consistent with

the provisions of an operative town planning scheme. There is no appeal also against a decision of the authority if the proposed development is situated on land reserved under the metropolitan region scheme.

As previously explained, the Bill relates to areas which are proposed to be designated as "planning control areas". The new legislation is intended to assist in relieving a problem which is not addressed by the existing provisions of the region scheme legislation.

The authority often sees a need to make provision under the scheme for land to be set aside for some public purpose. For example, it might be decided that there is a need for protection of a particular river and wetland system by reserving it for the purpose of parks and recreation, after an environmental investigation and study has determined the extent of the necessary reservation.

If the task takes several years, the authority may find itself faced with the job of trying to preserve the status quo if landowners within the area of investigation wish to develop before the reservation has been created.

Under the proposed legislation, the area of investigation will, with the approval of the Minister, be gazetted as a planning control area which, as will be explained, confers certain protection upon the owner, and assists the authority also.

As I have explained, the purpose of the legislation is to provide a way of suspending development within a general area which is not defined by a reservation shown in the metropolitan region scheme.

The new provisions suitably provide for the status quo of an area to be preserved without bringing down a reservation. Unless land is reserved under the present legislation, there are no powers under which the authority can acquire it or pay compensation to landowners for refusal of permission to develop their properties.

Under the proposed legislation, if the authority considers that any land situated in the metropolitan region may be required for any of a number of specified public uses, it may, with the approval of the Minister, declare the land to be a planning control area. Whereas any landowner who wishes to commence and carry out development within the metropolitan region is required to make application to the local authority concerned, if his land is within a planning control area the local authority must forward the application to the authority for determination.

The local authority will be required to forward the application within 30 days of receiving it, together with its recommendations, if any. The authority may consult with any other authority it thinks appropriate and, having regard to the nature of the development proposed and any special considerations relating to the nature of the planning control area, may approve—subject to such conditions as it thinks fit—or refuse the application.

An applicant whose application has been refused or approved subject to conditions which are unacceptable to him, will be able to appeal under part V of the Town Planning Act. Provision for such appeals is proposed by an amendment to section 37 of that Act, and the appellant will have an option of appealing to the Minister or to the Town Planning Appeal Tribunal.

I come now to the matter of compensation. Under the new provisions, compensation for injurious affection is to be payable in respect of land within a planning control area, in the same circumstances and to the same extent as if the land in the planning control area, instead of being in a planning control area, had been reserved under the metropolitan region scheme for a public purpose. In effect, compensation will be payable if the authority refuses an application for permission to carry out development, or grants permission subject to conditions that are unacceptable to the applicant.

Under the existing provisions of the Metropolitan Region Town Planning Scheme Act, the authority has the option of acquiring the affected land instead of paying compensation; and under the new legislation the authority will have a similar option in respect of land within a planning control area.

There will be also a proviso that the inclusion of an owner's land within a planning control area will not prevent the continuation of any lawfully established use or the construction and completion of any development which had been approved lawfully and/or commenced when the control area was gazetted.

Finally, the Bill provides that it will be an offence to carry out development within a planning control area without approval of the authority. The penalty for contravention of this section will be \$2 000 and, in the case of a continuing offence, a further fine of \$200 per day.

The same penalties are provided for already under the Act for contravention of the region scheme and have been included in the new provisions for purposes of clarity in their interpretation.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Tonkin.

FISHERIES AMENDMENT BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Deputy Premier) [5.15 p.m.]: I move—

That the Bill be now read a second time.

The main purpose of this Bill is to give effect to the fisheries component of the offshore constitutional settlement reached at the Premiers' Conferences in 1978 and 1979.

Existing arrangements involve a division of legislative responsibilities under which, generally speaking, State laws are applied inside "territorial limits" consisting of the outer limit of the 3 mile territorial sea, and Commonwealth laws are applied beyond that.

These arrangements inhibit a flexible functional approach under which responsibilities can be adjusted by reference to the requirements of particular fisheries.

Fish do not respect the jurisdictional lines that man may draw.

In conjunction with amendments to the Fisheries Act passed in the Commonwealth Parliament, this Bill will provide a legal and administrative structure for rationalising the role of the State and the Commonwealth in managing Western Australian fisheries as well as providing a new and more flexible framework for joint State and Commonwealth activities in regard to offshore fisheries.

The Bill relies on section 5 (c) of the Commonwealth's Coastal Waters (State Powers) Act 1980 to put beyond doubt State legislative power with respect to fisheries beyond the territorial sea.

Under the provisions of this bill two types of arrangements may be made. These are—

The State may arrange with the Commonwealth that either the State or the Commonwealth may manage a fishery in waters adjacent to the State and that either State or Commonwealth law is to apply from low water mark.

It is anticipated that the majority of Western Australian fisheries will be covered by such an arrangement; or the State may arrange with the Commonwealth that a joint authority may be established to manage a fishery in waters adjacent to the State and that either State or Commonwealth law is to apply.

Should more than one State be involved in the arrangement with the Commonwealth, Commonwealth law will apply.

The blue fin tuna fishery which involves Western Australia, South Australia, Victoria, New South Wales and the Commonwealth is an example of such a fishery.

Where no arrangement is made to manage a fishery the present position will remain; that is, State law will apply within three nautical miles and Commonwealth law beyond.

The arrangements referred to above will represent a considerable change in the area of State-Commonwealth management of fisheries.

Since the first Commonwealth Fisheries Act was passed in 1952 there has been a steady increase in the degree of involvement of the Commonwealth Government into the State area of fisheries management.

This involvement has taken place with the co-operation of the State because it was held that Commonwealth powers were necessary to enforce management rules beyond the territorial sea traditionally controlled by the States.

Under this understanding a system of joint management has developed which requires mirror legislation by State and Commonwealth Governments down to the smallest detail of fisheries management; for example, every boat, every fisherman, and every crewman must have a licence under each Act and every detail on each licence must be precisely duplicated.

This resulted in a cumbersome and wasteful administrative structure as, essentially, two groups of public servants—one State, one Commonwealth—were doing the same tasks.

Fishermen found the system frustrating, as not only were they required to take out a multiplicity of licences, but they were never sure whether they should be approaching a State or Commonwealth Minister or member of Parliament with their problems.

In 1976 The High Court decision on a Western Australian case, *Pearce v. Florence*, confirmed that State fisheries laws could apply outside the State's territorial sea provided they did not conflict with any Commonwealth fisheries laws.

The extent of this State extra-territorial legislative competence has, however, not been finally resolved.

At the Australian Fisheries Council meeting in Perth in October 1976, the Western Australian Minister supported by other State Ministers used this new legal development to argue very strongly

for a return to the management of State-based fisheries whereby each individual State would manage its fisheries as a whole—both inside and outside the territorial sea.

Such a management regime would simplify the costly and cumbersome joint management regimes which duplicated every detail and was to apply to fisheries where the majority of the catch was made in State waters; where the fishermen returned to the State's inshore waters each day; and where the majority of the catch was landed in the particular State.

Meetings and discussions between the States and the Commonwealth have devised a scheme of legislation which will allow simplification of fisheries management as proposed.

These proposals were consistent with the new federalism policy outlined by the Prime Minister in a letter to the State Premiers dated 22 December, 1975 which was designed to return autonomy to the States wherever possible.

The first type of arrangement mentioned above will allow this and the above criteria to apply to almost all Western Australian fisheries.

Such an arrangement will allow the clear allocation of ministerial responsibility, reduce the confusion of fishermen as to whether their problem is caused or can be solved by State or Commonwealth law, and reduce the costs associated with the two groups of administrators doing essentially similar tasks and with Ministers meeting frequently to agree on joint regulations and policies.

It will improve the efficiency of communication and administration in our State fisheries and allow decisions to be made at the State level by people in closest touch with fishing organisations and communities.

The reverse of this, of course, is that the State needs to be prepared to agree to the Commonwealth sharing joint responsibility for those fisheries fished by foreign fishermen; and the Commonwealth and adjoining States or the Northern Territory sharing joint responsibility for those fisheries that extend into the waters of another State or the Northern Territory.

In a fishery, such as the blue fin tuna fishery, where the contiguous stock move constantly around the coast a combination of several States and the Commonwealth are involved in such a way that a joint management regime is necessary.

The Bill provides for the establishment of the Western Australian fisheries joint authority and any other joint authority which may be required.

The Western Australian fisheries joint authority consists of the Minister responsible for the administration of the Fisheries Act together with the Commonwealth Fisheries Minister.

The functions of a joint authority will be to—

keep the condition of the fishery constantly under review;

formulate policies and plans for the good management of the fishery;

exercise statutory powers conferred upon it;

co-operate and consult with other joint authorities in matters of common concern; and

such other functions as are conferred upon it by the arrangement agreed upon by the States and the Commonwealth.

The Bill provides also for the powers and procedures of joint authorities.

In relation to management of specified fisheries in accordance with the law of the State, joint authorities will be empowered to—

publish, amend, or cancel notices under various sections of the Act;

issue, renew, transfer, cancel, or suspend licences which are limited in their effect to joint authority fisheries; and

delegate their powers to an officer of the State, the Commonwealth, or a Territory.

The Commonwealth Minister will retain the power to take action on licences for foreign boats in joint authority fisheries.

The State Minister is empowered to exercise any power and perform any function as a member of a joint authority.

It has been necessary to provide a new definition of "Western Australian waters" to meet the requirements of the constitutional changes contained in the offshore settlement package.

Independent of the foregoing an amendment is proposed to section 52 of the Act to simplify court attendances and proof of appointment by inspectors of fisheries.

The requirement for an amendment arose as a result of a specific problem which required the presence of a senior fisheries inspector in court, even though he played only an administrative role in the prosecution. The amendment aims at overcoming the specific problem and others of a similar nature which may arise.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Barnett.

MENTAL HEALTH BILL

In Committee

Resumed from 13 August. The Chairman of Committees (Mr Clarke) in the Chair; Mr Young (Minister for Health) in charge of the Bill.

Clause 27: Meaning of "admission"—

Progress was reported after the clause had been partly considered.

Mr HODGE: Mr Chairman—

The CHAIRMAN: The honourable member has spoken on this clause and no other member has spoken since then. Unless another member speaks to succeed him the member for Melville may not speak consecutively.

Mr EVANS: I would like to agree wholeheartedly with everything my colleague has said!

Mr O'Connor: What did he say?

Mr HODGE: I thank the Deputy Leader of the Opposition for his wholehearted support!

When we were debating this Bill last Thursday the Minister for Health said that he would be concerned about this clause if the statements I had made were accurate. He made the point that when people visit a doctor and the doctor fills out the appropriate form and sends persons along to a mental institution, the doctor does not automatically always have them committed or fill out a formal referral form. I would like to dispute the Minister's interpretation because the statistics do not bear out his argument.

Mr Young: I did not say he does not do that automatically, and I drew the attention of the Press to the fact that a doctor should not automatically fill out a form if he wants a person admitted as a voluntary patient.

Mr HODGE: Perhaps he should not, but most doctors do; by far the most frequent method by which people are committed involuntarily into mental institutions—

Mr Young: The Press took no notice of me, incidentally; none at all.

Mr HODGE: My heart bleeds for the Minister!

Mr Young: The Press did not tell the medical profession at large that they should be watching this particular point, which is very important.

Mr HODGE: It certainly is. The Minister's concern could be rectified if he agreed to delete clause 48 from the Bill because frequently the doctors do refer patients to mental institutions. I would like to quote from the 1978-79 annual report of the Director of Mental Health Services. Of the total number of people in the major mental

institutions as at 30 June 1979—846 on that day—444, over 50 per cent, were there because of medical referrals. Perhaps doctors should not be filling out these forms and having people formally referred to mental institutions, but the fact remains that they are. This clause should not really pass as it is. That reference to section 48 should be deleted. This would give a person the opportunity to go along to see his medical practitioner and for that medical practitioner, hopefully, after he has explored every other avenue—which medical practitioners obviously are not doing, judging by the figures in the annual report—to refer him other than by compulsory commitment. In other words, the medical practitioner would then have the opportunity to give the patient a note and send him along to the medical institution as a voluntary patient. The institution could then accept the person as a voluntary patient.

I would like to re-emphasise the point that this State has the highest rate of involuntary commitments to mental institutions anywhere in Australia. If we compare our statistics with those of Britain, we find that 60 per cent of our patients are involuntary whereas in Britain 95 per cent of all people in mental institutions are there voluntarily. We should be working towards that goal.

Including reference to section 48 in this clause will not make that goal achievable and will not improve the situation at all. This Bill will still maintain that unacceptably high compulsory admission rate. It might be thought that in theory what I have said should not happen, but the fact remains that this is happening and I believe the Minister should reconsider the provision.

Mr YOUNG: The problem does not lie in whether or not clause 48 should be amended; the real problem lies in the fact that medical practitioners may be referring people to approved hospitals by using the prescribed form provided for in clause 48. In such cases, the person referred to on the prescribed form becomes a non-voluntary patient.

The person referred to by the member for Melville is the one who goes to see a doctor because either he, a loved one, or a close relative believes he is acting strangely. He may not be alert enough to know exactly what is happening, and if the medical practitioner fills in the prescribed form and sends the person along to an approved hospital he is admitted as a non-voluntary patient.

However, if the medical practitioner writes a letter to an approved hospital—say,

Heathcote—and states that in his opinion, the person should be admitted to that institution, and if the person goes along to the hospital for assessment and is admitted, he is a voluntary patient under clause 46 of the Bill.

If the situation were as the member for Melville described, I would agree with him; however, it is not. If a problem exists—and I do not accept that it does—it would exist by virtue of the fact the medical practitioners are using the prescribed form to admit people to institutions instead of sending them along for assessment without first filling in the form.

The member for Melville must remember that when a person goes to a doctor and expresses concern about his mental condition, it may well be that the doctor—after we amend clause 48, we will be talking in terms of two doctors—will try to talk that person into taking action for his own protection. That person may decline to take such a step. His actions make it quite clear to the medical practitioner that he should not remain in the community, but should be admitted to an approved hospital for his own protection.

Although the number of referrals appear inordinately high to the member Melville, I put it to him that medical practitioners should be writing letters or making some other arrangements whereby people can go to approved hospitals as voluntary patients under clause 46 of the Bill. It is not the fault of clause 48 which it is absolutely essential we retain to provide for non-voluntary referral.

Clause put and passed.

Clause 28: Criteria for admission to approved hospitals—

Mr HODGE: This is one of the most important clauses in the Bill. The Government has a number of amendments on the notice paper in an endeavour to improve this clause, but I am by no means satisfied the amendments will have that effect. The amendments only marginally will improve the clause. I notice proposed new paragraph (c) is along the lines of a suggestion I made during the second reading debate. However, I am sure the Minister will not attribute any credit to me.

The crux of this clause is the definition of "non-voluntary patient". Who shall be considered a non-voluntary patient, and who shall not? The clause states that a person must be suffering from a mental illness before he can be involuntarily committed and it also lays down certain specific guidelines as to the degree and nature of that illness. It goes on to use phrases such as, "in the

interests of his welfare; or for the protection of other persons”.

I attacked those very vague generalities during the second reading debate, and I intend to criticise them again now; they are not good enough for this sort of legislation. I remind the Committee we are dealing with legislation that has the power, on the say-so of a psychiatrist, to take away people's liberty, to lock them up for an indefinite period, and to take away virtually all their legal rights. That is a serious move and, therefore, this is a very important piece of legislation. In my opinion, section 54B of the Police Act pales into insignificance when compared with certain clauses in this Bill.

This legislation will give psychiatrists the right to take away people's liberty for an indefinite period without any form of judicial hearing or independent review. The sorts of phrases used in clause 28 are far too vague. What does “in the interests of his welfare” really mean? It could be interpreted half a dozen different ways. When we talk about a patient's welfare, are we talking about his medical welfare, his social welfare, his financial welfare, or some other sort of welfare? If a person is mentally ill and that illness is causing him financial hardship, loss of employment, or embarrassment to him or his family, is that to be a consideration when it comes to deciding whether to lock him away in an institution? I put it to the Committee that those things should not be taken into consideration.

In my opinion, the principal consideration is that the person who is mentally ill is likely to cause some bodily harm either to himself or to some other person. In such cases, there should be some process by which he may be committed if he does not recognise the need to seek treatment voluntarily for his own protection.

This clause should be rewritten in the following terms—

Where a physician examines a person and has reasonable cause to believe that the person—

- (a) has threatened or attempted or is threatening or attempting to cause bodily harm to himself;
- (b) has behaved or is behaving violently towards another person or has caused or is causing another person to fear bodily harm from him; or
- (c) has shown or is showing a lack of competence to care for himself;

and if in addition the physician is of the opinion that the person is apparently

suffering from mental disorder of a nature or quality that is likely to result in—

- (d) serious bodily harm to the person;
- (e) serious bodily harm to another person; or
- (f) imminent and serious physical impairment of the person;

the physician may make application in the prescribed form for a psychiatric assessment of the person.

I did not draft those specifications; I took them from the Ontario Mental Health Act 1978. They are very specific, sensible, straightforward provisions which would take away much of the worry about people being locked up because they might be an embarrassment to their family, or because they are a little eccentric or odd in their behaviour. We should not give people the power to lock people away in mental institutions for indefinite periods for compulsory treatment on the grounds that they are a little eccentric in their behaviour or may have offended someone or acted in an odd way or done something stupid. It simply is not good enough. I feel very strongly about this point.

The proposed amendments, whilst they will effect some minor improvements to the clause, go nowhere near far enough. The clause, either in its present or amended form, is quite obnoxious, and should not be allowed to remain in the legislation.

Mr YOUNG: This clause is a protection clause. It provides that a person shall not be admitted to an approved hospital unless a number of requirements are met, not only in this clause, but also in other clauses to which this clause refers. In other words, it is part of the check and balance process of this legislation. It could hardly be described as “obnoxious”.

Obviously, the member for Melville is in the fortunate position of never being personally, closely connected with someone who was badly mentally ill. Obviously, this legislation must encompass the situation under which a person is so mentally ill that he should be detained in an approved hospital.

Mr Hodge: You cannot jump to that conclusion.

Mr YOUNG: I can, because if the member for Melville had had such an experience he could not possibly refer only to physical threats and danger. The word “protection” in the context of this legislation invariably devolves around the protection of other people's mental health and not just their physical well-being. Any person who is sufficiently mentally ill to be admitted to an institution on a non-voluntary basis is a person

who is likely to be a grave danger not only to himself, but also to other people.

I should like to give the member for Melville an example of the case of a man with whom I was personally connected. I am sure a number of members in this Chamber will know to whom I refer. I refer to a highly respected professional man who would be well known to almost every member of this Chamber. He was a loved and respected member of the community. He had a number of children who idolised and adored him and a wife who liked him.

As a result of a mental illness and breakdown, this man caused so much damage to the mental health and well-being of his own family—indeed, to his own well-being also—that eventually he had to be dealt with under the detention provisions of this Act.

That man did an horrendous amount of damage of a non-physical nature to his family. They reached the stage where they hated and detested this wonderful man. He was brought into treatment and subsequently his family was able to see him as he had been prior to his mental illness. If that was not for the protection of those persons, I do not know what would have been.

However, not once were his wife, children, relatives, or friends who were closely associated with him in physical danger or in fear of losing their lives as a result of his actions. They knew at all times that they were perfectly safe physically; but that man caused a great deal of anguish to all those around him. He was taken into care as a result of the provisions of this Act and, before he died at an early age, his family was able to be reunited with him. If that was not in the interests of the welfare of that family and the protection of the people he loved, I do not know what would be.

Members must cast their minds beyond physical danger and take into account the sorts of dangers which can be caused to those associated with a person, such as the man I have just described, who suffers from a severe mental illness. In fact, in nine out of 10 cases where protection is required for family members, it is protection of a psyche nature rather than of a physical nature.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by Mr Shalders.

QUESTIONS

Questions were taken at this stage.

Sitting suspended from 6.17 to 7.30 p.m.

LOCAL COURTS AMENDMENT BILL

Receipt and First Reading

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

MENTAL HEALTH BILL

In Committee

Resumed from an earlier stage of the sitting. The Chairman of Committees (Mr Clarko) in the Chair; Mr Young (Minister for Health) in charge of the Bill.

Clause 28: Criteria for admission to approved hospitals—

Progress was reported after the clause had been partly considered.

Mr HODGE: Before the tea suspension the Minister for Health was attempting to explain to the Committee why he thought the wording of this clause is appropriate. He quoted one particular case of which he knew to support his argument. I reject that argument totally. I was arguing generally about the principle behind the legislation. I do not for one moment deny that some cases will not be dealt with by this legislation. Surely that is the case with all measures. We cannot pass a law that will be perfect for every individual case. However, I submit the argument I advanced would be appropriate for the vast majority of cases.

The glaring error in the Minister's argument is that he said if a particular person were so mentally ill that it was beginning to have a detrimental effect on the health of people with whom he associated—perhaps members of his family—that would justify that person's involuntary committal.

The Minister failed to tell us who would make the very subjective decision that a person's illness was such that it was having a detrimental effect on others. We cannot be too careful when we are dealing with legislation such as this which will give a very strong power to psychiatrists and medical practitioners—the power to lock people away against their will in State-run institutions for indefinite periods. We cannot allow sentimentality to lead us into emotional decisions on particular cases such as those outlined by the Minister. I am still very much opposed to this clause, and I have not been swayed at all by the arguments of the Minister.

Mr B. T. Burke: He does not even believe his own arguments.

Mr YOUNG: I made the point to the member for Melville that I was not talking in terms of one particular case. However, while I was speaking about that particular case, I gave my estimate that approximately 90 per cent of people suffering from mental illness who would come within the jurisdiction of this clause, would be threatening the mental well-being rather than the physical well-being of the people closest to them.

Mr Hodge: How can you estimate that?

Mr YOUNG: The argument of the member for Melville is that unless a person is threatening someone else physically, he ought not come within the ambit of this clause. Anyone who has experience in the administration of or dealings with people who suffer from mental illness would say that argument is quite absurd.

Mr Hodge: Is that an excuse for including such a broad, sweeping clause as this? Why don't you tighten it up a little?

Mr YOUNG: If the member for Melville wants to pursue the situation, let us study the clause we are dealing with. The clause commences as follows—

A person shall not, under section 30 (2), be admitted to or... be detained—

That means held against one's will. To continue—

—in an approved hospital as a non-voluntary patient unless a request has been made under...

Then the clause refers to other proposed sections dealing with the circumstances under which a person may be detained. It is not sweeping; it is quite clear. The member for Melville asked who is to make this decision, and the answer to that question is: A psychiatrist.

Mr Hodge: One doctor.

Mr YOUNG: The member for Melville knows there is an amendment on the notice paper to amend clause 48 so that two doctors will make the decision to refer. The clause then continues—

—and in the opinion of a psychiatrist—

(a) he is suffering from a mental illness—

The word "and" appears at the end of that paragraph, but subsequently I hope the Committee will agree to the deletion of the word "and" so that a third criterion can be inserted. The clause continues—

(b) that mental illness is of a nature or degree...

In other words, it must be proved not only that a person is suffering from a mental illness, but it is of a nature or degree which would warrant detention for treatment. That is a very important part of the clause. It then continues—

(i) in the interests of his welfare; or

(ii) for the protection of other persons.

We have dealt with that.

Mr Hodge: What about explaining what those two mean?

Mr YOUNG: The member for Melville is asking for legislation to define circumstances so specifically that in the future people would be totally restricted in its interpretation. On many occasions in this Chamber I have said there is a place for the courts of this land, and there is a place for the general application of common sense in relation to legislation. If the member for Melville wants to bind the Legislature of this State to words that leave no room for interpretation whatever, he is saying that virtually everything we have done since the inception of responsible Government in 1880 is not worth anything. All legislation contains provisions which, by their very nature, must leave room for interpretation.

Mr Hodge: I could put an interpretation on this which would mean you would be locked away forever.

Mr YOUNG: The member for Melville tried to make that point during debate on the interpretations clause, and failed badly.

Clause 28(1) states—

A person shall not, under section 30(2), be admitted to or... be detained in an approved hospital.

Clause 30(2) states—

(2) If, after his examination, the psychiatrist is of the opinion that the requirements of section 28 which apply to the person are satisfied he shall admit the person to an approved hospital as a patient; otherwise the person shall leave the hospital.

Clause 28 goes on to state—

... as a non-voluntary patient unless a request has been made under section 48...

Clause 48 contains a further qualification as follows—

48. (1) A person who, in the opinion of a medical practitioner is, or appears to be, suffering from mental illness of a nature or

degree described in section 28(1)(b) may, upon the request of that medical practitioner, be received into an approved hospital.

(2) A person shall not be received into an approved hospital under subsection (1) unless the request referred to therein is—

- (a) in the prescribed form; and
- (b) based on a personal examination of the person made by the medical practitioner within 72 hours before the presentation of the person to the hospital.

As the member for Melville knows, I propose to amend clause 48 to provide for two medical practitioners to examine the person.

Subsequent clauses referred to in this clause contain further checks and balances. The member for Melville would have this Committee believe that all we need do is say a person is behaving erratically for that person to be put away forever. Other checks and balances are provided for in respect of detention, discharge and the like.

The member for Melville wants the Committee specifically to spell out the meaning of the words "in the interests of his welfare or for the protection of other persons". There is no question that there is a great number of checks and balances in this legislation, many of which the member for Melville has not recognised.

Mr Hodge: Why does Western Australia have the highest rate of non-voluntary committal?

Mr YOUNG: I have dealt with that question.

Mr Hodge: No, you have not.

Mr YOUNG: The debate is becoming repetitive. I pointed out to the member for Melville last week and earlier today that if medical practitioners form opinions in respect of a person's mental illness and give advice to that person, they can have that person admitted under two different provisions of the legislation. They can refer him by letter, in which case he becomes a voluntary patient; or, they can fill out the prescribed form, in which case he becomes a non-voluntary patient.

If someone is suffering from a mental illness which is likely to cause problems to other people or to his own physical well-being, who should finally make the determination? Someone eventually must take the responsibility of saying, "For his own protection, and for the protection of others, this person must be referred to an institution for some form of treatment". The member for Melville is talking only in generalities. He will not get down to specifics and say that psychiatrists and people charged with

this responsibility are the people who, in the final analysis, should make such a decision.

Mr Hodge: I have already said that.

Mr YOUNG: Perhaps, but the member for Melville made that remark only in connection with physical violence or potential physical damage.

Mr Hodge: I said it should not be left to such people, but that it should be a judicial decision by a stipendiary magistrate.

Mr YOUNG: It is a matter of judgment. From my studies of the matter, the situation in other countries where the judicial assessment provisions apply is not as satisfactory as was at first anticipated.

Mr Hodge: Our system is not very satisfactory either.

Mr YOUNG: The present system is working very well, and this legislation will considerably improve the procedures and the protection of the individual. These added protections are essential. We could pursue this argument until the cows come home, but I do not intend to do that.

I move an amendment—

Page 18, lines 25 and 26—Delete the passage " , subject to section 30(1), shall not be ".

This will make the legislation infinitely clearer, if the amendment with respect to the insertion of new subclause (3) is passed by the Committee. It will put beyond doubt the detention powers under non-voluntary and security admissions.

Amendment put and passed.

Mr YOUNG: I move an amendment—

Page 18, line 29—Delete the section designation "50" and substitute the section designation "50(3)".

Clause 50 contains provision for the court to make two orders, and to put the situation beyond doubt, the amendment will provide that clause 28 refers to clause 50(3).

Amendment put and passed.

Mr YOUNG: I move an amendment—

Page 18, line 31—Delete the word "and".

Amendment put and passed.

Mr YOUNG: I move an amendment—

Page 18, line 35—Delete the full stop and substitute the passage " ; and ".

Amendment put and passed.

Mr YOUNG: I move an amendment—

Page 18, after line 35—Add after paragraph (b) the following new paragraph to stand as paragraph (c)—

(c) he does not, by reason of his mental illness, appreciate that he needs treatment for it.

If the amendment is agreed to, that clause would read—

and in the opinion of a psychiatrist—

(a) he is suffering from a mental illness;

(b) that mental illness is of a nature or degree which warrants detention for treatment—

(i) in the interests of his welfare; or

(ii) for the protection of other persons; and

(c) he does not, by reason of his mental illness, appreciate that he needs treatment for it.

The member for Melville made the point that probably I would not concede that he had raised this aspect during the second reading debate. I am quite happy to concede that he did and that I agree with him and the Royal Australian and New Zealand College of Psychiatrists that this is a reason which ought to run alongside the other reasons for a person to come within the ambit of this clause.

Amendment put and passed.

Mr YOUNG: I move an amendment—

Page 19, after line 9—Add after subclause (2) the following new subclause to stand as subclause (3)—

(3) Nothing in subsection (1) affects the power to detain a person as mentioned in section 30(1) (b).

I have already given the reason for that amendment to the Committee.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 29: Criteria for discharge of patients—

Mr HODGE: This is another very important clause. The wording in the Bill is ambiguous. I am pleased that the Government has decided to tidy it. Like so many clauses in this Bill, it is drafted very poorly, and it is less than clear in its intention. In a Bill of this importance, every clause should be crystal clear and not left open to various interpretations.

When the Minister moves his amendment, would he be kind enough to explain why he wants to make the first amendment to subclause (1)? That does not seem to be very clear. I would have

thought it would be impossible for a mental patient to leave an approved hospital unless he was discharged. I cannot see the merit in the first amendment.

In the amendment to subclause (2) an attempt is made to clarify the wording. As the Bill stands it would be possible for a person admitted to an institution as a voluntary patient to be reclassified as an involuntary patient if he refused to accept the treatment administered by the hospital, and then he would be forced to accept the treatment. The amendment of which the Minister has given notice tries to clarify that position, but its wording is fairly clumsy. I would have thought the words "a person shall be discharged from an approved hospital" if he will not accept the treatment might be clearer. That is not to say that I agree that a person should be discharged if he will not accept the treatment. The clause is far too inflexible.

Earlier in the debate the Minister said that he was trying to achieve in relation to voluntary patients in a mental hospital the same position as applies in a general hospital. In a general hospital, if a patient refuses to accept certain treatment, that patient is not discharged suddenly.

Mr Young: What happens to him?

Mr HODGE: I suppose he would be offered alternative treatment.

Mr Young: Don't you think he would be offered alternative treatment until the alternative treatments are finally exhausted, in an approved hospital under this Bill?

Mr HODGE: I do not know. Certainly it is not provided for in the legislation. If the information I have been given about the track record of some of our mental institutions is anywhere near accurate, I would say, "No". There is very little flexibility for the patient to choose what he will have and what he will not have.

In the legislation we should not be dogmatic, saying that if the patient refuses to accept the treatment prescribed for him, he shall be discharged automatically. There is no need for that subclause. It could be deleted, and it would not cause any worry at all.

Surely if a voluntary patient in a mental institution will not accept the type of treatment the doctor thinks best, it is still better for his welfare and for society for him to stay in the hospital with some form of treatment, even if it is not the best treatment. Under this clause, there is no flexibility.

By way of interjection, the Minister intimated that patients will have some choice. They will be

offered a range of alternative treatments. However, that is not spelt out in the legislation.

Moving on to subclause (3), I am worried about paragraph (b) as it seems to impose a very high standard before an involuntary patient can be discharged. He cannot be discharged unless certain requirements about his mental illness are met, and the hospital has to be satisfied that adequate and satisfactory arrangements have been made for his care after discharge, including arrangements for him to be in the care of a suitable person. That may be very difficult to achieve at times. It may be that a person may not have any friends or relatives who are prepared to give an undertaking to care for him.

Mr Bertram: Even if he had a *de facto*, I suppose.

Mr HODGE: This legislation does not recognise *de facto* relationships.

It is not necessary to impose that sort of condition. Obviously it is desirable to have that sort of arrangement, but it should not be imposed as a condition of discharge, as this Bill appears to do.

The clause does not seem to have any provision for an involuntary patient to have his status changed to that of a voluntary patient without going through the procedure of being discharged as an involuntary patient and readmitted as a voluntary patient. It may be that an involuntary patient who was severely mentally ill could improve and may no longer be required to be classified as an involuntary patient. He may be quite willing to stay in the mental institution for a further period on a voluntary basis. This clause does not provide any flexibility for the classification of status to be altered.

The final point about this clause is that there does not seem to be any provision for the views of a patient to be taken into account. It does not provide that the doctor, the superintendent, or anybody should consult the patient and ask for his views on whether he should be discharged. Whether or not a person is an involuntary patient there should be a requirement for a superintendent or psychiatrist to consult with the patient and ascertain his views before making a decision whether he should be discharged as a voluntary or non-voluntary patient.

Opposition members: Hear, hear!

Mr YOUNG: The member for Melville raised a number of points, one of those being why the words proposed to be inserted by my amendment were to be inserted. Last week much play was made about the fact that two responsible bodies lodged reports with me in respect of this

particular Bill. Those bodies were the Law Society and the Royal Australian and New Zealand College of Psychiatrists. Both bodies were anxious to ensure that clause 29 was quite clear that a person should not have his voluntary status converted to non-voluntary by virtue of the clause. I will not suggest that the arguments were specious but I will say that in reading that particular clause one would have to stretch one's imagination a long way to interpret that the words objected to could be construed as giving the Minister, or the superintendent or the Director of Mental Health Services, power to convert a voluntary patient to an involuntary patient. The words objected to were the words in subclause (2) of the Bill which reads as follows—

(2) A person shall not remain a voluntary patient in an approved hospital if, in the opinion of the superintendent or the Director (as the case may be)—

Certain things follow. The presumption was that those words could be construed to indicate a person should have his status transferred. The conditions read as follows—

- (a) he is no longer suffering from a mental illness;
- (b) his mental illness no longer warrants treatment in the interests of his welfare; or
- (c) he refuses to accept the treatment prescribed for him in the hospital.

Mr Hodge: I understand why that change is made. The query I raised referred to the change in subclause (1).

Mr YOUNG: It is simply to give regard to the change to be made in subclause (2).

Mr Hodge: But the words in subclause (1) are very clear—"a patient shall be discharged". There is no ambiguity.

Mr YOUNG: Dealing firstly with subclause (1), with the amendment, it will read—

... a patient shall leave an approved hospital, be discharged or remain a patient shall be made having regard only to the matters set out in this section.

In other words a decision under division 3 of part VII of the legislation whether a patient shall leave an approved hospital, be discharged or remain a patient shall be made having regard only to the matters set out.

The CHAIRMAN: You have not moved that amendment?

Mr YOUNG: No. The reason for that amendment simply is to make it clear beyond any question that we are referring to the

circumstances in this particular clause where a person is a voluntary patient under subclause (2). What we are attempting to do is to put beyond question something which was raised—which I was talking about when the member for Melville interrupted me—and that is drawing rather a long bow suggesting that a person could be converted from a voluntary to an involuntary patient under subclause (2) notwithstanding the words that follow in paragraphs (a), (b) and (c).

Those words indicate a situation in which someone is no longer required to be in that institution. Therefore it is clear that a person is not going to be converted from voluntary to a non-voluntary patient. He will be discharged, or leave the hospital. The proposed words are simply to make it clear to critics of the legislation that we are referring to the freedom of voluntary patients to leave hospital. This situation applies to any voluntary patient in any hospital in the State who can leave the hospital when he wishes. To make this clear certain amendments are proposed. Before I move the amendment to subclause (1) I would like to answer the general criticisms made by the member for Melville.

Subclause (2) paragraph (c) states that a person shall not remain a voluntary patient if he refuses to accept the treatment prescribed for him in the hospital. The member for Melville suggests that if a person does not like the treatment he is receiving in a hospital he should not have to leave the hospital but should determine his own treatment. Remember we are talking about a person who was admitted to an approved hospital as a voluntary patient because in the opinion of the patient and the psychiatrist he had a mental illness.

The member for Melville suggests that if a person refuses treatment he is going to be asked to leave the hospital. In other words the honourable member suggests that a medical practitioner—in this case a psychiatrist in a hospital—will offer that patient one course of treatment.

Obviously members of the medical profession are not only ethically bound but under this Statute also are legally bound to treat patients. Patients are put under their care. They are not going to say, "You have one form of treatment and if you do not like it get out of the hospital". They are doctors and they will suggest different drugs or therapy and if the patient dislikes it the medical practitioner may suggest an alternative. The medical practitioner because of his ethics, apart from his obligation under the Statute to treat the person, will offer some other form of treatment. We must keep in mind that

psychiatrists are also physicians and are interested in a patient's physical as well as mental well being so in these circumstances the treatment suggested to a voluntary patient within the hospital would be similar to that which any doctor would prescribe for a patient in any hospital situation.

If in the final analysis a patient says he is not going to accept the treatment and he is a voluntary patient he can leave the hospital and go somewhere else because he ought not be there. |

Mr Hodge: I am not convinced doctors have this approach that you mention. I have had a number of mental patients complain to me that they have never been given a choice. It has been a case of their accepting the treatment the doctor thinks best or getting out.

Mr YOUNG: I put it to the member for Melville and this Committee that we have all been bombarded with allegations that have been made by people who have been treated in mental institutions and I am not going to suggest for one moment that there is no element of truth in things they say. What I am saying in general terms is that whether it is a mental institution, Royal Perth Hospital, or King Edward Memorial Hospital, if a person is a voluntary patient and does not want to take the treatment being offered, he or she may go elsewhere.

Mr Hodge interjected.

Mr YOUNG: I concede that there is not, but the general thrust of this particular legislation is that we are dealing with a situation in respect to the mental well being of patients.

The member knows the pressure under which the psychiatrists operate day in and day out. He well knows that for many years we have had about 14 or 15 vacant positions in the State psychiatric services and that we have been unable to get the number of psychiatrists we need. If they are doing their best—I believe they are and I have not heard any specific allegations to the contrary in relation to voluntary patients—we have to accept the fact that they are going to give the patient the best opportunity to be treated. If the patient does not want that treatment he ought to be asked to leave the hospital. If it subsequently turns out that the decision was wrong and the patient regresses—which often happens with patients who voluntarily walk out of mental institutions; they may go without their medication and become violent or erratic—a review of the situation is made and the patient may be taken back, possibly as a non-voluntary patient. We cannot spell out the ethics of the profession in legislation.

The member for Melville referred to subclause (2) and commented on conditions in respect of non-voluntary patients not remaining within a hospital situation. In this context the word "if" is very important. It states that a person shall not remain a non-voluntary patient if, in the opinion of the superintendent, he is no longer suffering from a mental illness or his mental illness no longer warrants his retention for treatment. I do not think the member for Melville's comments were particularly valid in respect of that matter.

The member suggested provisions for changing the status from "non-voluntary patient" to "voluntary patient" should be written into the Bill. Without being facetious, I am sure Opposition members would infinitely prefer to see a non-voluntary patient actually discharged properly under the Bill before he could say he wanted to remain as a voluntary patient. I believe the State ought to be clearly seen to be saying to people who ought not to remain in approved hospitals, "You are now free to go" either by discharge or by simple freedom to leave the hospital. If a person wants to go back as a voluntary patient, there would be no difficulty.

I believe I have answered the criticisms raised by the member for Melville; therefore, I move an amendment—

Page 19, line 11—Insert after the words "a patient shall" the passage "leave an approved hospital,".

Amendment put and passed.

Mr YOUNG: I move an amendment—

Page 19, lines 14 and 15—Delete the words "shall not remain a voluntary patient" and substitute the words "who is a voluntary patient shall not remain".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 30: Persons received to be examined then admitted or to leave hospital—

Mr HODGE: At present the Bill provides that a person can be received into a mental institution for a period not exceeding 72 hours and during that period a psychiatrist must examine the patient. The Minister intends moving an amendment to say that the psychiatrist should examine the patient "as soon as practicable". In my opinion that is not good enough.

A period of 72 hours is excessively long and I see no justification for it. I believe that time should be reduced to 24 hours. Should the Minister believe that to be an extravagant reduction, I indicate that it works well in

legislation in other States. A period of 24 hours is far more common and is far more reasonable.

Under this legislation we may find that a person is held for 71 hours—almost three days—before a psychiatrist gets around to examining him. The psychiatrist may then say he is not suffering from a mental illness and must leave the hospital. Something is wrong if, within 24 hours, a psychiatrist cannot be made available to examine a patient in a mental institution. The Minister should reconsider the present 72 hours, but proceed with his amendment to subclause (1)(a) so that it would state that the patient "shall be examined by a psychiatrist as soon as practicable but within 24 hours". Perhaps a further amendment will be necessary to include "but within 24 hours".

I draw the Committee's attention to subclause (1)(b) and the inclusion of a reference there to clause 48, something I have commented about earlier. Again I underline the points I have made previously. I do not believe the reference to clause 48 should be included here.

Subclause (3) states that a psychiatrist, after his examination, shall—

(a) whether or not the person is admitted under subsection (2), record his opinion in the prescribed register;

The Minister proposes to add the words "and record the reason for his opinion in the appropriate records of the hospital".

There is nothing to state that the register should be made available to the patient's legal or medical advisers. If a patient has been admitted on a compulsory basis and wishes to contest the admission he may employ a legal practitioner to take action to have the order quashed. His legal practitioner and his private medical practitioner should have access to the register to ascertain why the psychiatrist thought he should be admitted. The South Australian legislation provides that sort of benefit. It states that a patient or any person with a proper interest can have access to records such as this.

If the patient wanted his medical or legal practitioner to be able to read the record and ascertain why the psychiatrist thought he should be admitted, that is a basic request and I can see no reason that the Minister should not agree to a change of that nature.

Mr YOUNG: Clearly there is no question in the mind of anyone who has been involved in a court proceeding in respect of these matters that if a register exists for this purpose and the Statute requires certain entries to be made, when matters are brought into question in respect of an

application before a court, the magistrate would order that the register be produced in evidence.

Mr Hodge: But the solicitor may need to see the records before he gets the magistrate's order. He may need to see the register to determine whether the client even has a case which should go before a magistrate.

Mr YOUNG: If we are to write into the legislation the entitlement of every person to view every single record—

Mr Hodge: I am not suggesting that.

Mr Davies: He always goes to the extreme.

Mr YOUNG: If we were to do this in respect of every record of every hospital or other institution, we would probably never stop writing legislation.

It is all very well for the Leader of the Opposition to say I always go to the extreme.

Mr Hodge: Well, you do.

Mr YOUNG: I am sure no member of the Committee would be unaware that the member for Melville goes to the extreme in his arguments. That is his job; but it is also my job to point out whether his comments are incongruous or unnecessary. In this particular case, I maintain the comments of the member for Melville are unnecessary.

The member for Melville referred to clause 28 and I repeat: that clause is very clear. He suggested the number of hours be reduced from 72 to 24. He should be aware this clause refers to clauses 46 to 51 of the Bill which cover security, and voluntary and non-voluntary patients. Serious difficulties could arise if it were mandatory that a person be seen within 24 hours. As a result of the circumstances I described when we discussed this clause previously, a suitable person may not be able to carry out or complete an examination within that period. Therefore, as a result of the exigencies of the staffing situation, security or non-voluntary patients could be released, because an examination could not be completed within the period stipulated. I cannot accept the reduction from 72 to 24 hours.

I move an amendment—

Page 20, line 16—Insert after the word "psychiatrist" the words "as soon as is practicable".

The member for Melville has pointed out the reason those words are necessary.

Amendment put and passed.

Mr YOUNG: I move an amendment—

Page 20, line 28—Insert after the words "prescribed register" the words "and record

the reasons for his opinion in the appropriate records of the hospital".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 31: Persons examined but not admitted entitled to written statement—

Mr HODGE: The Minister intends to amend this clause, but I do not believe it will greatly improve the legislation. On request, a statement should be given to a patient setting out the reasons he has been admitted. A patient's legal or medical practitioner—a person with an appropriate interest—also should be able to request such a statement.

Surely the Minister will agree that the provision of such a statement is a basic right of any patient. If a patient is being admitted to an institution on a compulsory basis, it is his fundamental right that he be given a certificate setting out the reasons the psychiatrist believes he should be admitted. Such a practice would help to overcome the problem I complained about in relation to the previous clause. If a patient felt aggrieved by the psychiatrist's decision and wished action to be taken by a doctor or legal practitioner in an endeavour to obtain a release from the institution, it is clear that part of any successful legal challenge would need to include a statement from the hospital setting out the reasons the patient was committed involuntarily. That is a fundamental civil right of any patient and I hope the Government is prepared to concede it.

The Minister seems to be under the impression that, when I make points such as this, I am simply trying to nit-pick. All the points I have raised are important and many of them relate to the civil, legal, and medical rights of patients. I am concerned that this legislation does not provide adequately for those rights.

This Bill has been drawn up by the Mental Health Services and it is probably an excellent piece of legislation as far as that body is concerned, because it will make its life easier. However, our major consideration should not be the comfort of the officers of the Mental Health Services, but rather the rights of the patients concerned. The points I am raising this evening are designed to enhance the rights of patients and I hope the Minister views them in that light.

Mr YOUNG: The member for Melville suggested this Bill had been drawn up for the easier running of the Mental Health Services and that suggestion is clearly incorrect. Whether or not the member cares to admit it, the Bill attempts to clarify the rights of patients as far as

the Mental Health Services are concerned. Not only does the Bill set out the rights of patients, but also it spells out clearly the circumstances under which people shall be taken into approved hospitals and treated there.

Clause 31 is intended to put beyond question the action to be followed if a person taken to an approved hospital, and requested to be taken there under the provisions of clauses 48, 49, 50 or 51 for the purpose of being admitted, is found not to be suffering from a mental illness. Not only will he be able to leave the hospital immediately, which naturally is proper, but also he will be given a written reason for his not being admitted and his not suffering from the mental illness which caused his referral.

To clear that point, the member for Melville suggested an amendment that would mean if a person were not admitted a psychiatrist ought to give the reason for the person's referral. When one considers that suggestion in practical terms it means that all the psychiatrist would do eventually is say, "I admitted this patient because I believed under clause"—whichever it happened to be—"the person was suffering from a mental illness". If the psychiatrist were to do anything other than that he would have to include in writing his opinion in respect of the labyrinth of the mind of the person who in his opinion had been suffering from a mental illness.

Mr Hodge: He just has to put down his diagnosis. That is not difficult. Doctors do it every day in respect of certificates.

Mr YOUNG: I thought the member said he wanted the psychiatrist's reasons for the opinion that the person was mentally ill. I do not recall the member's use of the word "diagnosis".

Mr Hodge: I may not have used the word "diagnosis", but I did refer to the reasons for the person being committed. Obviously the psychiatrist believed the patient had a mental illness, and it would not be difficult for the doctor to say that he believed the person was suffering from a mental illness of such-and-such, which was of a certain severity.

Mr YOUNG: The psychiatrist could say the patient was suffering from an illness described in clause so-and-so of the legislation.

Mr Hodge: It could be like an ordinary doctor's certificate. If someone goes to a doctor and needs a certificate for a specific purpose, the doctor describes the illness from which the person is suffering. That is what I suggested.

Mr YOUNG: I am of the opinion that if the member for Melville believed an amendment in the terms he suggested was important, he should

have raised the matter before we reached this stage. He should have been prepared to place a proposed amendment on the notice paper. As a layman I cannot suggest that what he said is possible. I would have thought that under the circumstances to which we are referring the best a patient could hope for would be a written statement in line with the provisions of the legislation. I cannot accept that the procedure the member for Melville suggested would help a patient in the circumstances to which we have referred.

I move an amendment—

Page 21, line 12—Insert after the section designation "28(1) (b)" the passage "or to be otherwise admissible to an approved hospital under section 28(1)".

This amendment is necessary to clarify the intention of the clause. It applies to any action taken under the provisions of clauses 48, 49, 50(3), or 51 under which psychiatrists form the opinions to which we have referred.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 32 and 33 put and passed.

Clause 34: Proceedings to be *in camera*—

Mr HODGE: The proposed amendment appearing in the Minister's name is well worthwhile. We have no objection to it. However, an additional amendment could be made to safeguard the provision. The proposed amendment should include after the word "person" the words "being a person capable of giving informed consent".

The Minister pointed out a while ago that this legislation deals with patients suffering from mental illnesses. It occurs to me that if we were to give the final say to the patient as to whether a proceeding should be held in private or public, then we should be satisfied that the patient is capable of making an informed decision. Provided the patient can give informed consent, I see nothing wrong with the proposed amendment. In fact, I think it would be very good. I merely raise the matter for the Minister's consideration.

Mr YOUNG: The member for Melville has made a good point. If the Committee does not disagree with the insertion in the proposed amendment of words similar to those outlined by the member for Melville, I move an amendment—

Page 21, line 30—Add after the words "*in camera*" the passage, "unless the person being a person who is capable of giving informed consent and who is the subject of

the proceeding or examination waives such requirement".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 35 put and passed.

Clause 36: Persons prohibited from signing request or certificate—

Mr YOUNG: I move an amendment—

Page 22, lines 8 and 9—Delete the words "or assistant" and substitute the passage "employer or employee".

This was a recommendation of the Law Society and after consideration of its submission, I see no reason not to substitute those words to make the clause clearer.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 37 put and passed.

Clause 38: Patients to be afforded interviews—

Mr HODGE: Subclause (1) of clause 38 again specifies a 72-hour waiting period should a patient require an interview with a medical officer at the hospital. To me 72 hours seems to be an excessively long period. It could be that the patient is suffering from a serious physical ailment and 72 hours is a very long time to wait if he requires to see a doctor. The Minister obviously is going to say, "Oh, well, that won't happen. The doctor will be there as soon as possible", etc. However, the fact remains that the legislation requires that a person can be made to wait for 72 hours which I think is far too long. That should be reduced to 24 hours, which would be a much more reasonable time.

The Minister has given notice that he intends to move to delete subclause (2) and substitute a completely new subclause. The new subclause may be an improvement but it still seems to leave something to be desired. It is not clear whether the patient himself can request a meeting with the board. I may have misunderstood the proposed new subclause, but it seems to me that it does not make it clear whether the patient can request an interview with the board of visitors. Perhaps the Minister may be able to clarify that.

Again we have this fairly vague reference to "as soon as practicable". I am not happy with that. I would like to see a definite time limit. I move to insert any particular time, but perhaps 72 hours may be appropriate.

Mr YOUNG: The matter raised by the member for Melville in respect of the power of the person to request an interview with the board is dealt with under division 4 of this part. The

rights of a person under that division are quite clear. This clause is in two parts. Relating to the first subclause, the member for Melville raised the question in respect of the words "requiring an interview with a medical officer". I pointed out earlier that under this Bill the director is responsible, as are his officers, for the proper care and treatment of the patients, and as medical practitioners they are obliged under the Medical Act and, I would think, under the Hospitals Act—I cannot say for certain, but certainly under the Medical Act and under the rules of the Medical Board and under the ethics of their profession and under this Act itself—to treat patients properly. If the member for Melville is translating the word "interview" to mean a request or a need for medical attention, then I put it to him that I do not think that translation can be made. I reject the suggestion that someone who is charged with the proper treatment and care of a person in an approved hospital would not give that person proper care and attention if it were needed on physical or even psychiatric grounds.

This clause refers to the request for an interview with a medical officer. I give the member the same answer I gave him in respect of this 72-hour period in a previous situation; that is, it is not always possible for an interview to be granted by a person qualified under this measure to have the psychiatric care of the patient. Therefore, I would not agree to a reduction in the time.

In respect of subclause (2), the member for Melville raised the question of whether the proposed new subclause goes far enough. I think it probably does. It is the result of a request that was made, I think, by the Law Society—it may have been by the royal college—to open the situation up so that a friend, guardian, or legal or medical adviser of a patient also might request the board—that is a board of visitors—for an interview. The words of the amendment I propose to move, are quite clear.

I move an amendment—

Page 23, lines 14 to 18—Delete subclause (2) and substitute the following—

(2) Where a relative, guardian, friend, or legal or medical adviser of a patient requests the Board for an interview, it shall afford the interview as soon as it can reasonably be arranged; and where such a request is directed to the superintendent he shall notify the Board thereof as soon as is practicable.

Mr HODGE: The Minister has not answered the point I raised; that is, that this does not appear to include the patient himself. Has the patient got a right under this new subclause to request an interview with the board? That may be spelled out in another clause, but certainly the patient himself is not included in this subclause. That was the point I raised.

Mr YOUNG: It is covered in another provision.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 39: Letters of patients—

Mr YOUNG: I propose to remove the words that appear at the end of subclause (1) because I want to put beyond any question the fact that patients may correspond with any person of their choosing without let or hindrance of anyone within the Mental Health Services.

I move an amendment—

Page 23, lines 22 to 24—Delete the words "except such restrictions as are reasonably required for the maintenance of the normal routines of the hospital".

Amendment put and passed.

Mr YOUNG: I move an amendment—

Page 23, line 32—Insert after the word "shall" the passage ", as soon as is reasonably practicable,".

This amendment will ensure that mail or other postal articles addressed to patients are not held for an unreasonable period but are delivered to the patients as soon as is reasonably practicable.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 40: Visits by relatives and others—

Mr HODGE: This clause greatly concerns me. It gives very wide power to the superintendent of a mental institution to deny a patient access to his medical practitioner or legal practitioner if he considers it to be in the best interests of the patient. It is not good enough to give the medical superintendent of an institution such a power. Legal practitioners have complained to me that they have been banned by superintendents from visiting patients in mental institutions. Clause 40 (3) provides a safeguard of sorts in that the superintendent must state his reasons for withholding permission; nevertheless, the final say should not rest with the superintendent.

The Minister intends to amend this clause with the insertion of the word "reasonable". It would seem to me if there were some doubt, it would be better to specify the actual time, rather than amend it in such a vague manner.

Subclause (4) also worries me in that the patient might not be in a condition to be able to consent in writing to the visit of his medical or legal practitioner. I wonder why this is necessary. If the patient is in a condition to give informed consent, that should be all that is required. It seems to be an unnecessary obstacle to place between a patient and his medical or legal practitioner.

Mr YOUNG: Subclause (4) (b) contains the safeguard that if, in the opinion of the superintendent, the patient is not capable of consenting in writing, the superintendent has authority to give consent.

Mr Hodge: That gives a very wide power to the superintendent.

Mr YOUNG: I take the member's point but remind him that even though this particular division includes a voluntary patient, the situation in which that person finds himself is in a psychiatric or approved hospital. People who find themselves admitted under the provisions of this legislation must be suffering from a mental illness. People who are responsible for the care, maintenance and treatment of those people have a statutory obligation and an obligation under their ethics to treat them properly.

Although I agree this clause gives the superintendent wide powers, they seem very reasonable provisions to write into a Statute such as this. The Committee would not have failed to note that the provisions contained in this legislation are much stronger than legislation relating to general hospitals; obviously, this is due to the very nature of the patients in these hospitals.

As the member for Melville pointed out, a safeguard is provided in subclause (3), which provides that the superintendent shall state his reasons for withholding permission. I believe this provides sufficient protection to the patient; the superintendent is bound not only by his medical ethics and the Statute but also by this clause.

I move an amendment—

Page 24, line 17—Insert after the words "at a" the word "reasonable".

This amendment will ensure that an unreasonable time cannot be specified to a person wishing to make a visit.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 41: Meaning of "patient"—

Mr HODGE: I query the use of the term "patient" for people received into approved hospitals who have not yet been admitted. It is

most inappropriate for the term "patient" to be applied to people who have been referred to hospital for a psychiatric examination. "Patient" would be an appropriate term once a decision has been made to admit; but at the stage where he has been received into an approved hospital for 72 hours, it is inappropriate to give him the title and status of "patient". There is more to it than just the name, because the status of "patient" means that certain things apply. Can the Minister explain why these people should be regarded as patients?

Mr YOUNG: The word "received" is most pertinent because it refers to a person who has been received into an approved hospital under this part.

Mr Hodge: You are getting mixed up. When they get admitted, the term "admitted" is used. When they are just referred to the hospital, they are "received" at the hospital.

Mr YOUNG: The point the member is making is whether a person who has been received into a hospital and is still subject to the 72-hour provision ought to be referred to as a "patient". Obviously the reason for that is so that this division will apply to that person, to give him rights, notwithstanding that he is in that "limbo" state. He has the right afforded to him under division 3 to require interviews, request visits, and the like. He is not simply received into the hospital and denied those rights until the time of admission.

I would have thought that was a fairly reasonable proposition to contend in this clause.

Mr HODGE: The Minister has missed the point I am trying to make. The definition of "patient" is on page 4 of the Bill. Unless we are mixing our terminology, right throughout the Bill the term "received into a hospital" does not mean the same as "admitted into a hospital". "Received" means that one goes there for 72 hours to be subjected to a psychiatric examination. Once the decision has been made that one requires treatment, then one is admitted and becomes a patient.

However, the term in clause 41 includes a person received into a hospital. It is becoming muddled. It is an important issue, and it should be reconsidered. A person received into a hospital for 72 hours should not be termed a patient because "patient" means a person who has been admitted. If no decision has been made on admission, it is not appropriate to use the term "patient".

Mr YOUNG: I took the point made by the member for Melville, and I understood it perfectly well. This clause is written specifically,

and the marginal note reads "Meaning of 'patient'". It is there for no other reason than to spell out the fact that the word "patient" includes a person received into a hospital under that particular division of part VI. It is to spell out that the person has the rights given to him under division 3 of this part. In other words, the fact that he may not be a patient within the broad definition of "patient" in the definitions clause is taken care of by saying that we are making it clear that the word "patient", in this division only, will include a person received into an approved hospital for the purposes of the "privileges" spelt out under this division. In other words, he is not precluded from the right to have interviews, to have visits, and the like.

Mr Hodge: It is very confusing having two different meanings for one word.

Mr YOUNG: It would have been confusing if this clause had not been included. It has been put there to spell out that, notwithstanding the fact that the word "patient" is used in this division, he has under the next division the rights to which I have referred.

Clause put and passed.

Clause 42: Boards of Visitors—

Mr HODGE: This is the clause that establishes boards of visitors for approved hospitals and for inspecting private psychiatric hostels. My remarks do not extend to the boards of visitors who will be visiting private psychiatric hostels. Visitors are appropriate for that purpose.

I have no confidence in boards of visitors as a worth-while protection for patients in approved mental institutions. I have done a lot of research on the role of boards of visitors in mental institutions in this State and in other States. I have discussed their role with people who have been on such boards and with psychiatrists who have worked with them. There is fairly universal condemnation of the usefulness of boards of visitors.

I spoke to a psychiatrist who worked for Victorian Mental Health Services for many years. He told me that not once in nine years did a board of visitors go against a decision or recommendation by a psychiatrist. In fact, he said that whenever a board of visitors was called upon to make a decision, it would go to the psychiatrist and ask what it should do. Invariably it took the advice of the psychiatrist.

That is not an isolated case. It is not right for the Government to put so much faith in the role of boards of visitors. Boards of visitors should be abolished and in their place we should establish other safeguards, other mechanisms.

In my second reading speech I mentioned that a mental health review tribunal would be the most appropriate body for reviewing the cases of patients in institutions. If a patient made a request before appearing before the tribunal, he should be provided with a legal practitioner, or at least a social worker or advocate to help him put his case. If the legal practitioner was requested, the Mental Health Services should pay the legal fees incurred.

Under the South Australian Mental Health Act there is a mental health review tribunal. It is a three-person tribunal headed by a judge as the chairman, with a psychiatrist and a social worker. A similar tribunal exists under the Mental Health Act in New South Wales. As far as I can ascertain, both tribunals work successfully.

In South Australia, a patient is entitled to make application to have his case reviewed at any time, provided it has not been reviewed previously within 28 days. I suggest that every case should be reviewed by an independent tribunal at least three-monthly. Any complaints could be taken to that tribunal. We could ask the tribunal to review conditions in institutions, to hear the complaints of patients, and to consider possible discharges. At the admission stage, we should establish procedures to allow a stipendiary magistrate or some judicial body to make a decision. That would enhance greatly the prospects of a fair hearing and of having patients' legal and civil rights protected.

I ask the Minister to give some consideration to that. If he is not familiar with the concept of mental health review tribunals he should look at the South Australian and New South Wales legislation and make inquiries from those States. I have made inquiries from both States, and I understand the tribunals are working successfully. Those States have a much lower non-voluntary admission rate in institutions than this State has, and I think this is largely because of the balance and checks made by these tribunals. The Minister has said a great deal about balances and checks in this Bill, but I think they are largely a figment of his imagination.

I think the role of the board of visitors should be phased out and replaced with a tribunal as I have suggested.

Mr Young: Have you had allegations made of boards of approved hospitals in Western Australia similar to the one you had in respect of the board of visitors in Victoria?

Mr HODGE: Yes I have. I have had a number of complaints made to me that the boards of institutions in this State are ineffective and that

most people who have been patients and who have had something to do with them are not prepared to give any credit at all to them. I am not casting any aspersions against people who do their best on these boards. I am condemning the concept, and not the individuals who try to help people. The concept is totally inadequate, and it should be replaced by modern independent tribunals.

Mr YOUNG: I do not want to lean too heavily on things said by others but the words spring to mind, "A rose by any other name . . ." A review tribunal headed by a magistrate, judge, or anyone of that calibre plus a psychiatrist or a social worker in my opinion would not be in a better position to carry out the function of reviewing the rights and privileges of patients. The member for Melville said he was not casting aspersions in respect of individuals, but that the system was wrong. What he wants is a different name and structure to do the same thing. If any member of the Committee reads the powers vested in the boards of visitors under this provision he will find the powers are broad and sweeping in respect of what boards may do in regard to the rights of patients. A board even has the power to override the director and others if in its opinion a person ought to be discharged from the hospital. If we are talking about allegations of restrictive legislation, surely that is the final crunch point.

If an independent board of people drawn from the community, not dependent on the hospital in any way, can form the opinion that a person, whether a voluntary or non-voluntary patient, ought to be discharged from an approved hospital, then it seems to me that would make Emile Zola say, "it is not worth the bother—there is no Dreyfus situation here".

The plain fact of the matter is that opponents of this legislation do not seem to favour boards of review. They claim their criticism is not directed against persons; but it must be, because to criticise what boards have done with the sweeping powers they have and to suggest they have not used their powers to benefit all patients, is to say they are not doing their job. I believe they are.

I do not agree that a review tribunal consisting of the persons suggested by the member would do a better job. The reasons, I think, would be fairly obvious to the Committee. The general criticisms of the boards of approved hospitals do not hold water. I have not received any specific allegations of any circumstance in which any board has failed to protect the rights of patients.

The provision in the Bill gives power to boards to act in respect of rights of patients in approved hospitals. As the boards appear to be constituted

by persons who are sufficiently independent, I do not see how the Committee would agree to any amendment.

I move an amendment—

Page 25, lines 27 to 29—Delete the passage “the Western Australian Association of Mental Health Incorporated (MIND)” and substitute the passage “MIND, the Western Australian Association for Mental Health Incorporated”.

Amendment put and passed.

Mr YOUNG: I understand the words “municipality or municipalities” better describe the words “local authority or local authorities”. I move an amendment—

Page 25, line 34—Delete the words “local authority or local authorities” and substitute the words “municipality or municipalities”.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 43: Board subject to Minister only—

Mr HODGE: Clause 43 will be amended by the Minister shortly to require the boards of visitors to provide an annual report which shall be tabled in both Houses of Parliament.

I support this proposed amendment, in fact I take some of the credit for it. I raised this matter in the second reading stage when I said I felt the clause should include that the boards report to the Parliament. I am not entirely satisfied with what the Minister has said about it. I suggested that the Ombudsman was an example of what I had in mind. To the best of my knowledge the Ombudsman is not subject to the control of a Minister.

I suggested that if we were to persevere with boards of visitors they should not be subject to the controls of the Minister for Health but subject only to Parliament.

The Minister has gone part of the way by requiring an annual report from them and including a specification that the reports be presented to Parliament. This is an improvement but it does not go far enough. The Minister should have been more specific as to the sort of detail the boards of visitors will be required to include in their reports to Parliament. Their reports should be similar to those of the Commissioner for Consumer Affairs; that is, they should detail the types of complaints and the areas most affected and most often investigated. I would like to see a reference to the number of complaints, what they were about and how the board dealt with them. If we can see that the board is being asked continually to deal with a

particular type of complaint in a particular area or institution the Parliament could consider whether or not something should be done about it.

If a board is to present just a quasi-public relations type of report saying how well it is working and how well the system is working rather than getting down to the nitty-gritty of the complaints, what has been done about them and whether or not the Act is adequate, we are not going far enough. Many annual reports we receive are only public relations jobs and do not get down to the nitty-gritty of matters. They are merely window dressing. I do not believe the annual report of a board of visitors should fall into that category. The report should be a detailed outline of what is happening. It would then be of great value.

Mr YOUNG: I do not believe the Bill should state specifically what the boards of visitors should report on. The Bill ought to give them a fairly unfettered right to report in any way they like. I will draw the member's comments to the attention of the boards when pointing out to them their obligations under this clause, as I am sure any subsequent Minister would do, the boards being subject to the Minister. I will request that a full and detailed explanation of their activities be given to Parliament.

I move an amendment—

Page 26, line 10—Insert after the clause designation “43.” the subclause designation “(1)”.

Amendment put and passed.

Mr YOUNG: I move an amendment—

Page 26, after line 11—Add the following new subclause to stand as subclause (2)—

(2) Every Board shall as soon as is reasonably practicable after the end of each year, furnish to the Minister a report in writing of its activities during that year; and a true copy of the report shall be laid before both Houses of Parliament, if it is in session when the report is furnished to the Minister or, if it is not then in session, within 21 days after the commencement of the next session of Parliament.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 44 and 45 put and passed.

Clause 46: Reception at person's own request—

Mr HODGE: Clause 46(2) reads—

(2) A person shall not be received under subsection (1) nor admitted under section

30(2) unless a psychiatrist is of the opinion that he is able to understand the nature and effect of the request.

This clause deals with the admission into a mental institution of a person following his own request—a voluntary admission. Subclause (2) is a very peculiar subclause to have in a Mental Health Bill. I say this because I believe it would be common for a person suffering from a mental illness not to be in a condition to comprehend fully the nature, effect and ramifications of his request to be admitted. A person wanting to be admitted for treatment could be so mentally ill as to be unable to satisfy a psychiatrist that he fully understands the ramifications of his desire to be admitted.

It is peculiar that we should be placing such an obstacle in the way of this person. We should make it as easy as possible for people seeking voluntary admission to be admitted into a mental institution. This subclause seems to be an unnecessary barrier. If a psychiatrist took it seriously—and I suggest a lot would turn a blind eye to it—it could mean that many people who are seriously ill would not be able to satisfy the requirement that they understand the nature and effect of their request. Perhaps the Minister could consider deleting this provision from the Bill.

Mr YOUNG: The matter raised by the member for Melville appears on the surface to have validity. I give him an undertaking to have the matter looked at and to provide him with an answer as soon as practicable. I therefore move—

That further consideration of the clause be postponed.

Motion put and passed.

Clause 47: Reception of person under 18 at request of parent or guardian—

Mr HODGE: This clause deals with the reception into a mental institution of people under the age of 18 years at the request of a parent or guardian. I raised this matter in my second reading speech and the Minister indicated that he had some sympathy for the point I raised. I said that in this day and age there are many young people under the age of 18 who do not live with their parents or guardians, young people who may live interstate or many thousands of miles away.

It is a further unnecessary obstacle to rule out completely the request of a young person between the ages of 16 and 18 who may be suffering from a mental illness and may feel the need for voluntary admission to a mental institution. Under this clause, if the approval of the guardian or parent is not obtainable, it appears the hospital cannot admit that young person. That is a further

unnecessary restriction. The suggestion I made in my second reading speech, which I hoped the Minister might have considered, was that a person between 16 and 18 years of age should be admitted if he requests admission and it is obvious to a psychiatrist he is suffering from a mental illness. An effort should be made to contact the parent or guardian, but the parent or guardian should not have the right to overrule the request of a young person of that age.

It is obvious the parent or guardian must make the decision in regard to a person under the age of 16; but many young people between 16 and 18 years of age are very mature and accustomed to making their own decisions. That is a further unnecessary impediment in the way of young people who seek attention for a mental illness.

Mr YOUNG: When the member for Melville raised this matter in the second reading debate, I made the point that I was not against the thrust of his argument. I am not quite sure of the words I used but I may have said I was not unsympathetic to the matters he raised.

Since the member made those points, I have come to the conclusion a line must be drawn somewhere and it is generally accepted by the community that the line in respect of the age of consent, where matters as important as this are concerned, has been drawn at the age of 18 whereas previously it was drawn at the age of 21.

In dealing with admission to psychiatric or approved hospitals under this Bill we refer to very important and significant procedures relating to institutions which can be described only as places which, on reflection in later life, one would rather not have visited. Therefore, the matter cannot be entered into lightly. If a person between 16 and 18 years of age finds himself suffering from a mental illness of the sort which comes within the ambit of this Bill and feels he ought to be admitted to a psychiatric or approved hospital covered by the legislation, and if he is not under the guardianship of a specific person or under the control or care of his parents, almost inevitably, as a result of the opinion of a medical practitioner whom no doubt the person would consult in respect of these matters, he would be placed under the care of the Director of Community Welfare who would then almost certainly act as the guardian of the young individual and make the required request under clause 47.

Therefore, although I can see some merit in the argument of the member for Melville, I am particularly concerned about the point at which one draws a line. The community has drawn the line at 18 years of age and there are protections

for those under that age who find themselves in some form of danger, and that would include the danger of mental illness. To open up the area to people between the ages of 16 and 18 would draw the criticism that we did not open it far enough and people from the age of 14 should be included. I am sympathetic towards the concern of the member for Melville for these people, but they are protected under the Child Welfare Act.

Clause put and passed.

Clause 48: Reception into hospital at request of medical practitioner—

Mr HODGE: This is another important clause and the Minister has rewritten it totally. Despite the proposed new clause which appears on the Notice Paper, the principle contained therein has not been altered substantially. The basic change is that, instead of one medical practitioner being able to send a person to a mental institution for examination by a psychiatrist, the opinions of two medical practitioners will be required.

I reiterate that it does not matter whether one or two medical practitioners are involved. The fact remains that a person could voluntarily attend a medical practitioner and complain of a mental illness. The doctor could then give him the appropriate form and send him to an institution for examination by a psychiatrist. The person could be under the impression he is doing this voluntarily, but after examination he could find himself being admitted on a compulsory basis as an involuntary patient. I do not see that the proposed amendment will alter the situation significantly.

It is better to have the opinions of two medical practitioners rather than one and that is a small step in the right direction; but I disagree with the basic principle behind the clause.

Could the Minister clarify the position if a person is examined by two medical practitioners who arrive at different opinions as to the state of his mental health? It is possible that, if relatives and friends were persistent, they could eventually find two medical practitioners who would arrive at the same opinion.

Mr YOUNG: I reiterate a grave misunderstanding has occurred on the part of many people who have read this legislation and have concluded this clause deals with a person admitted voluntarily to an approved hospital.

The intention is quite clear. A person must be admitted in the prescribed form; in other words, as presently drafted, the provision will require a medical practitioner to form an opinion in respect of a person's mental condition in line with other provisions contained in the legislation. The

practitioner must fill in a prescribed form requesting a person to be taken into an approved hospital. The procedure was not intended to apply to voluntary admissions. If a medical practitioner is of the opinion that a person needs psychiatric help, informs the person of his opinion, and the person wants to enter an approved hospital voluntarily, the medical practitioner should not fill in the prescribed form—the person would just be admitted voluntarily.

Each time the Opposition has raised its argument in regard to this matter I have had to repeat the points just made. As the member for Melville accepts, if the opinion of two medical practitioners—as it will be in the Act—is that a person be admitted to an approved hospital because he is suffering from a mental illness, etc., that person will come within the ambit of this provision. However, the member suggested that some people could continue to seek the opinions of doctors—if they have received already an opinion that is acceptable to them—until they finally find a practitioner who will agree with the first that a person should come within the ambit of this provision.

The member probably is correct, but at the moment the Act requires the opinion of only one practitioner; therefore, the provision requiring the opinions of two practitioners is an improvement and a necessity. At some stage in the Mental Health Act there must be a requirement for the opinion of a medical practitioner—in fact, the opinions of two medical practitioners—to be required before a person can come within the ambit of the clause to which we have referred.

Without such a provision mental health legislation would not work. We would have voluntary patients with patients admitted for some security reason, and there would not be provision—apart from the clause in respect of applications to a justice—for a more dignified and professional method by which a person could be admitted to an approved hospital.

This clause has been canvassed on a number of occasions when other clauses have been before the Committee. Therefore, if further debate is to occur, it will be able to occur when I move for the inclusion of the proposed new clause.

Clause put and negatived.

Clause 49: Reception into hospital by order of justice—

Mr HODGE: This clause will empower a justice to issue an order for a person's apprehension and conveyance to an approved hospital. It is subject to subclause (2) which makes it a condition that the justice see the

person to whom the order is to apply, and that the person be seen by a doctor, etc. I am concerned by this clause because I believe it is too wide. Subclause (1) states, "If, upon the application of any person made in the prescribed manner . . .", and I believe that is far too wide a provision. It should read, "any person with a proper interest . . ." At present the provision is wide open to abuse by a vindictive person. The person making the application should be a relative or friend or someone else with a proper interest.

The Law Society criticises the clause by saying that its reference to "any person" is extremely wide. The Law Society's committee recommends that the words "any person" be restricted to any person who is able to establish to the satisfaction of the justice that his paramount concern is the welfare of the person in respect of whom the order is sought. To me that seems to be a much more reasonable course. The Minister should give consideration to tightening the provision.

Obviously other criticism levelled by the Law Society has been accepted by the Government and will be accommodated by a justice being required to see the person the subject of an application. I wonder whether that proposed provision should be more specific so that the person is given the opportunity not only to be seen, but also to be heard. If the person wishes, he should be able to have his legal practitioner and his medical practitioner represent him before the justice. That should be a fundamental right because such a person is in a serious position. He is brought before a justice so that the justice can determine whether he should be sent off to a mental institution for an indefinite period. The person should have the benefit of a judicial hearing.

A stipendiary magistrate is the proper person to conduct these cases. I am not happy about a justice of the peace, who is fundamentally a lay person, conducting such cases. He is not qualified. However, I am arguing uphill on that point. I have canvassed that area a number of times. If a justice of the peace is to conduct such cases clear guidelines should be laid down so that the potential patient has every chance of a fair hearing. It would be unwise and unfair for the Committee to allow the clause and the proposed amendment without the fundamental rights which I have outlined. I hope the Minister gives consideration to the points I have raised.

Mr YOUNG: I accepted that the member for Melville made a valid point in respect of clause 34, and I have remained fairly consistent in making the point that if a person is not in a position to understand the nature of his illness he ought not be put in a position where he must

make decisions in respect of his position. That has been the thread of my arguments.

If the member reads the Bill he will see that the clause refers to the application being made in the prescribed manner—the manner will be prescribed in the regulations—and the justice being satisfied that a person is or appears to be suffering from a mental illness of a nature or degree described in clause 28(1)(b). That provision states that the mental illness from which the person happens to be or appears to be suffering is of a nature or degree which warrants detention for treatment in the interest of his welfare—we get back to the argument we had before—or for the protection of other persons. Therefore it seems fairly proper to me that if a justice is required to consider the position of a person under clause 49, he must have regard to the nature of that person—amendments will be made—and must rely on the advice of a medical practitioner who must be also of the opinion that the person is suffering from the mental illness described. The justice will be required to see the person, and the person will have the opportunity—this is quite clear—to speak to the justice at that time. The medical practitioner must be of the opinion that the person is or appears to be a person who comes within the provisions of the legislation.

A provision to which we have agreed accepts that the nature of the person's illness prevents his appreciation of the need for treatment; in other words, the person is not in a position to be able to form the opinions upon which the member for Melville was basing his argument.

In regard to the first matter he raised in respect of an interested person being the only person who can make the application in the prescribed form, I do not think that is necessary when one considers the fact that even if the situation does not come within the ambit of clause 56, there will be times when somebody forms an opinion that a person who has no friends or relatives ought to be taken into an approved place for his own good. That is another method by which that can be done. It appears a person can be brought into the ambit of this clause by the community. I do not believe that a person must necessarily have an interest in that patient apart from simply being a member of the community. I move an amendment—

Page 29, lines 3 to 5—Delete the passage "suffering from mental illness of a nature or degree described in section 28(1) (b)" and substitute the passage "a person who comes within paragraphs (a), (b) and (c) of section 28 (1)".

Amendment put and passed.

Mr YOUNG: I move an amendment—

Page 29—Delete the subclause and substitute the following—

(2) The justice shall not make an order under subsection (1) unless—

- (a) he has himself seen the person for the purpose of determining whether the order applied for should be made; and
- (b) a medical practitioner is of the opinion that the person is, or appears to be, a person who comes within paragraphs (a), (b) and (c) of section 28(1) and such opinion is—
 - (i) evidenced by a certificate in the prescribed form; and
 - (ii) based on a personal examination of the person made by the medical practitioner within 72 hours before the application to the justice is lodged.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 50: Reception into hospital of defendant following examination ordered by court—

Mr HODGE: The Minister has three amendments on the Notice Paper in respect of clause 50. One of them is a machinery matter that is required because of a previous amendment. Another concerns the period of 28 days that a defendant can be remanded for psychiatric examination. The Minister has agreed—I think after talking to the Law Society—that the 28-day period should be reduced considerably and he is suggesting an amendment to seven days. I wonder why he changed from 28 days to seven. The Law Society in its criticism of this Bill said this period is inordinately long and should be reduced to 72 hours, which is the standard time right throughout this Bill.

Seventy-two hours appears in clause after clause as a suitable time for a person to be kept in an institution for psychiatric examination. Why we suddenly should support this new standard of 28 or seven days is a bit of a mystery. I would appreciate the Minister's explaining to the Committee why under this clause it is appropriate for a person to be remanded for psychiatric examination for seven days rather than for three days as is contained in all the other clauses. That seems to be illogical and inconsistent.

The second point about this clause is a concern again expressed by the Law Society. I quote from their criticism of the Bill as follows—

An order under section 50 would not be a final order and the committee is concerned

that such an order could not be challenged under the Justices Act. The committee recommends that the order be subject to a right of appeal or an application for variation of the order.

That seems to be a very legitimate point raised by the society. Looking through the five subclauses of clause 50, there does not appear to be any provision for a right of appeal. If the Law Society is correct and there is no right of appeal, then as it correctly points out, one should be provided. I would like to hear the Minister's comments on those two points.

Mr YOUNG: The argument raised by the member for Melville in respect of whether the period reduced from 28 days to seven ought to be further reduced to 72 hours does not necessarily follow. The 72-hour provisions contained within the legislation up to this clause have referred, in the main, to periods in which a person is required to be examined, once that person is in a situation where he comes under the Mental Health Services. This clause refers to an order given by the court that the defendant be remanded for any period not exceeding a certain number of days—in this case it will be seven. After discussion I agreed with the Law Society that 28 days was an inordinately long period for the purposes of being remanded either on bail for examination by a psychiatrist, or in custody at such place as the court may specify for observation and examination by a psychiatrist.

It was considered that the court would not always have the necessary power to conduct the sort of examination referred to previously in this debate. It was considered that a period of time shorter than seven days would make it impossible for the proper examination to be carried out in all circumstances. That is the reason that a period of seven days was chosen in preference to a period of 72 hours.

The member for Melville referred to the matter of appeal, and to the comments of the Law Society. I take the point made by the Law Society. I regret the fact that the answer to this query would have to be supplied by a person more qualified in law than I am. However, I was satisfied by the Parliamentary Counsel that the comment was not valid. So again I will give the member for Melville an undertaking to reply to him on that particular matter at an appropriate time. If necessary I will seek to have the clause recommitted later.

For the reasons referred to in respect of amendments to the previous clause, I move an amendment—

Page 29, lines 30 and 31—Delete the passage “suffering from mental illness of a nature or degree described in section 28(1)(b)” and substitute the passage “a person who comes within paragraphs (a), (b) and (c) of section 28(1)”.

Amendment put and passed.

Mr YOUNG: I move an amendment—

Page 29, line 34—Delete the figures “28” and substitute the figure “7”.

Amendment put and passed.

Mr YOUNG: For the reasons previously referred to, I move an amendment—

Page 30, lines 4 and 5—Delete the passage “suffering from mental illness of a nature or degree described in section 28(1)(b)” and substitute the passage “a person who comes within paragraphs (a), (b) and (c) of section 28(1)”.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 51: Persons discharged from outside State—

Mr HODGE: This clause causes me some concern, and it caused concern also to the Law Society committee which reviewed the legislation. It seems to be possible, under the provisions of subclause (1), that a person from another State, who may be either intellectually handicapped or suffering from a mental illness, may be sent to Western Australia and be admitted to an approved hospital on the order of the Minister if he appears to be suffering from a mental illness as defined.

We believe this clause needs to be tightened substantially. It may well be that a voluntary patient in a mental institution in another State could be transferred to the custody of the State Minister for Health, and then become an involuntary patient here.

It could even happen that an intellectually handicapped person who is suffering also from some degree of mental illness, could end up as an involuntary patient here. The provision does not state that reassessment must be made in every case. We believe the best way to overcome the problem would be to provide for reassessment of any such person before a decision is made.

Mr YOUNG: Subclause (2) is quite clear on this point. It commences—

(2) Where pursuant to an agreement referred to in subsection (1) a person is discharged to this State he may, if he is, or appears to be—

It is then proposed to delete the words following and substitute “a person who comes within paragraphs (a), (b) and (c) of section 28(1)”. In other words, it is obvious that the assessment required of any person who comes within that provision would have to be made of a person coming from another State. I remind the member for Melville that subclause (1) commences—

The Minister may, on behalf of the State, agree with the Government of another State or territory—

Then the important words are these—

—for the taking, reception, care, treatment, maintenance, burial, or payment of expenses, under this Act, of an intellectually handicapped person or a person suffering from a mental illness who is discharged by that other state or territory to this State.

So the purpose of that subclause is not to allow the improper admission of a person into an approved hospital, but simply to allow to happen all those things I mentioned, if the Government should so desire. It is quite proper that the provision should include intellectually handicapped or mentally ill persons who might need such care. However, such people can be admitted into an approved hospital only on the order of the Minister if their condition is such that they would be covered by the legislation, anyway.

I move an amendment—

Page 30, lines 34 to 36—Delete all words commencing with the word “suffering” down to and including the passage “28(1)(b)” and substitute the passage “a person who comes within paragraphs (a), (b) and (c) of section 28(1)”.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 52 put and passed.

Clause 53: Persons found unfit to stand trial may be admitted—

Mr HODGE: A number of things are wrong with this clause. Firstly, subclause (1)(a) provides for two medical practitioners. Obviously, it should be two psychiatrists. I am sure most medical practitioners would agree only too readily the average medical practitioner has little or no training, experience, or qualifications in the field of psychiatry. It is a specialised field, therefore this surely must be an oversight.

Subclause (1) goes on to provide that a person who is committed to stand trial and who is found to be suffering from mental illness may be directed by the Chief Secretary to be admitted as

a patient to an approved hospital and detained until a psychiatrist certifies he is fit to be discharged. I am concerned that provision is made for only one psychiatrist to have the full and final say as to whether that person is fit to be discharged. A person may be detained—indefinitely it appears; no time limit is envisaged in this clause—in a mental institution and it is left to one psychiatrist employed by Mental Health Services to certify that he is fit to be discharged.

The clause provides no machinery to require the psychiatrist regularly to review the case. It seems to me there is potential here for a person to be pushed into a mental institution and kept out of sight and out of mind and left there to rot. No machinery is laid down for periodic review of the case; there is no provision for an independent review by an outside psychiatrist. It seems completely unfair to pass legislation such as this.

In fact, there is no provision even to provide that a person before the court who is having his sanity questioned should be represented by a legal practitioner. Therefore, a person could appear before a court, be examined by two medical practitioners and be found to be of unsound mind and be put away forever and a day in a mental institution. This entire clause is totally unsatisfactory. To think we are even considering passing legislation of this type in 1981 is too much.

The legislation should specify that anyone who has his sanity questioned before a court should be represented by a solicitor and any examination should be conducted not by two medical practitioners but by two psychiatrists. Once that person is committed to a mental institution, regular reviews should be conducted, not by a single psychiatrist in the employ of the State Government, but by an independent body. These failings render the clause defective and I imagine that even this Minister would not be happy about passing it in its present form.

Mr YOUNG: This division relates to the admission of persons arising out of criminal trials. A person committed to stand trial for a criminal offence whose sanity is in question is examined by two medical practitioners before either the trial proceeds or he is committed. Protection is provided in that two medical practitioners are specified, and there would need to be collusion for a person to be committed unjustly. I do not say the member for Melville suggested collusion may occur; he simply believes we should provide for two psychiatrists to make the examination, rather than two medical practitioners.

As I see it, this clause provides protection to the person who appears before a criminal court charged with an offence he may have committed while in an unsound state of mind. Without this provision, he could well find himself incarcerated in another place for quite some time. I do not think a mistake has been made. It is reasonable that a person found to be suffering from mental illness should not continue to stand trial but should be placed in the charge of the Chief Secretary for his own protection and admitted as a patient in an approved hospital.

Mr Hodge: But everywhere else in this Bill where ordinary general practitioners are mentioned, their power is limited to the extent that they can only refer patients to psychiatric institutions for examination by psychiatrists. However, in this clause the medical practitioners have the final say as to the admission of a person to a mental institution; they are to be admitted, not examined by a psychiatrist prior to admission.

Mr YOUNG: That is true; however, the alternative would be not to provide the protection provided by this clause.

Mr Hodge: I am not saying that. The protection should not be diminished, but enhanced by providing for two psychiatrists rather than two medical practitioners.

Mr YOUNG: I am prepared to say to the member for Melville that if I believe the rights of the person and of the State will be enhanced by specifying two psychiatrists, rather than two medical practitioners, I will consider a later amendment.

I am not moved by the argument of the member for Melville at this stage. I am simply trying to indicate to him that the thrust of this Bill has been to keep a balance between the interests of patients and the interests of other people. The rights of each of them have to be respected at the same time.

If I can see no reason that the situation should not continue to exist, I give an undertaking that I would be prepared to consider his amendment at an appropriate time.

Mr HODGE: I am not satisfied with the Minister's reply. He has made heavy going of trying to explain the point I raised. He has not done it to my satisfaction.

Nowhere else in this Bill do we authorise ordinary medical practitioners to put people into mental institutions. The farthest we go in any other clause is to have people referred for 72 hours for examination by a psychiatrist. This clause is authorising two ordinary medical

practitioners to commit people to a mental institution indefinitely.

The Minister did not comment on any of the other points I raised, although I thought they were very important. It is scandalous for this clause to be passed without making some alteration to include machinery for regular review of patients confined under this provision. It is not good enough to have one psychiatrist deciding, when the mood takes him, that he might review and might order the discharge of a person committed under this clause.

Under this section, we are virtually locking up people and throwing away the key. When will these people have their cases reviewed? Is it good enough to have them reviewed by one psychiatrist? If the Government is prepared to push through this clause, it is a sorry day for Western Australia.

People have the basic right to have their cases reviewed by an independent person or tribunal. The board of visitors and all the other protections would not apply to reviewing people committed under clauses 53 and 54—

Mr Young: Why would you think they do not apply under 53?

Mr HODGE: The board of visitors is exempted. I refer to clause 63. Unless there is a specific order by the Chief Secretary or the Governor, none of the provisions of the part dealing with the discharge of patients and the powers of the board of visitors applies to people committed under clauses 53 and 54. There is no machinery.

There is potential for people committed under clauses 53 and 54 to be out of sight and out of mind, and forgotten by the system.

Mr Young: I advise the member for Melville I will have a look at that situation.

Clause put and passed.

Clause 54: Governor may order admission in certain cases—

Mr HODGE: I am opposed to this clause. The reasons are similar to those I have just outlined. This is a poorly drafted clause. Again there is great potential for people to be put into mental institutions and promptly forgotten, without having their cases reviewed.

I cannot see that any person would agree with this clause. It is so vaguely worded that the Governor may decide that a person shall be admitted to an approved institution and stay there until such time as the Governor decides that he will come out. There is no requirement for the case to be reviewed, even by a psychiatrist. The

Governor will be empowered to order that a person be detained in a mental institution, and there is no requirement for psychiatric assessment of the person; there is no requirement that the case be reviewed regularly; there is no requirement that he be liberated at any time other than upon the order of the Governor; and there is no provision for a panel to advise the Governor on these matters.

Most members would realise that the Governor is not qualified to decide on the psychiatric condition of people. It is ridiculous that we should have such a loosely-worded, vague clause as this one. Again, it is locking someone into the system and throwing away the key.

We should be providing machinery for regular reviews and for a panel to advise the Governor. In other States, under other Mental Health Acts there are such panels to advise Governors on such matters. An expert panel of psychiatrists, and perhaps solicitors and social workers, should advise the Governor that a certain person's case should be reviewed, or that his case has been reviewed and he should be liberated.

This clause is absolutely hopeless. I wonder if the Minister and Government members have read it closely. If they have, I cannot believe they would agree with it.

As I pointed out, the normal provisions for review and discharge will not apply unless the Governor orders specifically that they should. It is "hit and miss". On some occasions, the Governor may not make such an order. That means a person could be held indefinitely in a mental institution with virtually no legal rights and no avenue of appeal.

I cannot believe that the Minister understands the clause, or that he is prepared to go along with it.

I ask him to comment on the points I have raised.

Mr Young: The same comment.

Clause put and passed.

Clause 55 put and passed.

Clause 56: Apprehension and examination where person wandering at large, etc.—

Mr HODGE: This is a particularly obnoxious clause. The Government has decided to amend it. The Deputy Premier laughs; but the Minister has rewritten half of it, it was so bad. The Deputy Premier should not giggle so much.

Mr O'Connor: I am laughing at you.

Mr HODGE: I am glad the Deputy Premier is amused by this.

Even after being rewritten, this clause is still obnoxious. It should not be passed by this Committee. In my second reading speech, I pointed out the worst features relating to people wandering at large or without sufficient means of support. They will be deleted when the Minister moves the amendment on the Notice Paper; but still we will be left with an unsatisfactory clause. It does not specify who shall make a complaint to a justice of the peace.

The comments that I made earlier apply here. It is wide open for a vindictive person to abuse the clause. We should specify that the person to make the complaint should have an appropriate interest. This gives incredible power to police to "apprehend"—a euphemism for "arrest"—people who appear to be suffering from mental illnesses.

As I said in my second reading speech, a policeman without an order from a JP can apprehend a person who appears to that policeman to be suffering from a mental illness. This clause also will add other conditions that must be taken into account. The clause is unclear as to what happens after that person is apprehended by a policeman, but I take it the person could be placed in the lockup while the policeman found a JP and obtained an order allowing him to take the person to a medical practitioner.

All this is not good enough. The responsibility to make those sorts of decisions should not be thrust onto a police officer; he should not have to decide whether a person is suffering from a mental illness. Policemen are not trained to do this and we should not be calling on them to do this sort of work. They should not get involved in these cases and they should restrict their activities to where people break the law.

Mr Young: Who do you think should apprehend a person who is likely to commit a dangerous act to another person?

Mr HODGE: It could be an officer of the Mental Health Services.

Mr Young: Or a judge. It is a fair question because a policeman's job is to protect the public. This clause is designed to protect the public and who else is going to apprehend a person under those circumstances?

Mr HODGE: I do not believe the police should be involved in cases of mental illness. Policemen should not be involved in making these sorts of decisions.

Mr Young: They are not.

Mr HODGE: Subclause (2) makes it clear that a police officer can be involved.

Mr Young: I will tell you why he is not making that decision when you sit down. I will speed up the proceedings.

Mr HODGE: I will be very interested to hear the Minister's explanation. But the clause is quite clear; it is there in black and white. It clearly states that, without an order, a policeman can apprehend someone. That is not good enough.

Subclause (3) deals with a medical practitioner examining a person to determine whether he has a mental illness. In other clauses we have dealt with tonight we have stipulated that we need two medical practitioners; so we seem to have an inconsistency. Is this an oversight? If it is not I would appreciate the Minister explaining why in some clauses there is a reference to two medical practitioners when in this clause there is a reference to just one.

Mr YOUNG: The member for Melville made mention of this matter in his second reading speech and just in case members may have taken in any of his ideas, I will put them right. It is not a question of whether a policeman is called upon to make a decision in regard to a person's mental state.

Mr Hodge: It is in black and white.

Mr YOUNG: Let us read the black and white so that the Committee understands. This clause refers to a situation where a complaint on oath is made to a justice. A person must first have to appear to be suffering from a mental illness and, concomitant with that, to be without sufficient means of support—which is to be changed. Further, he has to be likely to do danger to himself or other persons. The justice may, by order in the prescribed form under his hand, require a police officer or officer of the department authorised in that regard by the Minister to apprehend the person in respect of whom the complaint was made and forthwith cause him to be examined by a medical practitioner.

Further, a police officer finding a person who falls within the ambit of subclause (1) can apprehend that person, but in such event the police officer shall forthwith make a complaint on oath before a justice as to the condition of the person and the circumstances under which he was found. The justice may thereupon, by order in the prescribed form under his hand, require the police officer forthwith to cause the person to be examined by a medical practitioner.

A police officer is not called upon to make a decision in respect of the mental health of a person.

Mr Hodge: Of course he is.

Mr YOUNG: He is not. He is called upon to make a decision whether or not a person ought to be apprehended.

Mr Hodge: Why would he apprehend him if he was not mentally ill?

Mr YOUNG: In effect, the member is suggesting that a police officer has no right to apprehend people who might be a danger to themselves or to the public. If a police officer is to apprehend anyone in the course of his duties under all the Statutes of this State, in effect he has to be a Supreme Court judge or at least a magistrate to be qualified to come to the opinion that a person ought to be taken into custody. That is the stupidity of the member's suggestion.

This clause is asking for certain things to be done in respect of a person alleged to come within the ambit of subclause (1). Plenty of protection is

provided. A police officer finding a person to whom this clause applies must take him into custody and make a complaint to a justice who can order that the person be examined by a medical practitioner. By no means can these words be construed as requiring a police officer to pass an opinion as to the person's mental illness. I do not care how many people have told the member for Melville that is so. I simply state that he and they are wrong.

Progress

Progress reported and leave given to sit again, on motion by Mr Shalders.

House adjourned at 10.38 p.m.

QUESTIONS ON NOTICE

FUEL AND ENERGY: GAS

Dampier-Wagerup Pipeline

1390. Mr BRYCE, to the Treasurer:

- (1) What is the current estimated cost of the construction of the Dampier to Wagerup gas pipeline?
- (2) What allowances are being made by the Government for escalations in the cost of constructing the pipeline?
- (3) Is the Government concerned with recent estimates suggesting that the completed cost of the pipeline will exceed \$1 000 million?
- (4) (a) Is there an estimated cost of the pipeline beyond which the Government believes it would not be economically feasible to proceed;
(b) if so, will he provide details?
- (5) (a) Will he table a copy of the State Treasury's submission to the Loan Council in which the Government outlined its plans to pay for the pipeline;
(b) if not, will he make a comprehensive statement to the Parliament to provide this information for members?

Sir CHARLES COURT replied:

- (1) \$670 million, costed at June 1981 prices.
- (2) Appropriate allowances have been made for inflation of costs during the construction period on the best advice available from consultants and the Treasury. Tenders for part of the material for the pipeline have been received by the State Energy Commission and, based on the price information contained and the current best estimates for future cost escalation an estimate of the total cost to completion has been made, including the amount of capitalised interest. There are some valid reasons why such a figure should not be made public at this stage—one of which is the obvious danger of the figure becoming something of a target figure in the minds of contractors, etc., when our objective is to achieve a lower figure if possible.
- (3) I am not concerned with newspaper reports of estimates which are not based on all of the available data. It will be obvious that a whole range of different

estimates could be produced depending on assumptions made about the rate of inflation of costs.

- (4) (a) and (b) It is not practicable to determine a firm cut-off figure as is implied in the question. Any undue escalation of costs such as could result from unrealistic wage demands or delays due to, for example, industrial disputes would increase the cost of the pipeline and, as a result, the interest and capital repayment charges which are vital cost elements. This in turn could affect the price of gas to the consumer.
The very detailed studies of the pipeline economics undertaken by the State Energy Commission and its consultants indicate that the project is sound and will bring real benefits to the State Energy Commission, consumers and the State economy generally.

If all parties work together to ensure that the pipeline is built within budget and on time, those benefits will be realised.

- (5) (a) and (b) As I have explained on previous occasions, documents submitted to Loan Council are confidential to the council and I am therefore unable to table them for the information of members.

The pipeline is to be financed from funds borrowed within Australia and overseas with interest and capital repayments being met from the proceeds of the sale of gas to industrial and domestic consumers. Because of the large volume of gas available and the relatively small size of the metropolitan domestic market, industrial uses will account for a high proportion of gas sold and therefore of the cash flows required to meet the cost of the pipeline.

FOREIGN INVESTMENTS

Foreign Investment Review Board

1392. Mr BRYCE, to the Premier:

On how many occasions in the financial years 1979-80 and 1980-81 did the State Treasury receive cases referred to it by the foreign investment review board

concerning the investment of foreign capital in Western Australia?

Sir CHARLES COURT replied:

Matters are referred to Treasury or to other State departments from time to time but no statistical records are kept as to the number of references made.

WESTERN AUSTRALIAN WOMEN'S FELLOWSHIP AWARDS

Selections

1404. Mr PEARCE, to the Premier:

- (1) By whom are the recipients of the Western Australian women's fellowship awards selected?
- (2) By what criteria are the selections made?

Sir CHARLES COURT replied:

- (1) Entries for the Western Australian women's fellowship awards are considered by a selection committee comprising five members representative of a wide range of interests.

Currently the members are—

Mrs D. Dettman
Mrs P. M. Smeeton
Miss I. A. Barr
Sir Bruce MacKinlay
Mr M. C. Uren.

The committee's recommendation as to whom should receive the award is forwarded to the Premier.

- (2) Applicants must be at least 22 years of age, resident in Western Australia, and have been resident in Western Australia for at least five years. They must be able to demonstrate that the knowledge and experience being sought by travelling overseas or interstate is not readily available in Western Australia.

The selection is then made having regard for the merits of the applicants' proposed programmes, the contribution they are currently making, and their expected future contribution to the community, in particular the advancement of women or children.

I will seek leave to table a copy of the brochure titled "Western Australian Women's Fellowship Award", which is available to interested parties from the Public Service Board.

The paper was tabled (see paper No. 342).

WASTE DISPOSAL

Liquid: Cockburn

1444. Mr PARKER, to the Premier:

- (1) Who are the members of the Cabinet sub-committee appointed to co-ordinate new control conditions and study liquid waste disposal?
- (2) Is he aware that the Department of Health and Medical Services has made arrangements for septic waste from the Cockburn City Council area to be received at the Canning Vale effluent disposal site after the closure of the Warton Road site without any consultation with the City of Cockburn?
- (3) Is he further aware that the City of Canning has laid down a number of conditions for the receipt of this waste, apparently with the concurrence of the Department of Health and Medical Services, which conditions are unacceptable to the Cockburn City Council?
- (4) Is he further aware that the Metropolitan Water Supply, Sewerage and Drainage Board has refused a request from the Cockburn City Council that the liquid waste concerned be received at the Woodman Point wastewater treatment plant, either now or as it is developed?
- (5) Is he also aware that the net result will be a considerable increase in the cost of liquid waste disposal to residents of the City of Cockburn arising out of the Government's decision to close the Warton Road site?
- (6) Will he have the Cabinet subcommittee consider these matters?

Sir CHARLES COURT replied:

- (1) Minister for Water Resources;

Minister for Health;

Minister for Local Government, and Urban Development and Town Planning;

Minister for Conservation and the Environment.

- (2) The Warton Road site is situated over a proclaimed underground water reserve and is recognised by both the Public Health Department and the Metropolitan Water Board as being a potential health hazard. Arrangements have been continuing for a long time for an alternative site to allow Warton Road to be closed. The City of Cockburn has been consulted on many occasions.
- (3) The alternative site arranged by the Public Health Department is situated in the City of Canning and there has been correspondence both from the Commissioner of Public Health and the City of Canning relating to the use of this site and the conditions to be observed. I am not aware that these conditions are unacceptable to the Cockburn City Council. If they are unacceptable, the Public Health Department has not been advised.
- (4) The board's wastewater treatment plants are currently not designed to handle septic tank wastes. However, this is an option now being examined as part of the overall review of liquid waste disposal being carried out under the auspices of the Cabinet sub-committee.
- (5) No. The investigations conducted when planning for an alternative site included an examination of the economics of diverting liquid waste from Warton Road to another site, including discussions with the company already under contract to the City of Cockburn and with the officers of the City of Cockburn. If there is any increased cost to residents of the City of Cockburn it will be minimal.
- (6) The member's questions and these answers will be automatically communicated to the committee.

LAND: RURAL

Foreign Investment

1451. Mr BRYCE, to the Premier:

- (1) When did the State Government instruct the Agent General in London to discourage speculative investment in Western Australian rural properties?
- (2) How much speculative investment has occurred in Western Australian rural properties from British sources in the last three years?

(3) What action can the Agent General in London take to discourage speculative investment in Western Australian rural properties?

(4) What action is the State Government able and prepared to take to stop speculative investment in Western Australian rural properties?

Sir CHARLES COURT replied:

- (1) During March 1980 the Agent General was requested to encourage only those UK investors who intended to migrate and settle in Western Australia.
- (2) Not known.
- (3) As an experienced Western Australian Government representative in Japan and the UK, the present Agent General is able to let the Government policy be known and to follow it through with appropriate people such as real estate agents, representatives of stock and station firms, bankers with clients seeking land investments, individuals and others who enquire direct to Western Australia House in London.
- (4) The State Government reviews proposals put to the Foreign Investment Review Board for the purchase of rural land in Western Australia. Any proposals which are identifiably speculative are not supported.

In addition, as already announced, we have taken action to establish a register to record the acquisition of real estate by non-residents.

HEALTH: ALCOHOL AND DRUG AUTHORITY

Geraldton

1458. Mr CARR, to the Treasurer:

- (1) Will he please detail all funds which have been made available to the Alcohol and Drug Authority to enable the establishment and continued operation of Rosella House, Geraldton?
- (2) Has the Alcohol and Drug Authority made a specific request to the Treasury for funds for capital works and/or maintenance during 1981-82?
- (3) If "Yes", what sum of money has been requested and for what specific purposes has it been requested?
- (4) Will the Government be acceding to this request?

Sir CHARLES COURT replied:

- (1) Commencing in the financial year 1978-79 the following grants for capital and operating costs were made available to Rosella House, Geraldton—

	Operating Costs \$	Capital \$	Total \$
1978-79	4 542	6 550	11 092
1979-80	9 466	—	9 466
1980-81	13 336	3 000	16 336

- (2) Yes.
 (3) Amounts of \$15 500 for operating costs and \$3 000 for capital works have been included in the authority's 1981-82 budget submission.
 (4) It is not possible at this stage to give any assurance on the level of funding to voluntary agencies as the total allocation to the WA Alcohol Authority is being considered as part of the overall budgetary process.

STATE FINANCE

Borrowings Programme: Infrastructure

1472. Mr HARMAN, to the Treasurer:

Adverting to question 1325 of 1981 concerning the North-West Shelf gas infrastructure—Jervoise Bay—will he table a copy of the lease agreement with Woodside Petroleum Development Pty. Ltd. concerning this matter?

Sir CHARLES COURT replied:

No. The document is available to the public from the Office of Titles, Perth.

EDUCATION

Western Australian Council of State School Organisations

1475. Mr PARKER, to the Treasurer:

- (1) Does the Government provide funds for the operation of the Western Australian Council of State School Organisations?
 (2) If "Yes"—
 (a) from which area or areas of the State's expenditure are these debited;
 (b) how much money has been allocated for each of the years from 1977-78 to 1980-81 inclusive;

(c) for each allocation made, under what categories have amounts been provided, and what has been the extent of each amount?

- (3) Does the Western Australian Council of State School Organisations receive any other Government assistance additional to that outlined above, and if so, what?

Sir CHARLES COURT replied:

- (1) Yes.
 (2) (a) Consolidated Revenue Fund, Education Department item subsidies and grants.
 (b) and (c)

	1977-78 \$	1978-79 \$	1979-80 \$	1980-81 \$
Subsidies		13 200	12 200	13 200
Telephone	n.a.	1 921	1 836	1 598
Salaries		40 069	38 686	45 161
Total	30 319	55 190	53 722	59 959

- (3) The Western Australian Council of State Schools Organisations occupies office space in Albert House, Victoria Avenue, Perth. Annual rental is paid by the Government from the rent for office accommodation vote in the Miscellaneous Services Division of the Estimates.

STATE FINANCE

Committee of Review: Completion of Inquiry

1484. Mr BRYCE, to the Premier:

- (1) When was the Cabinet's expenditure review committee established?
 (2) When does he expect the committee will have completed its work?

Sir CHARLES COURT replied:

- (1) 1 June 1981.
 (2) Shortly.

BOATS

Fremantle Sailing Club (Inc.)

1486. Mr BRYCE, to the Treasurer:

- (1) Will he outline the nature and extent of financial assistance which the State Government has given to the Fremantle Sailing Club, indicating the statutory authority for such assistance?

- (2) As Treasurer, is he concerned about recent reports of the club's indebtedness and financial difficulties, in particular the club's alleged inability to meet loan repayments?
- (3) Has he or his department been approached by either of the lending authorities which have lent the club substantial sums of money on the basis of State Government guarantees, to review the club's plight?

Sir CHARLES COURT replied:

- (1) In relation to the nature and extent of financial assistance to the Fremantle Sailing Club, I refer the member to my reply to question 798 of 16 September 1980.

There is no legislation which specifically provides for the issue of sureties to sporting clubs. However, a parliamentary appropriation would be sought in the event that the sureties were called upon.

- (2) I am concerned about the allegations made in the newspaper reports and have initiated enquiries to ascertain whether there is any substance to them.
- (3) No.

APARTHEID

Commonwealth Government Policy

1490. Mr BRYCE, to the Premier:

- (1) Does the State Government support the stand of the Fraser Government in opposing the apartheid policies of the South African Government?
- (2) What is the policy of the State Government in respect of any future proposals for a visit to Western Australia by South African sporting teams?

Sir CHARLES COURT replied:

- (1) Whilst we do not support policies of apartheid, we believe the world should acknowledge that the South African

Government has been progressively moving to improve the situation. That improvement should move faster if there was more international understanding and encouragement rather than continual abuse and opposition to the South Africans. For example, the Western Australian Government believes the Commonwealth could have made a small recognition of improvement in South Africa—as a result of changing Government policies—by allowing the South African rugby football players the right of transit through Australia on their way to New Zealand. The only country in Africa with any consistent degree of stability and which could be of assistance to Australia and its allies in any time of crisis and threat is South Africa, and it would make good sense to observe a measure of balance towards the South Africans. The Western Australian Government believes such a policy of balance would accord with the views of the majority of Australians.

- (2) This is a hypothetical question, but it flows from the answer to (1) that in normal circumstances the Western Australian Government would in principle favour sporting visits by teams chosen on merit.

AGENT GENERAL

London

1491. Mr BRYCE, to the Premier:

What are the current entitlements in terms of salary, allowances, expenses, and any other charges against the State Government, of the Western Australian Agent General in London?

Sir CHARLES COURT replied:

The Agent General's salary is linked to the Public Service classification A-1-3, currently \$28 307 per annum.

An expense allowance of £7 250 sterling per annum is provided to meet other expenses associated with the office of Agent General such as official entertainment.

The official residence is made available rent free and an official car is provided.

MINISTERS OF THE CROWN

Travel: Interstate and Intrastate

1496. Mr PEARCE, to the Premier:

- (1) Between 14 May 1981 and the commencement of the spring sittings of Parliament, how many of his Ministers including himself have taken trips—

- (a) interstate;
- (b) within Western Australia;

but not to their own electorates, which have involved a charge on the Crown?

- (2) Will he list—

- (a) the number of trips taken in each of the categories above by each Minister;
- (b) the purpose of each trip;
- (c) the overall cost of each trip, including travelling allowances, aircraft or road costs, staff costs and any other costs involved;
- (d) persons who accompanied the Minister;
- (e) the duration of each trip?

- (3) Have any instances occurred where members of a Minister's personal staff have travelled—

- (a) to the Minister's electorate if the Minister represents a non-metropolitan seat, at taxpayers expense;
- (b) on the Minister's behalf elsewhere at taxpayers expense?

- (4) If "Yes" to (3) will he please supply details?

Sir CHARLES COURT replied:

- (1) to (4) As I have previously stated in reply to questions of this nature, Ministers of the Government are required to undertake travel in the course of conducting legitimate government business.

Instructions have been given to all Ministers that travel—including officers accompanying them—should be kept to a minimum, bearing in mind the requirements of their portfolios.

If the member has any reason to believe that travel of an unauthorised and unnecessary nature is being undertaken by Ministers, then he should let me have the grounds for his beliefs and I shall have them investigated.

In view of the considerable research required to extract and collate the details requested, I am not prepared to place any further demands on staff who are otherwise fully committed, in order to obtain the statistics sought by the member.

PREMIERS' CONFERENCE

Submissions by other States: Premier's View

1502. Mr BERTRAM, to the Premier:

- (1) Did he adopt or support the cases and arguments put by the Premiers of New South Wales and Tasmania when debating this State's financial case against the Prime Minister?
- (2) If "No", in what respects did he oppose the cases advanced by the Premiers of New South Wales and Tasmania?

Sir CHARLES COURT replied:

- (1) I suggest the member reads again my reply to his question 1274 of 4 August on this subject.

As I pointed out then, the States presented a joint submission to the Commonwealth Government arguing the States' case relating to the review of the tax-sharing arrangements. As it was a joint case, it follows that each State supported all other States.

- (2) Answered by (1).

MINISTERS OF THE CROWN: HONORARY

Staff

1503. Mr BERTRAM, to the Premier:

Will he list the ministerial staff of each of the Honorary Ministers and the cost thereof?

Sir CHARLES COURT replied:

The Ministerial staff of each of the Honorary Ministers, showing their classification, are as follows—

Honorary Minister Assisting the Minister in the portfolios of Housing,

Regional Administration and the North West, and Tourism—

Private secretary C-II-5/6
 Assistant private secretary C-II-2/3
 Secretary/stenographer C-III-3/4
 Typist C-V
 Receptionist C-VI

Honorary Minister Assisting the Minister in the portfolio of Industrial Development and Commerce—

Private secretary C-II-5/6
 Secretary/stenographer C-III-3/4
 Typist C-V
 Clerk C-II-2

A Press Secretary, remunerated at the rate applicable to a Special A Grade Journalist, is shared by the two Honorary Ministers.

PUBLIC RELATIONS OFFICERS

Government Departments and Instrumentalities

1504. Mr BERTRAM, to the Premier:

- (1) When may I expect a reply to question 1267 of 1981 relating to public relations officers?
- (2) What is causing the delay?
- (3) Can he now answer part (a) of the said question?

Sir CHARLES COURT replied:

- (1) All information required to answer question 1267 of 1981—which was wide-ranging—is not yet extracted, and when the task is complete the details requested will be provided.
- (2) The considerable amount of research extending back over a period of seven years, which must be carried out in all departments and instrumentalities in addition to current work requirements. With the extraordinary pressures of the 1981-82 Budget preparation, I have not been prepared to assign a special priority to the information sought by the member.
- (3) See answer to (1).

STATE FINANCE

Commonwealth Funds: Briefs

1506. Mr BERTRAM, to the Premier:

- (1) Further to his answer to question 1274 of 1981 relating to Commonwealth funds, why will he not make available to

the Opposition and the public generally this State's brief arguing this State's tax sharing entitlement from the Fraser Government?

- (2) Since the Prime Minister does not provide State Premiers with copies of his briefing papers, will he now list all of the points raised by the Prime Minister in justification and alleged justification of his attitude towards this State?
- (3) If "No", why?

Sir CHARLES COURT replied:

- (1) I find it difficult to determine whether the member did not understand my reply to question 1274 or is being deliberately obscure.

If by "brief" he means the briefing papers prepared before the conference, there is of course a great deal of background material prepared so that the official representatives of this State are fully informed on the issues involved. However, no brief could be prepared in advance presenting the arguments against the Commonwealth proposals because they were not known until announced at the conference. When the proposed cuts in the total funds to be made available to the States in 1981-82 were announced, all Premiers opposed them vigorously and challenged the reasons advanced by the Commonwealth for abandonment of the previous tax-sharing arrangements.

- (2) and (3) The Commonwealth Government's reasons for reducing the States' overall share of income tax revenue this year, were set out initially in a paper circulated at the conference and expanded in subsequent discussion. I will seek leave to table a copy of that paper, headed "Premiers' Conference, May 1981—Review of Tax Sharing Arrangements with the States, the Northern Territory and Local Government—The Commonwealth Approach".

This paper was released to the press by the Commonwealth Government out of the conference.

The paper was tabled (see paper No. 343).

MONEY LENDERS ACT*Interest Rates*

1507. Mr BERTRAM, to the Treasurer:

- (1) What is the present maximum rate of interest payable under the Money Lenders Act?
- (2) What was the comparable rate as at 30 June 1958, 30 June 1968, and 30 June 1975?

Sir CHARLES COURT replied:

- (1) 22.5 per cent (This is about to be increased to keep in line with current interest rates and other States).

	%
(2) 30 June 1958	15
30 June 1968	15
30 June 1975	20

AGNEW CLOUGH LTD.: LAND*Salinity*

1517. Mr COWAN, to the Minister for Agriculture:

- (1) Did any officer of his department investigate the agricultural potential of land owned by Agnew Clough in the Wooroloo Brook area?
- (2) If an investigation was made did it include examination of the possible increase in salinity levels of the Wooroloo Brook if the land was cleared?
- (3) Was any recommendation made by the Department of Agriculture to either the Lands Department, the Public Works Department, or Agnew Clough about the agricultural potential of the land or the possible effects clearing may have on the salinity of Wooroloo Brook?

Mr OLD replied:

- (1) No.
- (2) Answered by (1).
- (3) No.

GOVERNMENT INFORMATION SYSTEMS*Monitoring*

1520. Mr BRYCE, to the Premier:

- (1) Does an agency, committee, or body of any description currently exist which has responsibility to monitor State

Government information systems and the transfer of information between them?

(2) If so, will he indicate—

- (a) the name of the agency, committee, or body;
- (b) when the agency, committee, or body was established;
- (c) who comprises the membership of the agency, committee, or body?

Sir CHARLES COURT replied:

- (1) No.
- (2) (a) to (c) Answered by (1).

GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES*Personal Information: Public Access*

1521. Mr BRYCE, to the Premier:

Are Western Australians entitled to have access to information which is recorded about them as individuals by Government departments and agencies, to enable them to check the accuracy of such information?

Sir CHARLES COURT replied:

There is no legislation which gives Western Australians a general entitlement to have access to information held by Government departments and agencies.

However, concerning individual members of the public, records held by Government departments and agencies may be accessed by them in particular instances, such as records of—

Registrar General's Office (Births, Deaths and Marriages).

Land Titles Office (Ownership of Land, etc.).

Road Traffic Authority (Motor Vehicle and Drivers' Licences).

Corporate Affairs Office (Company records, Business Names, etc.).

Electoral Office (Names and addresses).

Harbour and Light Department (Boat Registrations).

Lands and Surveys Department
(Leasehold Land, etc.).
Mines Department (Mining
Tenements).
Metropolitan Water Board (Rating
Information).
State Energy Commission
(Consumers' Records).
Public Works Department
(Country Water Supply).
State Government Insurance Office
(Details of policies).

GOVERNMENT INFORMATION SYSTEMS

Protection of Privacy: Report of Committee

1522. Mr BRYCE, to the Premier:

- (1) How many copies of the 1976 report of the committee appointed to examine the question of privacy and data banks were printed?
- (2) Were copies of the report sent to all officers of public service and other State controlled organisations, who are responsible custodians of information systems?
- (3) How widely were the proposals of this committee publicised in the community at large as recommended?

Sir CHARLES COURT replied:

- (1) 125.
- (2) Copies of the report were made available to Ministers of the Crown and were sent to permanent heads of Government departments. Ministers were requested to initiate action to impress upon all employees in all Government agencies within their ministerial responsibilities the importance of confidentiality in dealing with personal information relating to individuals.
- (3) The report was tabled in Parliament and Press releases were made available to the media.

GOVERNMENT INFORMATION SYSTEMS

Protection of Privacy: Report of Committee

1523. Mr BRYCE, to the Premier:

In view of the facts that—

- (a) the Government's 1976 committee of inquiry into privacy matters and data banks in Western Australia

recommended that the State Ombudsman be appointed to chair a special on-going privacy committee;

- (b) he gave a public undertaking that such a committee would supervise all the Government's privacy recommendations—

- (i) why has the Ombudsman's committee never been established;
- (ii) did he ever hold the discussions—as promised—with the Presiding Officers of the State Parliament to determine the procedures needed to make the Ombudsman available as chairman of the proposed committee?

Sir CHARLES COURT replied:

- (i) Implementation of the recommendation to establish a committee under the Parliamentary Commissioner (Ombudsman) has been deferred pending completion and examination of reports on privacy from the Commonwealth and State Law Reform Commissions.
- (ii) The approval of the Presiding Officers of Parliament was obtained to utilising the services of the Parliamentary Commissioner as recommended.

GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES

Personal Information: Policy Guidelines

1524. Mr BRYCE, to the Premier:

Will he table a copy of the policy guidelines issued to employees of Government departments and agencies for determining the use and availability of personal information which the Government holds?

Sir CHARLES COURT replied:

Guidelines have been issued by way of a circular to all Ministers and circulars to permanent heads.
I seek leave to table a copy of these circulars.

The paper was tabled (see paper No. 344).

**LAW REFORM COMMISSION:
COMMONWEALTH**

Protection of Privacy: Investigations

1525. Mr BRYCE, to the Premier:

- (1) Has the State Government received the results of the Commonwealth Law Reform Commission's investigations into questions of privacy and data banks in the private sector?
- (2) Is the State Government satisfied with the outcome of the investigations, or is it felt an inquiry similar to the 1976 inquiry into the question of privacy and data banks in the public service is warranted?
- (3) Will he table a copy of the Commonwealth Law Reform Commission's investigations referred to in (1) above?

Sir CHARLES COURT replied:

- (1) No.
- (2) and (3) Not applicable.

**GOVERNMENT DEPARTMENTS AND
INSTRUMENTALITIES**

Personal Information: Access

1526. Mr BRYCE, to the Premier:

- (1) Is written ministerial approval required for interdepartmental access to personal information kept by Government departments or agencies?
- (2) If not, what procedures are followed?

Sir CHARLES COURT replied:

- (1) and (2) The report of the committee appointed to examine the question of privacy and data banks states—

Information recorded for Government purposes should be regarded as held only for the purpose for which it was supplied and it should not be used or made available for any other purpose, unless the appropriate Minister of the Crown decides that such course is desirable in the public interest.

Insofar as I am aware, this recommendation is generally observed by Ministers of the Crown.

**GOVERNMENT DEPARTMENTS AND
INSTRUMENTALITIES**

Personal Information: Access

1527. Mr BRYCE, to the Minister representing the Attorney General:

- (1) Is it still a fact, as noted by the Government's 1976 committee of inquiry into privacy and data banks in Western Australia that police officers have access to personal information in almost all Government agencies, including schools, where, for example, primary and secondary school principals, at their discretion, provide information from student records?
- (2) Do many Government departments and instrumentalities obtain information from the Road Traffic Authority and the Electoral Department?
- (3) Does the State Government Insurance Office obtain details of traffic accidents and traffic conviction records from the Road Traffic Authority and the Police Department?
- (4) Does the Police Department provide the Public Service Board and other agencies with information on criminal convictions relating to applicants for employment?
- (5) If so, what assurance is there for the people concerned that the information is only used for the purposes for which it was obtained?

Mr O'CONNOR replied:

The Attorney General has been informed as follows—

- (1) There is no official agreement with Government agencies, including schools, but investigating officers seek information from any source in the course of their inquiries.
- (2) In respect of the Road Traffic Authority—

Yes, current ownership details are available to the public on provision of a plate number and payment of the appropriate fee.

Driver's licence information is not available to the public, but supplied to Government departments for the purpose of the recovery of debts to

the Crown and to the Police Department.

In respect of the Electoral Department—

Any person may inspect the Electoral Roll, which includes name, address, and occupation of elector.

Information contained on claim card, such as birth date, birth place, and occupation, is released to departments for official purposes such as tracing missing persons and dealing with cases of intestacy.

- (3) No information is received from the Police Department. Information concerning traffic accidents is available to the State Government Insurance Office and to the public on payment of a fee.

Conviction records are not supplied.

- (4) Yes, subject to applicant authorising release of information.
- (5) The information supplied to the Public Service Board is destroyed once the purpose for which it was obtained is satisfied.

LAND: RURAL

Foreign Investment

1529. Mr EVANS, to the Minister representing the Attorney General:

- (1) Does the Government intend to follow the urging of Primary Industry Minister Peter Nixon, to streamline the Western Australian Companies Act to provide access to details on foreign investment in rural land?
- (2) If "Yes", when is it proposed that such action will be undertaken?
- (3) If "No" to (1), what is the reason for non-compliance with the views of the Minister for Primary Industry?

Mr O'CONNOR replied:

- (1) to (3) There is no restriction on searches for public information which may be made under the WA Companies Act. The State Government has agreed to adopt the new companies and securities legislation which will apply under the national companies and securities scheme. There will be no restriction on searches for public information under that scheme.

If Mr Nixon's suggestions involve amendments to the new legislation, they will have to be considered by the Ministerial Council under the scheme. No proposals are presently before the Ministerial Council for that purpose.

EDUCATION: PRIMARY SCHOOLS

Repairs and Renovations

1533. MR BRYCE, to the Minister for Education:

Which of the following primary schools will receive—

- (a) a repair and renovation programme;
- (b) an upgrading programme;

during the 1981-82 financial year:

- (i) Tranby;
- (ii) Cloverdale;
- (iii) Belmont;
- (iv) Redcliffe;
- (v) Bayswater;
- (vi) Belmay Senior Primary?

Mr GRAYDEN replied:

- (a) Tranby Primary School, Redcliffe Primary School and Belmay Primary School have been included in the draft programme for repairs and renovations and will be subject to the final 1981-82 allocation for funds.
- (b) A programme for upgrading schools in the 1981-82 financial year will be determined within the coming Budget.

GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES

Private Consultants

1534. Mr BRYCE, to the Honorary Minister Assisting the Minister for Industrial Development and Commerce:

- (1) How many part-time private consultants are employed within each department and instrumentality under his control or directly by the Minister?
- (2) Who are they?
- (3) What was the nature of the selection process involved in each case?

Mr MacKINNON replied:

- (1) One.
- (2) W. W. Lyons.
- (3) Mr Lyons was appointed as a part-time consultant on the Arabian Peninsula market in view of the extent of his specialist experience in that area.

TECHNOLOGICAL CHANGE

Government Action and Review Group

1535. Mr BRYCE, to the Honorary Minister Assisting the Minister for Industrial Development and Commerce:

- (1) Has the technology review group established its subcommittees yet?
- (2) If so—
 - (a) who are the people who comprise each subcommittee;
 - (b) what are the defined areas of research for each subcommittee?
- (3) Has the technology review group commenced work yet on a study of the employment, social, and educational implications of technological change in Western Australia?
- (4) Adverting to his reply to question 851 of 1981 relevant to technological change, has the Government asked the technology review group to make recommendations to it in respect of the need for a retaining and transition assistance scheme in Western Australia?

Mr MacKINNON replied:

- (1) Not all subcommittees have been established. The formation of the first of these committees is currently under consideration.
- (2) (a) and (b) See (1) above.
- (3) A subcommittee to examine points raised in the question has been discussed by the technology review group. Along with other subcommittees its formation is still under consideration.
- (4) Retraining and transition schemes are to be included in the respective subcommittee's brief.

WEST TRADE CENTRE LTD.

Government's Liability

1536. Mr BRYCE, to the Honorary Minister Assisting the Minister for Industrial Development and Commerce:

Will he provide an outline, for the benefit of all members, of the nature and extent of the State Government's total liability arising from the collapse of the West Trade Centre?

Mr MacKINNON replied:

The total liability incurred by the State under its guarantee to support borrowings obtained for the redevelopment of the Central City Railway Station and for operating expenses of the West Trade Centre amounts to \$1 533 342.74. Of this amount \$770 420 was spent on capital improvements to the Central City Railway Station.

SMALL BUSINESS

Small Business Services Pty. Ltd.

1537. Mr BRYCE, to the Honorary Minister Assisting the Minister for Industrial Development and Commerce:

- (1) How much money was allocated from the Consolidated Revenue Fund in actual terms to fund the Small Business Services company during the financial year 1980-81?
- (2) Is the company still run as a two-man concern comprised of a manager and a receptionist?
- (3) (a) Have additional people been appointed to run the company;
(b) if so, will he provide details?
- (4) What has the Small Business Services company achieved in its first six months of operation?

Mr MacKINNON replied:

- (1) \$170 000.
- (2) No.
- (3) (a) Yes.
(b) Staff of Small Business Advisory Services Pty. Ltd. now consists of manager, four business counsellors and a receptionist.

- (4) (a) Established functional organisation and communication channels internally and externally with Government departments and other organisations.
- (b) Embarked upon a campaign to promote the services offered by Small Business Advisory Services Pty. Ltd.
- (c) This has resulted in daily enquiries to counsellors being more than doubled. For the month of June, 1981 69 per cent of these were from people contemplating starting or buying a business.
- (d) The counselling and information service is available to country centres by counsellors accepting reverse charge telephone calls from inquirers. Visits to country centres by counsellors are also undertaken.
- (e) In association with other organisations, a business workshop was held at Northam and a seminar at Koorda.
- (f) Submissions have been made to a number of committees of inquiry.
- (g) The board of the services is also examining various areas of concern to small business with a view to making recommendations thereon to Government. These areas include education and training for small business, legislation affecting small business and accessibility of small business to adequate sources of finance.

MINISTERS OF THE CROWN

Overseas Trips

1538. Mr BRYCE, to the Premier:

With regard to my question 384 of 1981 relating to Ministers' overseas trips and my reminder question 1203 of 1981, has his office been able to collate yet the information sought concerning overseas trips by Ministers of the Crown since February 1980?

Sir CHARLES COURT replied:

The information has been collated and I will now seek leave to table the papers concerned.

The papers were tabled (see paper No. 345).

FUEL AND ENERGY: GAS

North-West Shelf: Joint Ventures

1539. Mr BRYCE, to the Minister for Fuel and Energy:

- (1) Who comprised the team representing the North-West shelf joint venturers in negotiations with Japanese utilities?
- (2) What volume and percentage of the liquid natural gas is being separately marketed by each of the joint venturers?
- (3) Were arrangements to sell North-West Shelf gas to Japan handled by a single negotiating team or separate groups?
- (4) Who will be responsible for shipping arrangements between the North-West Shelf and Japan?

Mr P. V. JONES replied:

- (1) to (4) These matters are the responsibility of the joint venturers, and come within the scope of their normal commercial negotiations. However the Government is kept advised of the various discussions and negotiations which take place.

I am advised that representatives of each of the participants were involved in the negotiations with the Japanese utilities, and marketing quantities are in accordance with the participants' share of the annual tonnage.

At this stage, it is anticipated each participant in the LNG operation will make its own shipping arrangement within an overall agreement.

GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES

Private Consultants

1540. Mr BRYCE, to the Premier:

- (1) Adverting to his reply to question 381 of 1981 concerning the seven consultants employed by his departments, is W. W. Mitchell the only consultant entitled to charge the departments for work undertaken above contractual requirements?
- (2) (a) Did Mr W. W. Mitchell undertake work above contractual requirements during the financial year 1980-81;
- (b) if so, what was the cost to the State Government of such work?

Sir CHARLES COURT replied:

- (1) In the case of all consultancy services, the contract provides for specific services to be provided for an agreed fee. Work requested above contractual requirements is charged separately.
- (2) (a) Yes.
(b) \$5 622.32.

ALUMINIUM SMELTERS

Negotiations

1541. Mr BRYCE, to the Premier:

With reference to his answer to question 11 of 1981 concerning negotiations between the State Government and Alcoa and Westal to establish one or more aluminium smelters in Western Australia, what stage have negotiations now reached?

Sir CHARLES COURT replied:

I advised in my reply to question 11 that discussions were proceeding with the Westal consortium. In addition, there have been discussions with Alcoa regarding that company's proposed plans for aluminium smelting in Western Australia.

The discussions had progressed to a point where the funding, and hence timing of the development of the new Bunbury power station, had to be reviewed in the light of the recent Loan Council decision.

This matter has to be resolved before coming to a conclusive position about the supply of power for the smelting of aluminium in Western Australia, and the likely equity participants in such a project.

1542. *This question was postponed.*

WATER RESOURCES: METROPOLITAN WATER BOARD

Equipment

1543. Mr BRIAN BURKE, to the Minister for Water Resources:

- (1) Have outside contractors employed by the Metropolitan Water Supply, Sewerage and Drainage Board been permitted to use equipment owned by the board?

(2) If "Yes"—

- (a) how many times has this happened;
- (b) on what basis has this occurred?

Mr MENSAROS replied:

- (1) Yes.
- (2) (a) Frequently.
(b) When not required by its own workforce, the Water Board hires items of specialist equipment, which would otherwise lie idle, to contractors at rates which recoup the board's outlay.

HOUSING: RENTAL

Applications: Number

1544. Mr BRIAN BURKE, to the Honorary Minister Assisting the Minister for Housing:

How many applications for rental assistance were received by the State Housing Commission in each of the past 24 months?

Mr LAURANCE replied:

The State Housing Commission received the following applications for rental assistance—

Month	Applications Received	
	1979-80	1980-81
July	718	853
August	761	738
September	780	743
October	717	781
November	763	854
December	585	839
January	736	899
February	846	1031
March	961	1055
April	910	1127
May	810	1057
June	787	1022

The figures quoted include applications from tenants seeking a transfer into alternative housing but not applicants qualifying for assistance under the Aboriginal housing scheme.

1545. *This question was postponed.*

LAND: AGRICULTURAL

Release

1546. Mr TUBBY, to the Minister representing the Minister for Lands:

- (1) Because of considerable interest in land releases, has any progress been made in investigations for possible release of

Crown land suitable for agriculture in the following areas—

- (a) east of the Perenjori Shire;
 - (b) North Eneabba in the Shires of Irwin and Three Springs;
 - (c) Ajana in the Northampton shire?
- (2) If not, when is it envisaged that consideration will be given to these areas?

Mrs CRAIG replied:

- (1) (a) Feasibility of land releases in this general area which also included land in the Shire of Dalwallinu, were considered some years ago but the need for considerable extension of services together with the series of dry seasons experienced, mitigated against land release. Current policy in selecting areas for detailed investigation is that priority is given to those areas with the best soil types and rainfall and where current agricultural practices in adjacent areas are sustainable and environmentally acceptable.

With these guidelines and the availability of more suitable land, much of it within the existing agricultural zone, there is not the immediate need to go east of Perenjori Shire to fill the maximum 50 conditional-purchase blocks required annually.

While this area has not been included in the immediate priority areas being investigated by the working group, the matter will be kept under review.

- (b) The inter-departmental working group on new land releases is investigating an area referred to as south Mt. Adams. These investigations are well advanced and it is anticipated that the committee's recommendations will be finalised within six months.
- (c) There is no land near Ajana, west of the highway, under consideration. The working group has under investigation land east of Ajana, south of the old rabbit proof fence. It is expected that the working group's investigations will be finalised within six months.

(2) Answered by (1).

FUEL AND ENERGY: GAS

North-West Shelf: Price and Volume

1547. Mr HARMAN, to the Minister for Resources Development:

- (1) Have negotiations between the State Energy Commission and Alcoa of Australia concerning the volume and price of North-West Shelf gas reached completion?
- (2) If so, what are the details?
- (3) If not, when will agreement be achieved?

Mr P. V. JONES replied:

- (1) to (3) A Memorandum of understanding for supply of North-West Shelf gas has been negotiated and signed between Alcoa of Australia and the State Energy Commission. The details of the memorandum of understanding are confidential commercial information.

FUEL AND ENERGY: GAS

North-West Shelf: Pipeline

1548. Mr HARMAN, to the Minister for Resources Development:

- (1) Is it a fact that the State Energy Commission has reduced or is considering the reduction in the size of the gas pipeline to Perth from the North-West Shelf?
- (2) If so, why?
- (3) Will this add to the operation cost, and if so, by how much?

Mr P. V. JONES replied:

- (1) to (3) The State Energy Commission is not considering a reduction in the size of the gas pipeline, having determined, on the advice of the project managers, that the optimum diameter should be 660 mm.

EDUCATION

Technical and Further Education Advisory Council

1549. Mr DAVIES, to the Minister for Education:

- (1) Who are currently members of the Technical and Further Education Advisory Council?
- (2) How many persons are on the council?

- (3) Which positions, if any, are vacant?
- (4) Who is chairman of the council?
- (5) What changes have been made to the council during the present calendar year?
- (6) What are the names of persons associated with such changes?

Mr GRAYDEN replied:

- (1) Mr P. H. Forrest—Ex Officio—Technical Education Division.
Mr K. Birks—Ex Officio—Education Department.
Dr R. Vickery—Ex Officio—Education Department.
Mr B. Colcutt—Dept of Labour And Industry.
Capt. C. Kleinig—Community.
Mrs A. McTaggart—Community.
Mr F. W. Bastow—Trades and Labor Council.
Mr R. A. Cotton—Principals Asscn. (Technical).
Mr J. Davis—Industry (Private Consultant).
Mr J. C. Fairchild—Confederation of W.A. Industry.
Dr K. Hall—Higher Education.
Mr G. A. Brennan—Technical Teachers (WASSTU).
- (2) Twelve.
- (3) A Chairman, one Chamber of Mines and one Confederation of WA Industry representative.
- (4) Vacant.
- (5) Membership—through resignations and additional membership categories.
- (6) Mr L. F. Ogden and Sir Bruce MacKinlay—resigned.
Mrs A. McTaggart replacing Miss S. Knowles.
Mr K. Birks, Dr K. Hall and Dr R. Vickery—new membership.

HOUSING

Rural Housing (Assistance) Act

1550. Mr GRILL, to the Honorary Minister Assisting the Minister for Housing:

- (1) What are the basic terms under which farmers and others can be granted financial help for housing under the Rural Housing Assistance Act?

- (2) How much money is available annually for this purpose?
- (3) What are the criteria for eligibility for such finance?

Mr LAURANCE replied:

- (1) Currently, there are two types of assistance provided to farmers by the Rural Housing Authority—
 - (a) Where the authority decides to assist a farmer to obtain housing finance from an approved lending institution—e.g. one of the three permanent building societies participating in the scheme, or the Rural and Industries Bank—the loan provided will be on the normal terms and conditions applied by that institution.
 - (b) Where the authority makes an advance direct to an approved farmer the loan may be repayable over up to 15 years and subject to suitable funds being available, the rate of interest will be determined to suit the circumstances of the individual farmer.
- (2) (a) Indemnified advances through approved lending institutions—limited only by the capacity of participating lending institutions to provide suitable finance. The total contingent liability which may be incurred under this scheme is \$5 million dollars.
- (b) Direct advances—for 1980-81 the authority was authorised to borrow \$500 000 on the semi-Government market and received an allocation of \$500 000 from Commonwealth-State Housing Agreement Home Purchase Assistance Account.
- (3) Criteria for Eligibility—
 - (a) Principal activity of applicant must be the farming of his holding.
 - (b) Applicant must be registered proprietor or registered lessee of his holding.
 - (c) Dwelling must be for the applicant and his dependants.
 - (d) Applicant must have been unable to obtain finance from a lending institution.

PRISON

Goldfields Regional

1551. Mr GRILL, to the Chief Secretary:

- (1) Is it the Government's intention to build a maximum security wing to the Goldfields Regional Prison?
- (2) What would be the cost of the new wing?
- (3) Has he and/or his department given assurances that the Goldfields Regional Prison at Boulder would be used as a minimum security prison only?
- (4) If "Yes" to (3), when were the assurances given?

Mr HASSELL replied:

- (1) to (4) Assurances were given by my predecessor and the department during negotiations with the shire that only prisoners classified "minimum security" would be held in the minimum security prison. This position has not changed. However, agreement has now been reached with the shire that a small security wing will be added if Government finance permits. The wing will be used to house security prisoners for short periods of time before they are transferred to the metropolitan area or when they are transferred back to the goldfields region. It will also be used to house short-term security prisoners who for one reason or another cannot be held in a more open environment. These prisoners usually have problems associated with alcoholism. The external appearance of the new wing will be almost identical to the current prison but greater security will be obtained by using better quality internal materials. There will certainly be no provision for high walls or gun towers. As this new facility will hold precisely the same sort of prisoners as are currently held in the Kalgoorlie Prison it will allow the Government to finally phase out this building which has long outlived its usefulness as a security prison.

The estimated cost is \$400 000 to \$500 000. Construction will depend on the capital works programme of the State.

EDUCATION

Schools Commission

1552. Mr EVANS, to the Minister for Education.

- (1) What amount of funding was received by the Western Australian Government from the Schools Commission in each of the years 1980 and 1981?
- (2) For what specific purpose were these funds granted, and how much was allocated for each purpose in each of the two years referred to?

Mr GRAYDEN replied:

- (1) and (2)

Programme	1980 (Dec. 1980 prices) \$	Available 1981 (Dec. 1980 prices) \$
General Recurrent	17 779 500	20 771 500
Migrant Education	1 253 000	1 747 000
Disadvantaged Schools	1 217 500	1 359 500
Special Schools	1 198 500	1 242 000
Building Projects	9 146 000	10 424 000

EDUCATION: HIGH SCHOOL

Manjimup

1553. Mr EVANS, to the Minister for Education:

Adverting to his reply of 12 August 1981 to question 1437 relevant to Manjimup Senior High School, will he indicate precisely what local input to the project is expected towards the Manjimup Senior High School gymnasium project?

Mr GRAYDEN replied:

Until the local committee submits plans and specifications the total cost of the project cannot be estimated.

Normally, local input to such projects is expected to match the State grant on a dollar-for-dollar basis.

FRUIT: ORCHARDS

Registrations

1554. Mr EVANS, to the Minister for Agriculture:

- (1) How many persons have been involved in policing the requirement to register orchards in each of the past three years?
- (2) On how many occasions have—
 - (a) prosecutions;
 - (b) any other enforcement of fruit tree regulations,

been undertaken in each of the past three years?

Mr OLD replied:

- (1) The requirement to register orchards has not been policed in the past three years. The emphasis during this period has been placed on fruit-fly control.
- (2) (a) No prosecution for failure to register orchards has occurred.
 (b) 1978-79 331 enforcements in relation to fruit fly control.
 1979-80 192 enforcements in relation to fruit fly control.
 1980-81 66 enforcements in relation to fruit fly control.

FRUIT

Fruit-fly Baiting Schemes

1555. Mr EVANS, to the Minister for Agriculture:

- (1) What was the maximum number of fruit-fly baiting schemes which operated in Western Australia in any one year, and in what year did that position pertain?
- (2) How many fruit-fly baiting schemes have operated in Western Australia in each of the past three years?
- (3) How many schemes sought disbanding in each of the past three years and, of these, for how many was permission to disband granted?

Mr OLD replied:

- (1) Forty-eight fruit-fly baiting schemes operated in 1967-68.
- (2) 29 fruit-fly baiting schemes operated in 1978-79
 27 fruit-fly baiting schemes operated in 1979-80
 27 fruit-fly baiting schemes operated in 1980-81
- (3) 18 fruit-fly baiting schemes sought disbandment in 1978-79.
 4 fruit-fly baiting schemes sought disbandment in 1979-80.
 2 fruit-fly baiting schemes sought disbandment in 1980-81
 Permission to disband was granted to all these schemes.

GRANTS COMMISSION

Government Submission

1556. Mr T. H. JONES, to the Treasurer:

Will he table a copy of the submission put to the Commonwealth Grants Commission, in relation to the Police Department, that was discussed at the Grants Commission hearings held in this place early in 1980?

Sir CHARLES COURT replied:

As I explained in my reply to question 1316 of 5 August, because of the sheer volume of the State's submissions to the Grants Commission and the expense involved in printing additional copies, insufficient copies of the submissions are available to allow copies to be tabled. However, a full set of all submissions is held in the Treasury library and if the member wishes, I could arrange for him to examine any or all volumes at the Treasury.

HEALTH: PHYSIOTHERAPY

Pensioners

1557. Mr WILSON, to the Minister for Health:

- (1) Is he aware of problems for age pensioners in obtaining physiotherapy due to long waiting lists for outpatient treatment at public hospitals?
- (2) Is he also aware that an increasing number of age pensioners requiring such treatment are being referred to private physiotherapists whose services are not covered by pensioner health benefits and that the pensioners concerned are having to pay an average of \$13 for each treatment?
- (3) If "Yes" to (1) and (2), what representations, if any, has he made to the Federal Minister for Health to have this situation rectified?

Mr YOUNG replied:

- (1) No complaint has been made to me about long waiting lists for pensioners awaiting outpatient physiotherapy treatment at public hospitals.

- (2) I am not aware that increasing numbers of pensioners are being referred to private physiotherapists. There is no information that medical practitioners working at public hospitals refer pensioners to private physiotherapists.
- (3) Because of financial constraints, it is not possible for the State Government to provide additional staff and facilities at public hospitals.

The Federal Minister for Health is only involved where benefits are payable for health insurance on accounts rendered for physiotherapy provided by private physiotherapists.

EDUCATION

Curriculum Branch

1558. Mr WILSON, to the Minister for Education:

- (1) How many staff have been transferred from the Curriculum Branch of the department in the respective subject areas since 1 July 1981?
- (2) What further transfers from this branch in respective subject areas are proposed—
- (a) by the end of the current school year;
- (b) by the end of the current financial year?

Mr GRAYDEN replied:

- (1) Fourteen out of a total staff of 70 have been transferred from the Curriculum Branch. They come from the following areas:

English	3
Mathematics	4
Science	3
Social Studies	1
Media	1
Home Economics	1
School-based curriculum development	1

- (2) (a) and (b) No additional transfers will be made until the budget situation is clarified.

HOUSING: STATE HOUSING COMMISSION

Inspectors and Supervisors

1559. Mr WILSON, to the Honorary Minister Assisting the Minister for Housing:

- (1) How many housing inspectors are attached to each metropolitan office of the State Housing Commission?
- (2) How many maintenance or building supervisors are attached to each of these offices of the commission?
- (3) What was the number of—
- (a) housing inspectors; and
- (b) maintenance supervisors, attached to each metropolitan office in each of the two previous years?

Mr LAURANCE replied:

- (1) The State Housing Commission employs housing officers who in their overall duties have a tenancy inspectorial content. The numbers of these officers attached to the metropolitan Perth regional offices are—
- (a) Metro North Region—9
- (b) Metro South-east Region—6
- (c) Metro Fremantle Region—5.
- (2) The State Housing Commission employs technical officers whose overall duties include both construction and maintenance supervision. The numbers of these officers attached to the metropolitan regional offices are—
- (a) Metro North Region—9
- (b) Metro South-east Region—8
- (c) Metro Fremantle Region—8
- (3) (a)

Region	1978-79	1979-80
Metro North	9*	9
Metro South-east	6	6
Metro Fremantle	5*	5

(b)

Metro North	9*	9
Metro South-east	8	8
Metro Fremantle	8*	8

*At this time these regions were not actually operating from the regional office but on a regional basis from head office.

LAND: BALGA

State Housing Commission

1560. Mr WILSON, to the Honorary Minister Assisting the Minister for Housing:

- (1) What stage has been reached in the development of vacant State Housing Commission land bounded by

Ravenswood Drive, Mirrabooka Avenue and Majella Road in Balga?

- (2) What development work is presently being undertaken on this land?
- (3) What is the time scale for the future development of this land?

Mr LAURANCE replied:

- (1) and (2) Sewer reticulation is completed and lots with existing road frontage are being excised from the plan.
- (3) No timetable has been determined and the further development of the land will depend on public demand as well as requirements for commission programmes.

SHOPPING CENTRES: DEVELOPMENT

*Metropolitan Region Planning
Authority: Approvals*

1561. Mr WILSON, to the Minister for Urban Development and Town Planning:

In view of her answer to question 1468 of 1981 advising that no decision had been made regarding the reduction in the size of shopping centre developments requiring the approval of the Metropolitan Region Planning Authority, how does she account for a statement attributed to her in the *Daily News* of 15 June 1981 claiming that the Government had already taken such action?

Mrs CRAIG replied:

At its meeting on 27 May last, the Metropolitan Region Planning Authority resolved to proceed to amend its resolution under clause 32 of the Metropolitan Region Scheme, reducing the size of shopping centres over which it has development control from 9500sm GLA to 5000sm GLA. I referred to this decision in my statement. The amendment has now been drafted and will be considered by the authority on 26 August as advised in my answer to question 1468.

PASTORAL LEASES

Sales

1562. Mr I. F. TAYLOR, to the Minister representing the Minister for Lands:

- (1) Does the Government require non-viable pastoral leases to be valued by the Department of Lands and Surveys prior to such leases being purchased or sold?
- (2) If not, why not?
- (3) What form of finance, if any, is made available by the Government to adjoining lessees to assist them to purchase a non-viable lease?
- (4) Does the Minister's department undertake any monitoring activities with respect to pastoral lease management?
- (5) If "Yes", what form of monitoring?
- (6) If "No", why not?

Mrs CRAIG replied:

- (1) No.
- (2) While under the Act the Minister's approval must be sought both before a property is offered for sale and after to the transfer of the lease, no departmental valuation is made. Approval ensures that incoming lessees fall within the Government's guidelines for foreign investment and have the necessary finance and management skills.

It is considered that where these conditions have been met there should be no interference in the normal market force between seller and buyer.

- (3) The Rural Adjustment Authority is available to assist with property amalgamation where the proposal meets the Authority's viability criteria and funds are available.
- (4) Yes.
- (5) and (6) Regular inspections are made and are supported by the extension service of the Department of Agriculture's Rangeland Division.

EDUCATION: WESTERN AUSTRALIAN SCHOOL OF MINES AND FURTHER EDUCATION

Interim Council

1563. Mr GRILL, to the Minister for Education:

- (1) In view of the apparent communication difficulties that have arisen between the interim council of the School of Mines

and Further Education and the School of Mines staff, Technical Education staff, and students, is he prepared to direct the interim council to immediately agree to the three bodies being represented, at least as observers on the interim council?

- (2) If not, why not?

Mr GRAYDEN replied:

- (1) No.

- (2) The Colleges Act under which the WA School of Mines and Further Education is to be established does not prescribe staff or student membership of the interim council and the question of inviting staff or student observers to attend meetings is a matter for the interim council itself to determine.

In any event it has to be recognised that as yet there are no staff or students of the new college. Full council for the WA School of Mines and Further Education will be established as soon as practicable next year and both staff and students of the college will have representation on that council.

The establishment of a full council cannot take place, however, until staff and students of the new college have had an opportunity to elect representatives to the council. I understand that in the meantime all interested parties are being kept informed of progress made by the interim council.

EDUCATION: WESTERN AUSTRALIAN SCHOOL OF MINES AND FURTHER EDUCATION

Staff: Appointments

1564. Mr I. F. TAYLOR, to the Minister for Education:

- (1) Is he aware that staff at the School of Mines have received letters from the interim council asking them to confirm their appointments to the WA School of Mines and Further Education in 1982 otherwise their positions will be advertised externally?
- (2) Are the conditions offered to the staff less than those they currently work under?

- (3) Is he prepared to revise through the interim council the conditions of service offered to the School of Mines staff, and the Technical Education Division staff?

Mr GRAYDEN replied:

- (1) Staff of the WA School of Mines and the Eastern Goldfields Technical College have been offered appointments with the new WA School of Mines and Further Education from 1 January 1982. Staff have also been informed that in view of the limited time available in which to recruit staff, vacant positions for the 1982 academic year will have to be advertised as soon as possible and if they have not responded to the offer they have received by 14 August their names will have to be considered along with those applicants responding to the advertisements.
- (2) The interim council for the WA School of Mines and Further Education has had to devise conditions of service which will be appropriate for staff teaching both advanced education and technical education courses.

Accordingly, some of the conditions of service for the new college will differ somewhat from those currently applicable to the WA School of Mines and technical college staff. The interim council has indicated, however, that in interpreting the conditions of service it will attempt to ensure that staff from the WA School of Mines and the Eastern Goldfields Technical College who join the new College are not disadvantaged.

Staff have also been encouraged to discuss any queries they have regarding the conditions of service with the director-elect of the new college.

- (3) No.

APPRENTICES

Government Departments and Instrumentalities

1565. Mr PARKER, to the Minister for Labour and Industry:

- (1) Will he detail those Government departments or instrumentalities employing apprentices?

- (2) Will he indicate which of those departments or instrumentalities have a policy of retrenching those apprentices when they 'come out of their time'?

Mr O'CONNOR replied:

- (1) Agriculture Department
Education Department
Forests Department
Fremantle Hospital
Fremantle Port Authority
Government Printing Office
Harbour and Light Department
King Edward Memorial Hospital
Labour and Industry Department
Main Roads Department
Medical Department
Mental Health Services
Metropolitan Transport Trust
Metropolitan Water Supply, Sewerage and Drainage Board
Mines Department
Perth Dental Hospital
Princess Margaret Hospital
Public Works Department
Road Traffic Authority
Royal Perth Hospital
Sir Charles Gairdner Hospital
State Energy Commission
State Housing Commission
University of Western Australia
WA Fire Brigades Board
WA Institute of Technology
WA Meat Commission
Westrail.
- (2) Generally Government departments and instrumentalities will retain the services of their apprentices if, at the completion of their indenture period appropriate vacancies are available within the departments or instrumentalities' labour force.

LIQUOR ACT

Amendment

1566. Mr JAMIESON, to the Chief Secretary:

- (1) How does the Chief Secretary reconcile his answers to question 1478 of 1981, parts (3) and (4), with section 126(1)(f) and section 126(2)(b) of the Liquor Act?
- (2) Where did the recent instruction to licensed clubs to cease giving cash prizes for successful ticket machine operators come from?

- (3) Was he aware that a press article had recently dealt extensively with this matter?

Speaker's Ruling

The SPEAKER: I should like to point out with respect to this question that not all parts of it are out of order. However, in the circumstances, it would not be possible for the Minister to provide answers to those parts of the question which are in order. Part (1) of the question is out of order and I invite the Minister to provide an answer to the member for Welshpool in regard to the other parts of the question tomorrow.

LAND

Manjimup Shire Council

1567. Mr EVANS, to the Minister representing the Minister for Conservation and the Environment:

In view of the fact that the Minister's letter to me of 4 August 1981 stated that the working group is not considering the land at Broke Inlet for which the Manjimup Shire Council is seeking the right to lease blocks to cottage owners, and the Minister for Lands in reply to question 1377 of 11 August 1981 stated that "a report by the Working Group appointed under the EPA recommendation 2.14 is nearing completion and that its findings may be submitted to the EPA in the near future", can the Minister clarify—

- (a) whether a working party is examining the request of the Manjimup Shire Council for permission for powers to lease blocks to existing cottage owners from the land which was vested in the council in April 1978;
- (b) when such a decision can be expected?

Mr O'CONNOR replied:

- (a) and (b) There is no inconsistency in the advice which the member is obtaining from differing sources. In concise terms the position is—
- (i) A working group is investigating vesting and management of the various areas of land under recommendation 2.14.

- (ii) In relation to Reserve No. 19787 of interest to the Manjimup Shire, the working group will make recommendations in respect of the management in the context of adjoining areas but there is no intention to recommend any change in vesting.
- (iii) As advised by the Minister for Lands the working group's findings are to be submitted to the EPA shortly.

QUESTIONS WITHOUT NOTICE

ALUMINIUM SMELTER: WESTAL CONSORTIUM

Electricity: Price

362. Mr DAVIES, to the Minister for Mines:

- (1) Has the State Government told the Westal aluminium smelter consortium that it will not be able to provide electricity for a smelter in the south-west at less than 2.6c per kilowatt hour?
- (2) Has the consortium told the Government that it cannot afford such a charge for electricity?
- (3) What is the Government's assessment of the maximum charge that the consortium could pay for power?

Mr P. V. JONES replied:

The Leader of the Opposition will probably be aware of the answer I provided today to the member for Ascot regarding this matter. My answer to this question is as follows—

- (1) to (3) No, we have not indicated a firm price to the Westal consortium. An indicative price has been given subject to certain

criteria which might prevail. Those criteria no longer prevail, because discussions with the Westal consortium were on the assumption that the SEC received approval for offshore borrowings to build the Bunbury "C" power station. That approval was denied by the Federal Government which refused to allow us to borrow funds of this nature for the construction of the Bunbury "C" power station, which was to be used partly for this purpose and partly for other industrial growth purposes.

Since that time, the Government has stated publicly that it is discussing avenues of private funding not only with the Westal consortium has a whole, but also with individual members of it, as well as with people who could be interested in obtaining an equity in an aluminium smelter development in this State, which might include a relationship of some sort with a power supply.

Mr Davies: Do you have a price?

Mr P. V. JONES: No, because a financial package has not been finalised. Assumptions are being made within an indicative area. It is not for us to say whether anyone has said the price is too dear or unsatisfactory.

Mr Davies: You were looking at 2.6c, were you not?

Mr P. V. JONES: That was not a price we indicated.

TRADE UNION: TEACHERS' UNION

Alternative

363. Mr GREWAR, to the Minister for Education:

- (1) In view of the dissatisfaction within the present Teachers' Union by a high percentage of professional teachers, would the department accept recognition of an additional association of teachers?
- (2) Has he been approached by representatives of this group?

- (3) Is he aware of the great number of teachers who are horrified at the disruptive practices of members of the Teachers' Union?
- (4) Is he aware of the distorted and false statements being issued to PCAs on education cuts and if he is, what action is he taking to counter the misleading statements now being disseminated widely to parents?

Mr GRAYDEN replied:

- (1) In the past it has not been considered desirable to have more than one organisation representing teachers on industrial matters. It was felt that preferably, teachers dissatisfied with the activities of the executive of the union, should nominate and elect members with whose policies they agreed. Notwithstanding this, any additional association of teachers would be recognised by the department.
- (2) No. Numerous professional associations of teachers for non-industrial purposes already exist and are recognised.
- (3) Many teachers have indicated their concern at the tactics adopted by the Teachers' Union Executive in the present context. The full extent of such dissatisfaction is not known.
- (4) Misleading statements concerning class sizes and the level of expenditure on education in Western Australia have been distributed to many parents. In addition, statements are being made concerning the effects of the present level of economies on individual schools. These statements commonly relate to effects which may or may not eventuate and greatly exaggerate the situation. I have attempted to correct these misleading statements through newspaper advertisements, press releases, appearances on the media, public meetings and detailed letters to individuals and to parents and citizens' groups.

INTEREST RATES

Semi-Government Borrowings

364. Mr BRYCE, to the Premier:

Did the Premier support and/or vote for the increase in semi-Government interest rates at last week's Loan Council conference?

Sir CHARLES COURT replied:

Whilst I am answering the question posed by the honourable member, it would be opportune to recite for his benefit and that of his colleague, the member for Balcatta, the situation and procedure which exists at the Loan Council at the present time.

Mr Bryce: You were prepared to talk to Channel 9, but not to Parliament.

Mr O'Connor: He is doing that now.

Sir CHARLES COURT: I have not been to Channel 9 since I have been back from the Loan Council meeting. I do not know what the member for Ascot is talking about.

I cannot recall the precise date, but some time ago, in spite of the opposition of Western Australia, the majority of Premiers gave the Commonwealth the right and authority to fix what is known as the "tap" rate; in other words, to fix the interest rate for the main Commonwealth bonds that are issued. The Government in this State resisted that move for a number of reasons. Initially the authority was a restricted one and, although we did not like it, we did not object to that to any marked degree.

The Commonwealth found that authority was too restrictive to enable it to operate in the market under the tap system and the majority of the Premiers were prepared to go along—I emphasise Western Australia was not—with the idea that, because of the overall responsibility of the Commonwealth for economic management, it should have the right to fix the rate of interest for tap stocks.

I emphasise that, at the time the margins for semi-Government borrowings were under consideration, the Commonwealth was asked whether it intended to move the tap stock rate, because up to that stage it had not made a public or private announcement about the position.

On my insistence, the Commonwealth declared its position and said it intended, as at that date, to lift the tap stock rate of some ranges of bonds by 1 per cent,

while the rates for other bonds would be increased by 1.1 per cent and 1.2 per cent respectively. We had opposed bitterly any increase in interest rates throughout the whole of the Loan Council meeting. The position is no longer secret. I am sure if all the other Premiers were confronted with the matter they would say Western Australia took most of the bowing in opposition to the increase in interest rates.

Mr B. T. Burke: Why did they say you let them down?

Sir CHARLES COURT: The member for Balcatta has been sold a line of goods in relation to this matter either by the media or by some of his colleagues in the east.

Then and there the Commonwealth declared it intended to increase the tap stock rate unilaterally and it did that to the extent I indicated earlier.

Mr Bryce: And you supported it.

Sir CHARLES COURT: We opposed it all day.

Mr B. T. Burke: You did not oppose the semi-Government borrowing rates.

Sir CHARLES COURT: If members opposite want the right answer, they should listen to what I am saying, because it is important that they understand the true position.

The Commonwealth declared unilaterally that it intended to put up the bond rate. For the reasons I have outlined, the Commonwealth did not call for a decision by the Premiers of New South Wales, Queensland, Victoria, South Australia, Tasmania, or Western Australia. The Commonwealth declared it was putting up the rate and then it asked the Premiers, in view of the decision it had made, whether they would agree to the new margins.

Normally one would not enumerate in such detail the activities of the Loan Council, but the situation is now known publicly. I refused to consider the margin on semi-Government borrowings until the Commonwealth had declared itself on the basic rate for the tap stock. When it did so, it said, "These are the new margins we propose should prevail for semi-Government borrowings." Any

Premier who did not support the new margins, which increased by 0.2 per cent, would have been mad.

Mr B. T. Burke: Joh Bjelke-Petersen is mad, is he?

Sir CHARLES COURT: If the member listens, I shall tell him why he did not have to declare himself at the time. This was a question of margins.

The situation would have been disastrous if the Premiers had not accepted the higher margins. Not one State—even Queensland and New South Wales together—would have been able to raise money in the semi-Government market. I am talking about the margin, not the rate.

Mr B. T. Burke: When will you make a stand on it? You will have to at some time or other.

Sir CHARLES COURT: I have made a stand throughout this situation. If other Premiers had made a stand many months ago the Commonwealth would not have the right to move the tap-stock rate. I remind members that the vote was on the question relating to the 0.2 per cent margin, not on the 1 per cent, 1.1 per cent and the 1.2 per cent increase which the Commonwealth unilaterally determined and announced. In addition to that, members should not forget that the Commonwealth had the right also to fix the percentage rate of interest for overdrafts and housing loans without consulting Loan Council. I intend to make this point clear to this House: Western Australia fought to the bitter end in an attempt to stop interest rates increasing. We have taken further action now to try to have the power to increase rates taken from the Commonwealth, and have it remain with the States in Loan Council. That will be the moment of truth. The States will be put to the test as to whether they are prepared to have that power vested in the Commonwealth or in the Loan Council. If that power is vested in the Loan Council the States will be substantially responsible for interest-rate increases.

ALUMINIUM SMELTER: WESTAL CONSORTIUM

Electricity: Price

365. Mr DAVIES, to the Minister for Mines:

- (1) I am aware the Minister did not quote an electricity rate in answer to my earlier question, but is he aware Alcoa is conducting an urgent review of whether it will complete its Portland aluminium smelter—on which construction has started already—in the light of the charge for electricity supplied to it by the Government rising to about 2.4 cents a kilowatt hour?
- (2) Since the future of this smelter already under construction has been thrown into doubt by an electricity charge of 2.4 cents a kilowatt hour, does this not mean that there is little prospect of the proposed Westal smelter in the south-west of Western Australia going ahead because the cost of power supplied by the SEC will be greater than 2.4c per kilowatt hour as charged in Victoria.

Mr P. V. JONES replied:

- (1) and (2) Unfortunately the Leader of the Opposition is not aware of all the facts. If he were he would appreciate that the two examples are not comparable. For example, it is not just the power price which relates to whether an aluminium smelter will be established in Western Australia. I will give the member one reason for this. The local availability of alumina has been estimated by the Westal consortium as being worth between 2.5 and 3 mils in the total power price. For a start, that would be equivalent to the freight cost. The other point that has not been made clear, to the Leader of the Opposition, is that the power price in Victoria was calculated somewhat differently from the calculations in this State in terms of the contract negotiations.

The Government has made clear always that no subsidy will be given for an aluminium smelter. The Victorian Government, for reasons of its own,

happened to arrange with Alcoa—this can be understood from the public announcement made today—the establishment of an industrial table of costs that could be altered. Therefore, the Victorian Government was not in the position of having to abrogate a price contract. Simply, it could raise the tariff table in line with general tariffs which rose by 20 per cent. In fact, the Government raised table M—I think that is what it is called—by 33 per cent.

Mr Davies: It is still less than what we were looking at. Isn't that correct?

Sir Charles Court: You people would like the project to be cancelled, wouldn't you?

Mr Davies: You have a nasty disposition. We are trying to find out a few of the facts so that the public is aware of what is happening, but you are hiding behind some of these financial answers.

The SPEAKER: Order! The House will come to order!

Mr P. V. JONES: Obviously another point the Leader of the Opposition has missed is that the Victorian figure is based on present values. The power contract we have been negotiating is written in today's dollars but would not apply until the start-up date which, based on original discussions, will not be until 1 July 1986.

INTEREST RATES

Government and Semi-Government Borrowings

366. Mr B. T. BURKE, to the Honourable Minister Assisting the Minister for Housing:

This question relates to the admissions made by the Premier in his answer to the question without notice by the member for Ascot. Is the Honorary Minister aware that at the recent conference of Premiers two Premiers voted against a proposal to permit an increase in interest rates charged on some Government borrowings? Is he aware Premier Wran and Premier Bjelke-Petersen stated publicly that they passed their votes against the interest rates increase proposal? Is he aware the Premier of Western Australia has not

claimed to have voted against the proposal? Finally, will he take this matter up with the Premier and explain to me the inter-related nature of housing loan rates and other rates such as those offered for semi-Government borrowings?

The SPEAKER: Order!

Sir Charles Court: What a crazy question.

The SPEAKER: I paid particular attention to the question—

Mr Old: As hard as it was.

The SPEAKER: —and understood the early part of it as a series of statements, which alone are out of order. Further, I have come to the conclusion that the whole question is out of order in that the general purport of it does not come within the responsibility of the Honorary Minister for Housing.

WATER RESOURCES: CATCHMENT AREAS

Clearing Bans: Local Government Rates

367. Mr STEPHENS, to the Premier:

(1) Towards the end of May 1981 the Premier was asked to receive a deputation of representatives from shires seeking reimbursement of the rates lost as a result of an amendment to the Country Areas Water Supply Act, commonly referred to as the clearing bans legislation. An appointment date has not yet been fixed. Does the Premier intend to meet them?

(2) If so, when does he intend to do so?

Sir CHARLES COURT replied:

(1) and (2) The matter to which he referred has been taken up with me very actively by both the Minister for Agriculture in his local member capacity and also by the Honourable A. A. Lewis in another place. I have indicated to them that I would be receiving a deputation in due course. I will communicate through those two members in view of the fact that they are the people who made the approach on behalf of the group involved.

EDUCATION FUNDING: CUTBACKS

Literature

368. Mr PARKER, to the Minister for Education:

- (1) Is the Minister aware that at 12 noon on 23 July 1981 the member for East Melville, rang the principal of the Applecross Senior High School to advise him that the school should not provide any literature concerning the education cuts, or the controversy surrounding those cuts in the school library or in classrooms where it might become accessible to students?
- (2) Is the Minister aware on what basis or on whose authority the member made that approach?
- (3) Is it the Government's policy that Government back-bench members of Parliament should provide these sorts of instructions to school principals, or, if not, what is the Government's policy on this?
- (4) Is the Government concerned that students should not have access to the material referred to, and if so, for what reason?

Mr GRAYDEN replied:

- (1) to (4) I have absolutely no knowledge of the matter referred to. I suggest he put the question on the notice paper.

MEAT: LABELLING

Inspections

369. Mr GREWAR, to the Minister for Health:

- (1) Are State meat inspection services checking for the presence of horse and other carcass meats other than that stipulated in locally used meat products?
- (2) Is it the Government's intention to increase penalties for these fraudulent or damaging practices?
- (3) Is the meat inspection service completely satisfied that meat products from WA abattoirs are true to label on all occasions?
- (4) What testing procedures are adopted to ensure truth in labelling?

Mr YOUNG replied:

- (1) Yes.
- (2) No.

- (3) Yes, but no inspection service can possibly guarantee 100 per cent compliance.
- (4) Samples taken for serological examination.

HOSPITAL

Kalgoorlie Regional

370. Mr GRILL, to the Minister for Health:

- (1) Is the Minister aware that the Town of Kalgoorlie is prepared to enter into negotiations with the Government to make available to the Government the council's \$1.2 million annual loan borrowings power for the purpose of getting the rebuilding of the long-neglected Kalgoorlie Regional Hospital back off the ground?
- (2) Is the Minister prepared to meet with representatives of the council and with local parliamentary members to discuss the proposal?

Mr YOUNG replied:

- (1) The member for Kalgoorlie drew to my attention the fact that the Kalgoorlie council might be prepared to make an offer along the lines he has described, and I am waiting on the official approach from the municipality and to my knowledge it has not come yet.
- (2) I will consider the matter as put to me by that municipality when I receive it.

PUBLIC SERVANTS

Liberal Party

371. Mr HODGE, to the Premier:

On 11 August I asked the Premier about Mr Bill Rolston, the Assistant Under Treasurer, attending Liberal Party policy committee meetings during working hours. The Premier undertook to ask some questions about this matter and I now ask—has the Premier had an opportunity to investigate the matter, and, if so, can he give me the results of his investigations?

Sir CHARLES COURT replied:

I did have the matter followed through. I have prepared a considered answer for the member which I would like to convey to him. I just want to say that what Mr Rolston did was quite proper. I give my answer to the honourable member now.

Mr Bryce: I enjoyed my morning tea at Government House.

Sir CHARLES COURT: The answer is as follows—

In my reply to question 322 of 11 August, I undertook to make inquiries as to the circumstances in which the Assistant Under Treasurer (Mr W. F. Rolston) addressed a meeting of a lay committee of the Liberal Party earlier this month.

The Under Treasurer was asked to attend the meeting with the Deputy Premier to explain the technical procedures followed in Budget preparation at departmental and Treasury level. As the Under Treasurer had a previous engagement, Mr Rolston attended in his place.

The invitation was accepted subject to the usual stipulation made by the Under Treasurer in these cases, that the subject matter was restricted to procedures and technical matters and that Treasury officers would not be asked to comment on issues which were matters of Government policy.

It should be pointed out that the Under Treasurer and other senior Treasury officers are invited frequently to address organisations and groups on such matters and where time permits do so in the interests of extending public knowledge of public financial management procedures.

As an example, the Under Treasurer recently addressed a Perth Chamber of Commerce "Gov-Fam" seminar on Budget and financial management procedures, a seminar in which both the Liberal and Labor Parties and the Trades and Labor Council participated.

It is obviously in the public interest that senior Government officers participate in discussions of this nature and I believe that there would be very few cases where any have stepped beyond the bounds of their responsibilities as public servants and dealt with contentious policy issues as distinct from giving facts and explaining technical aspects of their work.

That is a far cry from agreeing to officers meeting with the Opposition to discuss "matters of vital policy which are likely to come before this Parliament" as the Leader of the Opposition put it. Indeed I would have little doubt that experienced public servants would be most disturbed if asked to do so, whichever party were in Government or in opposition at the time.

EDUCATION FUNDING: CUTBACKS

Public Meetings

372. Mr PEARCE, to the Minister for Education:

- (1) Is the Minister aware that the Opposition is prepared to grant him or any other member, front bencher or back-bencher of his side of the House a pair in order that he might attend education meetings of the type which have been held at schools and other public places in the last few weeks?
- (2) If the Minister was not previously aware of this, would he now indicate whether he is intending to appear at the meeting at John Forrest High School tonight to which he and I have been invited, and, indeed, at other meetings in the forthcoming week or two, or will he send a deputy?

Mr GRAYDEN replied:

May I say that the parent action groups to which the member refers are, for the most part, politically oriented. I think one should not attend such meetings because it merely enables them to attract an audience. I would recommend—

Mr Bryce: You and your well wishers.

Mr GRAYDEN: —that members on this side of the House follow my example. I had the experience this week—

Mr Bryce: Sit down, Your Highness!

Mr GRAYDEN: —of receiving an invitation to attend the Kent Street High School meeting, which took place last night. We made it very clear to that particular

action group that because of Cabinet commitments it would not be possible for me to attend on that particular night; however, I said I would be free on the forthcoming Thursday.

Mr Bryce: What about a deputy?

Mr GRAYDEN: As soon as they received that information, the action group held the meeting on the Monday, and four Labor members attended.

Mr Bryce: Local members.

Mr GRAYDEN: I want to say that in respect of the parent action groups, most of the information they are disseminating is false and misleading. I have seen some of the propaganda they have put out in respect of, for instance, Government aid to private schools. They compared that with Government aid to Government schools. The information is absolutely false, but typical of other information which this group disseminates. Certainly one should not go out of one's way to attend a meeting of that particular group. I might just say in respect of it—

Mr Bateman: Round two!

Mr GRAYDEN: —we have in the schools, of course, parents and citizens' organisations under the parent body, WACSSO.

Mr BRYCE: Liberal Party front.

Several members interjected.

The SPEAKER: Order!

Mr GRAYDEN: This parent action group, of course, has been set up by the Opposition whilst this other one is in existence—

Mr Pearce: Are you saying WACSSO supports this?

Mr GRAYDEN: Just recently we had the spectacle of a State conference of WACSSO which the member for Gosnells attended. We had the spectacle of the member suddenly leaving the WACSSO conference to attend a conference held by the parent action group and then subsequently we had all

sorts of politically-oriented resolutions coming from that group.

Mr Bryce: Liberals at the WACSSO conference!

The SPEAKER: Order!

Mr GRAYDEN: In the *Daily News* tonight there is an article of a meeting that took place yesterday. A group of parents want the State Government to oppose mineral royalties and generate more

funds for education. They said a resolution was passed also calling on the Education Department to lift the fines imposed on teachers, etc., etc.

All this indicates how politically oriented these meetings are.

Mr Bryce: Cowardy cowardly custard!

Mr GRAYDEN: This one was attended by four members of the Labor Party.
