

This is still only the beginning of tremendous development and tremendous industry in Western Australia. I acknowledge the fact that this may have been stated by members opposite in past years, but surely this is not to be gained at the sort of price we may be required to pay in the establishment of this industry now. It may well be a cost we cannot afford and could be to the lasting disadvantage and detriment of our wheat industry, in particular, and rural production, in general, in Western Australia.

Debate adjourned, on motion by The Hon. F. R. White.

*House adjourned at 11.21 p.m.*

## Legislative Assembly

Wednesday, the 15th November, 1972

The SPEAKER (Mr. Norton) took the Chair at 11.00 a.m., and read prayers.

### DENTISTS ACT AMENDMENT BILL

#### *Second Reading*

Debate resumed from the 9th November.

**MR. McPHARLIN** (Mt. Marshall) [11.04 a.m.]: From the speeches made so far on the Bill before us it seems quite obvious that members generally are in favour of the Bill, but they have objections to certain aspects of it. In his second reading speech the Minister said the measure has three parts. The first deals with the disciplinary powers of the Dental Board; the second deals with the employment of auxiliary personnel in the dental health team; and the third deals with the proposed dental charges committee. I do not intend to engage in debate on parts 1 and 3; but I intend to discuss the matters included in part 2.

Criticism has been levelled at the duties that may be performed by dental therapists and of the areas in which they may operate, inasmuch as it is proposed to allow them to perform operative dentistry as distinct from providing an auxiliary service. It has been said that these girls should not be allowed to carry out restorative treatment of people above the primary school age group.

From information provided to me I would advise that in the United Kingdom dental therapists are permitted to treat adults. No restriction is placed upon them in that respect. They are permitted to perform certain filling work, such as amalgam and silicate fillings, on people of all age groups.

I understand that applies also in remote areas in New Zealand. Where there is need for immediate treatment dental

therapists in remote areas in New Zealand are permitted to treat patients other than those in the primary school age group.

Another criticism is that more complex situations develop in the treatment of adults than in the treatment of children. I do not suppose one could deny that is so. However, I do not think we should forget that the therapist works under the supervision of a dentist at all times, and treatment of a more complex nature will, of course, be performed by the dentist. The therapist would act only under the instructions of the dentist and would not be called upon to diagnose or to administer treatment of a complex nature. Obviously she could not be expected to perform that sort of work with the same degree of skill as a dentist, who has far greater academic training.

With regard to the question of unforeseen complications which may arise, these may occur not only in the treatment of adults but also in the treatment of children—although perhaps not so frequently as in the case of adults. However, I think it is pertinent to point out that complications can occur in the treatment of children, and there is some risk in that regard.

Another aspect of the dental treatment of children is that an unco-operative child could become fractious and cause the drill or some other instrument accidentally to slip. Of course, that could represent just as great a risk in the treatment of the teeth of children as occurs in the filling of adults' teeth.

The SPEAKER: Order! There is too much talking in the Chamber.

Mr. Lapham: Would not the risk be far greater in the case of children?

Mr. McPHARLIN: One would think so, because a child may not be co-operative and may jump around.

It has been suggested also that there is a greater need for dental treatment in the primary school age group than there is in the older age groups. I think in that argument there is room for discussion or disagreement, because I understand surveys have shown that the greatest amount of decay and deterioration in teeth occurs in the teenaged group and not in the primary school group. Teenagers are generally students who are financed by their parents whilst they receive their secondary education. So whilst the children in this group remain a financial burden upon their parents they are in need of dental care. I think it must not be overlooked that dental therapists could be employed to provide treatment for that group.

There is, of course, a great shortage of dentists in Western Australia, and particularly in country areas. The number of students who are entering the dental faculty are not sufficient to meet the dental services that will be required in this

State over the next 10 years or so. To give some indication of the number of qualified dentists that will be required over a projected period, with your indulgence, Mr. Speaker, I propose to read a few figures, which will not take a great deal of time, to indicate to the House how serious the existing situation is. These figures were supplied to me by a practising dentist who, in turn, was provided with them by a member of the dental association. The information supplied to me reads as follows:—

To match population growth and at the same time provide a dentist : population ratio which will cope with a rising per capita demand for dental care, one could reasonably expect to have approximately 775-800 names on the Register by 1990. The Register of today should be doubled in the next 20 years.

In 1969 there are (say) 400 dentists on the Dental Register of W.A.

Over the last 10 years the deletion rate due to deaths and retirements is 17 per annum (5% of Register), and over the next 20 years, as the total register grows, so will the numbers deleted from the Register each year. It is estimated that the deletions due to deaths and retirements will be 20 per annum in the next 10 years and 25 per annum in the subsequent decade.

#### Estimated Requirements 1990:

To attain a Dental Register of some 800 names by 1990, it will be necessary in the next 20 years to register:—

- (1) 400 dentists to increase present number to 800.
- (2) 200 dentists to offset deletions which will occur during 1970-1980.
- (3) 250 dentists to offset deletions which will occur during 1980-1990.

850 new registrations.

42 per annum in each of the next 20 years.

I also have a table I would like to quote for the information of members which sets out the following figures:—

A comparison of the dentist: population ratio in W.A. in 1965 and 1969

Area	Dentist : Population Ratio 1965	1969
W.A. ....	1 : 2,540	1 : 2,600
Metropolitan .....	1 : 2,000	1 : 2,500
Country .....	1 : 4,680	1 : 4,680
Kimberley .....	1 : 6,990	1 : 4,350
Pilbara .....	1 : 3,400	1 : 6,900
Central .....	1 : 6,650	1 : 4,750
North West .....	1 : 5,593	1 : 5,560
Eastern Goldfields .....	1 : 7,624	1 : 5,800
Northern Agricultural .....	1 : 7,294	1 : 6,000
Central Agricultural .....	1 : 4,430	1 : 4,350
Southern Agricultural .....	1 : 5,300	1 : 4,200
South West .....	1 : 11,800	1 : 8,200
Swan .....		

Mr. Lapham: Have you any figures since those produced in 1969?

Mr. McPHARLIN: No, but I will indicate the trend since then as I proceed. It has been indicated clearly that there is a need for a greater number of students to be attracted to the Dental Faculty. Criticism has been made of the fact that by allowing dental therapists to practise operative dentistry it could have an effect on the number of students who are attracted to the Dental Faculty. I do not think this argument can be substantiated, because of the severe shortage of dentists. Also, by allowing therapists to operate it will relieve the dentists of many of their duties and give them an opportunity to practise more scientific aspects of their profession for which they have been trained.

The figures I have quoted indicate the severe shortage of dentists in this State at the moment and one would think as a result the enrolments at the university would be increasing in number and more graduates would be taking the dental course each year so that the number of dentists required in the State could be reached.

Also I have had some figures presented to me showing the number of students who graduated from the University of Western Australia in 1969, 1970, and 1971, and those who will graduate in 1972. The total number who graduated in dental science in 1969 was 17, including four who were Asians and, of course, their services would not be available to people of this State. In 1970, the number who graduated was 17, again including one Asian. In 1971, 23 graduated, including seven Asians. For this year, the student numbers at present taking the course are as follows:—

Fifth year—16 including one Asian.

Fourth year—21 including two Asians.

Third year—17 including two Asians.

So it can be seen from those figures that an insufficient number of students are being enrolled for the dental science course to supply the number of qualified dentists necessary to provide an adequate dental service to the people of Western Australia.

Returning to the Bill, criticism has been levelled at the duties that therapists may be allowed to perform. These duties are set out in proposed new section 50A, which is contained in clause 34 commencing on page 17 of the Bill. No criticism has been made of any dental hygiene duties that may be performed by dental therapists; the criticism is levelled at those duties outlined in subparagraphs (i) to (v) of paragraph (c) of subsection (1) of proposed new section 50A. It is in this area where questions are asked as to whether therapists should or should not operate. However, it must be borne in mind that the dental therapists will be under the control and supervision of a dentist at all times, and from the inquiries I have been able to make it appears that the duties that will be given to the therapists will

be reasonable in their nature and the dentist in charge would be responsible to supervise the work performed by the therapists in these fields.

The acts of dentistry set out in subparagraphs (i) and (ii) of paragraph (c), to which I have just referred, have not been part of the course that has been taken by dental therapists who have just qualified, because they have not been trained in the extraction of teeth. The other parts of the clause do not deal with extraction of teeth, such as subparagraph (iii) which refers to the emergency treatment of pulp exposure, which really means nerve exposure. Dental therapists are trained to treat in that field under the supervision of a dentist. Those provisions appear to be quite sensible.

I think amendments to subparagraph (v) of paragraph (c) appear on the notice paper. This subparagraph deals with the preparation of cavities for various types of fillings, and so on. The amendments proposed are perhaps adding more to the clause and making it better than it appears in the Bill.

There are other aspects to be considered. If a great deal of restriction is to be placed on the dental therapists I think it will detract from their careers. In giving them a field of operation as wide as possible they will find their careers to be more satisfying; and if they undergo training in the wider fields they will have a more satisfying and stimulating career as a result of that training.

I understand that the treatment of adults or people in the upper age group by these therapists is part of the Federal policy of the Australian Dental Association, and there appears to be some argument in favour of this proposal. For that reason there should be no great objection to the relevant provision in the Bill.

Some query has been raised as to what could happen if the girls entering the operative dental field were to perform some function which resulted in a reaction, and the patient took legal proceedings against the dentist for the treatment given by the therapist. The question arises now, and the dentist is responsible for the result of any treatment given. In any legal proceedings he will be placed in the same position as he is now in, but the dentist will be able to raise a defence. Unless it is a case of a very negligent act on the part of the therapist she is not responsible. The dentist is responsible for the treatment, and he will have to exercise very careful supervision over the work in operative dentistry that is carried out by therapists.

The point was raised about the exploitation of therapists, and as to how many of these girls could be employed by a dentist. A number ranging from one to three was mentioned, and it was suggested that a

great deal of the work would be left to the therapists and they would be carrying out work which they should not be performing. This is a matter for the individual dentist to decide. He has to be careful and strict in the employment and supervision of these girls, and he must ensure that there is no chance of exploitation taking place. These girls may only perform the functions which they are permitted to carry out.

By permitting the dental therapists to undertake this work they will be rendering a service to the community, and that is what we are seeking. Arising out of that there may be a revision of dental charges, but whether or not this will eventuate I cannot say. There could be a reduction in the charges, because some people consider that in certain cases the charges are excessive. No doubt in those instances the dentist would claim that high-quality work was carried out and the charges were not excessive. I suppose in any profession such instances arise. If dental therapists are permitted to carry out this type of work it will enable the dentists to provide the community with better service, and that is a desirable aim.

As I understand the position, in other countries such as America when dentists become registered they are permitted to adopt the prefix of Dr. In Australia the dentist gets a degree known as Bachelor of Dental Science, but it does not carry the prefix of Dr. This is a matter which ought to be considered, and perhaps the Minister in his reply can tell us what consideration has been given to this question.

Now that women are entering the dental profession on the operative side, if a female therapist and a female dentist are to be termed as a Miss or Mrs. the public will not know what she in fact is. By the use of the prefix Dr. under certain criteria of qualification that difficulty would be overcome. I understand that to be able to obtain the degree of doctor of dentistry the dentist has to go to the U.S.A. If he meets the requirements of that country he is permitted to use the prefix of Dr.

I support the Bill, because I think it is a move in the right direction. There are amendments on the notice paper, which no doubt will be considered in the Committee stage. I want to indicate my support of the measure.

**MR. DAVIES** (Victoria Park—Minister for Health) [11.25 a.m.]: I want to thank very much those members who have taken part in the debate on this Bill. I am afraid that at times the debate was not of a very high standard, and some of the statements made by members caused me to doubt whether they had read the Bill. Nevertheless, this is a difficulty we all experience. Of course, the Government has the advantage of its advisers, whereas as

the member for Cottesloe pointed out it is difficult for a member of the Opposition to frame amendments and to determine exactly what each clause means.

The tenor of most of the debate was very good, and the general support of the measure pleases me a great deal. I do not think I should reply individually to each member who spoke in the debate as some of the points raised have been duplicated. If I deal with the points generally it will be the most effective way of answering them. Should I leave out any I am certain they will be aired again in the Committee stage, because that is when we get down to the real meat of the Bill.

First of all, some criticism was levelled at the matter of liaison, I feel this criticism is unjustified because as far back as June, 1971, there were letters from the A.D.A. and replies thereto regarding the duties of dental therapists. Also, at approximately the same time the Dental Board made some comment, and it would be grossly unfair—indeed it would be a deliberate lie—for those in authority, together with the Dental Board and the A.D.A., to say that they did not know what was going on. Mr. Graebner has been very active in trying to convince the people of the need for the introduction of legislation to include the duties as outlined.

I would like to thank members of the House, from both the Government and the Opposition side, who accepted the invitation of Mr. Graebner to visit the clinic and to see the girls undergoing training. I myself spent some time there and was very impressed with what I saw, and with the workmanlike manner in which these young ladies went about their duties.

I was very much impressed with the degree of confidence the therapists gained from the young patients and the not-so-young patients they were treating. I felt that these girls were specially selected for training, because of their aptitude for the work; and they were applying themselves industriously. At no time were they looking ahead to becoming dentists; they knew what they were. They were dental therapists who performed dental work under supervision, but they demonstrated to me quite effectively that they were capable of performing the duties that will be allocated to them after they have completed their courses of training.

This is why the legislation is before us at present. The first course is about to be completed and the young ladies involved will be absorbed into private and Government practice. A number of dentists have expressed interest in engaging a dental therapist for their private practices. I do not know whether those interested are the older dentists or the younger ones, but they realise there is a great deal of value in the work the therapists will be able to do.

On the question of liaison, on which I started, there has been ample liaison. On the 17th August last I had a long discussion in my office with Mr. Halikis, the President of the A.D.A., and then on the 21st August I wrote him a 2½ foolscap page letter outlining the Government's intentions and inviting his co-operation and comment at any time. So those people who should know most assuredly do know.

At one time the question was raised as to whether I should ask the P.D.O., the P.H.D., and the A.D.A. to discuss the matter. I did not answer this question directly and I make no apology for not having done so. I do not believe any civil servant should be asked to explain his attitude, and this would have been the situation had I indicated the attitude of the P.D.O. Such officers are appointed to work for the department and, as far as I am concerned, I am very pleased with the service our P.D.O. gives to the department and with the way he approaches the task of providing a dental service under very difficult conditions throughout the State.

I was also asked whether the Bill had received the approval of the Public Health Department. I thought that question was rather wide because it is hard to define what is meant by the Public Health Department. Are we referring to the commissioner, the P.D.O., or the administrator? Exactly to whom does the reference relate?

I emphasise that those who asked questions and those who should know about the legislation were given such information as they required and we were happy to co-operate with them and, indeed, we will be happy to continue to so co-operate. In this respect I must thank Mr. Graebner for what he has done to advance the cause of dental therapists because he has certainly been most convincing in his arguments to me, and I am sure he has been convincing in his arguments to those who have taken the opportunity to visit the clinic.

As I indicated earlier some amendments to the Bill will be accepted. It was expected that this would occur.

We based the duties broadly, in fact almost exactly, on the A.D.A. Federal policy, and this principle was accepted at one stage by the local branch of the A.D.A.; but unfortunately that branch seems to have had a change of heart. If we try to standardise throughout Australia—and I believe the dental therapists should be trained so that they can move from State to State and, indeed, those trained overseas should be able to move into this State—we must base the duties at least as a minimum on the Federal A.D.A. policy. If we go beyond that, it may be all to the good, but as I have indicated—and this has been publicised in the Press—the only area in which we go

beyond the Federal A.D.A. policy, as far as I can remember, is in regard to the age limitation. That was done only because I was convinced after long argument with the officer in charge of training that a need for such a provision existed.

Some suggestion has been made regarding the extraction of teeth, and I think we may be able to come to some agreement on that matter. I will not deal with all the duties, but I do want to reiterate that the work will be done under supervision.

The member for Mt. Marshall referred to this matter several times and unfortunately last week a letter was published in the paper indicating that these therapists will not be under supervision. Of course this shows that the writer had not read the Bill. He said that dentists need not be on the premises, but I do not know from where he gained that impression. He said that the only requirement is that he be reasonably available. Nothing in the legislation suggests that this is so. The Bill refers to "under direction" and the member for Cottesloe has an amendment that we insert the words "and control" and I will be quite happy to do so.

Mr. Hutchinson: Before you leave this subject, would you give me some idea of what you believe should be the supervision regulations, the number of therapists to a dentist, and so on?

Mr. DAVIES: I certainly will because I was going to deal with the question raised by the member for Narrogin regarding supervision. First of all let me say—

Mr. Hutchinson: Later on will do.

Mr. DAVIES: —that I considered only two matters raised in the debate last week required a Crown Law opinion. One of these related to supervision and the other to the disciplinary powers incorporated in the Bill. The Assistant Parliamentary Counsel has said—

As to supervision, no instructions were received as to the exact extent or nature appropriate but the Bill does enable the Board to make rules "for regulating the practice of dental therapy" (see clause 11) and it was envisaged that these rules would provide for details of that sort.

This indicates that the Dental Board can make the rules; but I would hope that the dentist would at least be in the building and would regularly look at the work being done.

I believe that the number of therapists over which a dentist should have control is open to argument. I would hate a factory-type system to exist under which a dentist would be marching up and down supervising about 10 therapists; but I believe that there are areas—perhaps in the school dental service—where one dentist

could look after three, or perhaps four, therapists because of the very nature of the work.

I notice from the Press that Mr. McMahon has said he will provide free dental treatment for all pre-school children next year, starting with those aged five. Where he will get the dentists from to do this, I do not know; but he could carry out his promise with the use of dental therapists, and we would be pleased to get 75 per cent. of the money from him for this because it would be a help. However, he cannot offer free treatment now because sufficient dentists are just not available.

Mr. Thompson: It is very nice of you to acknowledge he will continue to be the Prime Minister.

Mr. DAVIES: I am sorry if I did that. I did not intend to do so.

Mr. Hutchinson: We must remember too, in regard to the point you are making, that the therapists are only an aide or an auxiliary to the dentists themselves.

Mr. DAVIES: They can do essential work—

Mr. Hutchinson: That is so.

Mr. DAVIES: —as the member for Cottesloe probably knows because his Government started the scheme which we are expanding. These therapists could carry out the general work and those patients needing special treatment could be farmed out to dentists and costs incurred subsidised on a means test basis. Under this system more children will be covered. More work will be undertaken and the specialised treatment can be dealt with by the dentists.

Mr. Hutchinson: But we still must have the increased number of dentists, don't you agree?

Mr. DAVIES: Yes, we must; but I believe we can make better use of the dental manpower available. Perhaps some dentists who might not want to have a full-time surgery would be prepared to take on work in a supervisory capacity and refer any work necessary, particularly of a specialist nature, to another dentist prominent in that field. We must use the dental therapists as an auxiliary and make the best use of our manpower.

The other point on which I sought a Crown Law Department opinion related to the disciplinary powers. It was suggested that the powers in the Bill differ from those in the Medical Act. While the debate was in progress I had both the Medical Act and the Bill with me and I tried to relate them.

The provisions are not transposed, word for word, from the Medical Act to the Bill now before us. However, if they are read closely one can see that the powers are exactly the same. We were asked to introduce disciplinary powers in conformity with those which apply under the

Medical Act. However, the Medical Act was written some considerable time ago and it was assented to on the 28th November, 1894. I do not know when the disciplinary powers were included, but they have probably been in the Act for many years. Phraseology changes over the years, but earlier I assured the President of the A.D.A. that the disciplinary powers provided in the Bill were precisely the same as those which existed under the Medical Act.

When this matter was again raised the other night during debate a member opposite told me that I did not know what I was talking about. In reply I suggested that he had not read the Bill. However, I wrote to the Crown Law Department the next day and pointed out that it had been claimed that all that was required were provisions similar to those which existed under the Medical Act, but that our Bill went further than that. My letter continued, as follows:—

On the 30th ultimo the President of the Australian Dental Association Inc., queried this point and in reply I stated "as to disciplinary measures to be enacted, these are, contrary to the comments in your letter, identical to the provisions of the Medical Act. I refer you to section 13 of that Act". I have examined section 13 of the Act and it is different form from that provided in the amending Bill under Clause 19. As far as I can see, the end result is the same but the wording is somewhat different.

Could you advise please if there is any significant difference between section 13 of the Medical Act and Clause 19 of the Dentists Act Amendment Bill.

The reply to that letter, once again, came from the Assistant Parliamentary Counsel and, in part, was as follows:—

The only distinction between clause 19 of the Bill and section 13 of the Medical Act is paragraph (a) relating to registration obtained by fraud or misrepresentation. In other respects the substance of the two provisions is identical as to the grounds upon which a finding is based. The Bill is slightly wider as to remedies and penalties, permitting amendment of the registered particulars.

It is respectfully submitted that the clause written into the Bill says all that is contained in section 13 of the Medical Act in relation to the same matters in a somewhat more simple and obvious manner. There is not intended to be, and I cannot see, any significant difference.

I think that explanation overcomes the suggestion raised by the member for Subiaco that the provisions were not the

same. The present provision is in more simple language and the end result is the same, according to Parliamentary Counsel, and as far as I can see.

Dr. Dadour: He did say, "slightly wider."

Mr. DAVIES: Slightly wider, as to penalties.

Dr. Dadour: That is exactly what the objection is.

Mr. DAVIES: Slightly wider as regards remedies and penalties. The disciplinary provisions are exactly the same. If the honourable member would explain his objection I will certainly have the matter looked at. However, the present provision is in a simpler form, it will be more readily understood, and it is in accordance with the undertaking which has been given.

Mr. Hutchinson: I, myself, to a great extent cooled most of the A.D.A. feelings on this matter of discipline.

Mr. DAVIES: Thank you. Although the two provisions may appear to be different, if they are looked at carefully it will be found that they are identical. That opinion has been confirmed by Parliamentary Counsel.

The third point which was discussed, of course, was the dental charges committee. I am sure the matter of dental charges must be of concern to any person who has been associated with the public at any time. No doubt from time to time members receive complaints regarding dental charges. I am in no position to judge what is fair. I was recently told of an estimate of \$1,500 to cap three teeth. I do not know whether or not that is a fair estimate, and never during my lifetime would I be able to judge.

When the department receives complaints it is unable to judge the fairness of the charge from the facilities which we have available. I do not think we have a right to judge, and the department refers people to the A.D.A. The A.D.A., if it so desires, sets up a committee and makes a report. I do not know of any action taken by the A.D.A., or of any recommendations it has made to any complainant regarding overcharges.

Mr. Hutchinson: Well, it has.

Mr. DAVIES: That may be so, but the system falls down inasmuch as some dentists are not members of the association, so how can the A.D.A. possibly inquire into the affairs of those dentists? It has been suggested that the Consumer Protection Bureau would be the proper body to look into such matters. However, the Consumer Protection Bureau will have considerable work to do without considering complaints concerning dental charges. I would imagine that the A.D.A. would not want to lose control of such a situation, but keep

it within its grasp. Men from within the dental profession, plus one other, would be able to form a judgment and give an opinion as to whether or not action could be taken against a dentist who overcharges. That is the very reason for the inclusion of the provision in the Bill.

We do not desire to control prices; that would be just too ridiculous. How could we possibly control prices, and how could we possibly put ourselves in the position where we could judge whether or not a dentist has done work in accordance with his charges? Such a decision by any body outside the ambit of the A.D.A. would be grossly unfair. I believe the A.D.A. should retain that power in the form proposed and it should be able to ensure that no-one else has it. The A.D.A. should have the power of the law behind it in any actions which it takes. We are attempting to give the A.D.A. that power so that it will have the law behind it in any recommendations it makes.

I have been powerless to act on the complaints which have come to me, and those which have been made to other members of Parliament. I feel I should draw attention to the last four annual reports of the Dental Board of Western Australia. In the annual report for the year ended the 30th June, 1968, the following appeared:—

Many letters and telephone enquiries were received and answered during the year, a number of which were referred to the Australian Dental Association Inc. (W.A. Branch). The Board has no control of fees.

In the 1969 annual report, the following appeared:—

Numerous reports have been levelled by the public against the conduct of members of the profession. In most cases, following investigation, it was found that there were two sides to the complaint and no further action was taken. Arising from several complaints, the Board however feels that in certain instances there is a lack of communication and understanding between dentist and patient, particularly with parents of a child who is receiving treatment. Any treatment plan should be understood by the patient or responsible person and it should only be commenced after full agreement has been indicated.

The annual report for the year ended the 30th June, 1970, included the following:—

Many letters continue to be received from the public concerning faulty treatment and overcharging of fees. These are referred to the Australian Dental Association for attention as the subject matter does not come within the jurisdiction of the Board.

The following comments appeared in the annual report for the year ended the 30th June, 1971:—

Many complaints continue to be received by letter and by word of mouth concerning treatment and more particularly fees.

Under existing legislation, this matter does not come within the jurisdiction of the Board but from the volume of complaints received, the Board feels competent to report that this state of unrest amongst the public exists.

I am not proposing to give the Dental Board power to do anything in connection with fees; I am proposing to give the A.D.A., the specialised people within the industry, the right to do something in this connection. This matter has been drawn to the attention of the Government for four years running. I certainly have not been Minister for Health for four years, but it is a fact that the Dental Board has drawn to the attention of the Government for four years running that this unrest exists.

For this reason, I believe we have a responsibility to give powers of inquiry the force of law. That is the sole purpose; we will be giving the force of law to people in the profession to do something in connection with charges which are causing a great deal of concern and which it is impossible for a layman to assess. I could not say whether a filling was a good or bad one. I suppose most members in the House would be in the same position as myself. The people who practise the profession are those who, by right, should be able to sit in judgment, but to be able to sit in effective judgment they must have the force of law behind them: I do not think I can be fairer than that.

To suggest this is a price-fixing tribunal is only a bogey. Members of the public at large feel the Government has a responsibility to give them some avenue of complaint. I certainly do not want to see the Consumer Protection Bureau inquiring into the quality of dental work, because I do not believe the bureau is competent to do that.

I wish to comment on a matter raised by the member for Mt. Marshall who referred to the title of "doctor." This question has been argued over a considerable period and, indeed, I have a letter from the A.D.A. asking for it to be further investigated. This is not an easy matter to decide. At present the only people to whom the title "doctor" is applied are doctors of medicine, doctors of veterinary science, and doctors of philosophy, etc., from the university. I do not know whether we should extend it to dentists.

Also I do not know how keen is the demand for it. I am trying to assess this demand, but so far I have not found that there is great interest in this question.

It is true that dentists from America use the term "doctor" but I do not know that the time is yet ripe to extend its use to dentists in Australia. It would mean not only an amendment to this legislation but also an amendment to the Medical Act, I understand.

I had not thought of the point raised by the member for Mt. Marshall who said that, with the two fields of dentistry now operating, there could be some confusion and a need for some distinction.

Lastly, I wish to deal with the employer-employee relationship. A formidable number of amendments appear on the notice paper, but many relate only to the employer-employee relationship. I am quite happy to write these into the legislation if this is what the A.D.A. wants. The association has not said this to me, but I presume the honourable member who will move the amendments has the authority of the A.D.A. to the effect that the association wants this relationship written into the Act. I cannot see the need for it but, again, I cannot find any cogent reason to argue against it.

Mr. Hutchinson: It is the separate discipline idea which appeared to be inherent in the long title.

Mr. DAVIES: Of course this is a good reason. This also comes back to the point raised by the member for Mt. Marshall; namely, the area of responsibility. By writing this into the legislation I do not know whether we will make a dentist more responsible than he would be if it is not written in. I wonder whether the honourable member would like quickly to obtain an opinion on this point. I am quite happy to allow the employer-employee relationship to be written in, as is suggested. In fact, I have no objections at all.

I hope and confidently expect that there will be a vast improvement in dental health in Western Australia. The scheme to improve dental health, in its various areas, was started by the previous Government and extended by this Government. With the availability of these competent young ladies who will carry out certain duties most effectively, I am sure there will be a great improvement in dental health in Western Australia.

If the Federal Government is fortunate enough to be returned—Lord help us—I am sure the Prime Minister will be pleased that this area of treatment is available.

Mr. O'Neil: We will get a better system.

Mr. A. R. Tonkin: Who will be Prime Minister if they are returned?

Mr. DAVIES: I said, "if the Federal Government is fortunate enough to be returned."

Mr. A. R. Tonkin: But who will be Prime Minister, if they are returned?

Mr. DAVIES: I know we become quite dizzy with the changes in leadership in the Federal sphere. If the Federal Government is returned, I am sure the Prime Minister will be pleased indeed that we have, in Western Australia, therapists who will ease the impact of charges on the plan which he proposes.

I do hope the debate will not be continued on a political basis. I know there are some political overtones in the legislation, but I most certainly did not want it to be discussed on a political basis. I want as much liaison as is possible to exist. I am sorry some of the critics have not even looked at the clinic. I think there could have been closer liaison between the University of Western Australia and the Institute of Technology. This is something I debated when the legislation to establish the Institute of Technology was brought down. On that occasion the member for Cottesloe, who was the Minister in charge of the Bill, accepted many amendments. One of the fears I expressed was that there would not be proper liaison or that there could possibly be jealousy between the University of Western Australia and the Institute of Technology. I do not say that jealousy exists, but perhaps a lack of interest has occurred on this occasion. As I understand it, the School of Dentistry at the university has not shown enough interest in the establishment of the therapists school at the institute.

Mr. W. A. Manning: Did the Minister say earlier that he would mention something more about supervision?

Mr. DAVIES: No, but I read out the Crown Law Department's opinion that this would be governed by the Dental Board making regulations. I think this is the only way it can be applied at the present time. It would be difficult, because of the areas of definition, to say that a dentist should be here, there, and everywhere. We cannot think ahead on matters such as this and envisage all the circumstances which may occur.

I thank members for their support. I believe the legislation will be good for the dental health of Western Australians. I acknowledge that the training of therapists was started by the previous Government and I applaud it for what it did.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Deputy Chairman of Committees (Mr. A. R. Tonkin) in the Chair; Mr. Davies (Minister for Health) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Long title—

Mr. HUTCHINSON: This clause will amend the long title of the Dentists Act and I propose to move an amendment to



it. It would appear from what the Minister has said that there is more than a rough chance he may accept the amendment and hence a score of consequential amendments.

This clause gives me the opportunity to say I appreciated many of the remarks made by the Minister in his reply to the second reading debate. I have no real quarrels apart from one or two amendments I might move regarding disciplinary powers. Then there will be a split on the ground of political philosophy regarding the prices structure. However, we can dispense with the disciplinary powers and the prices structure at this juncture.

The liaison which the Minister said was established with the A.D.A. fell short of that which should have taken place. It was full enough to the point where the A.D.A. expected appropriate amendments to ensure the incorporation of dental therapists within the structure of the Dentists Act, but the board did not know how far the charter would go in relation to the acts of operative dentistry which the dental therapists would follow.

That belief is borne out by a letter written to the Secretary of the Australian Dental Association (W.A. branch) by Mr. Graebner in April, 1971—just over a year ago—in which he said his main consideration was to establish a course in dental therapy structure to produce an auxiliary that will carry out intelligently the duties laid down in the Act, which will be amended.

He then said—

The original recommendations stated that the therapist, amongst other things, should be permitted to place linings and insert amalgam and silicate restorations into all permanent teeth, provided the cavities had been prepared by a dentist.

Irrespective of the merits or otherwise of this particular aspect of her duties, it is virtually impossible with the present limited accommodation, to train the therapist adequately in this sphere.

He went on to develop this proposition. He said, in effect, it is essential to modify or limit the duties of dental therapists to suit the existing situation, which he described. He then said—

Far from recommending an extension of their duties I suggest that they be limited further so as not to include operative treatment in the adult dentition.

It was the inclusion of operative treatment in the adult dentition which raised the fears of dentists in regard to this Bill. I doubt if there is a member in the Chamber who does not want this auxiliary profession to come into being as smoothly and harmoniously as possible, but that

particular inclusion in the legislation upset the dentists. Yet, over a year ago, Mr. Graebner said—

Far from recommending an extension of their duties I suggest that they be limited further so as not to include operative treatment in the adult dentition. I do, however, suggest that the mixed dentition should be included within their scope, because I firmly believe that this is the only way in which they can be truly effective. If the dental therapist is permitted to do simple amalgam restorations in first permanent molars in patients up to and including the age of 12 years, she will be a very effective help to the profession and of considerable value to the community. It is within this age group that a great amount of neglect occurs; in other words this is where there is the greatest need.

I do not disagree with the letter but when these opinions were expressed just over 12 months ago it can be imagined that the members of the dental profession, by and large, would say, "This is so," and accommodate their thoughts to it. When it did not come into being their fears were raised.

As a result of the enlarged charter given in a later clause of the Bill, one of the fears related to the fact that it appeared from the amendment to the long title that a new and separate discipline was being introduced; that is, the practice of dental therapy. The dentists said, "There is only the practice of dentistry to consider."

I move an amendment—

Page 2, lines 7 and 8—Delete the words "and dental therapy".

If the Minister agrees to this amendment, the long title will read—

An Act to consolidate and amend the Law relating to dentists and dental therapists, to regulate the practice of dentistry, and for purposes incidental thereto.

This amendment, together with the Minister's promise to allow further amendments to the charter of dental therapists, will do much to promote the harmonious introduction of this auxiliary occupation into the practice of dentistry.

Mr. DAVIES: I thank the honourable member for his comments. I was aware of the letter from which he quoted at length. Perhaps I will be permitted to read into the record some comments which were handed to me by the author of the letter, which will give a balanced view of his position. Mr. Graebner says—

Since 1966 I have consistently, both publicly and in correspondence with the Australian Dental Association maintained that Dental Therapists should be allowed to treat adult teeth as well as children's teeth. Many

members of the Australian Dental Association who were closely associated with the early development of Dental Therapy, will I am sure vouch for this.

The original recommendations by the Australian Dental Association (W.A. Branch) were (in part):

- (1) Cavity preparation and restoration in deciduous teeth only.
- (2) Extraction of deciduous teeth.
- (3) Placement of lining and insertion of restorations in permanent teeth providing the cavity was prepared (drilled) by a Dentist.

I have never supported these recommendations because they were unrealistic, but this was the basis on which the Course commenced.

The letter from which the member for Cottesloe quoted was dated April, 1971, which was just at the commencement of the course. Mr. Graebner's comments continue—

It soon became apparent, and I had the support of Professor R. L. Taylor, Mr. John Frichard and the Dental Auxiliaries Committee of the Australian Dental Association, that it would be completely impossible to train a Dental Therapist in these duties with the existing accommodation and facilities. To teach these duties extra staff dentists would be required to prepare the cavities in permanent teeth for the students to fill. The School definitely had no room or equipment to make it possible to employ dentists for this purpose.

A compromise was sought so that the students could be adequately trained and still have the blessing of the Australian Dental Association.

**THE DEPUTY CHAIRMAN (Mr. A. R. Tonkin):** Will visitors in the gallery please be seated.

**Mr. DAVIES:** To continue—

My recommendation at that time to exclude the adult dentition was necessary because the involvement into the adult dentition, along the lines recommended by the Australian Dental Association, was totally unacceptable from a training point of view.

When this matter was debated at the July 1971 meeting of the Branch I stated quite categorically that I believed that the Dental Therapist should be permitted to carry out routine restorative treatment on all teeth. However, for the sake of the course I was prepared to support the new proposal rather than endeavour to comply with the original policy which was impossible to implement.

Experience in the course has now convinced me further that any restriction based on age cannot be supported. The state of dental health of the patients we are treating at the School also makes it obvious that dental needs are urgent in all age groups. For these reasons I now feel even more strongly on these matters than I did early in 1971.

So we can see that this situation was brought about by the lack of availability of facilities—it was not a change of heart on the part of Mr. Graebner. It is not fair comment to say that the A.D.A. was not aware of the trend. Mr. Graebner approached members of Parliament as well as members of the profession. Indeed, some of them told me he was becoming a nuisance in his efforts to convince them that the extension was necessary. So these people were well and truly aware of what was going on. As I say, we will argue about the age issue when we come to it.

**Mr. Hutchinson:** You are going to stick to that are you?

**Mr. DAVIES:** I think we have to for the time being.

**Mr. Hutchinson:** I thought you were going to weaken on that.

**Mr. DAVIES:** We have to stick to something in the Bill. I feel the deletion of these words will do no harm. It establishes the relationship which we are seeking to establish later on. If the A.D.A. wants this, I am quite happy to go along with it. At one stage it was suggested that we should introduce a separate Bill for dental therapists. I was opposed to this, as were most people. As the honourable member says, it is the practice of dentistry in its different forms. The Medical Act does not provide for nurses, but then the nurses perform different duties from those performed by doctors. Dental therapy is a part of dentistry.

**Mr. HUTCHINSON:** The dental profession is concerned about the charter for dental therapists given in a later clause. I listened with interest to Mr. Graebner's apology through the Minister. Frankly I was not impressed. I am impressed that over 12 months ago, when the Minister had to form ideas for the proposed legislation, he arrived at the conclusion to include adults. I have only read some parts of this letter, but from the contents of it I do not think the treatment of adults should be included. The principal adviser to the Minister writes to the profession in the *Dental Bulletin* saying that he thinks it is most unfortunate that it is approached in this way.

I am dismayed that the Minister does not intend to agree to the deletion of the reference to adults. I cannot do anything but protest that the profession did not want

this course to come in with the extended range of duties. It can only lead to bad feeling between the two sections of the profession.

Dr. DADOUR: If we go to the primary fundamental, we see that the whole discipline is dentistry. A very small part of that discipline is dental therapy. Therefore, we are not dealing with two practices—we are dealing with the overall practice of dentistry. We cannot compare this with the role of nurses in the medical profession, because nurses perform duties which doctors do not, and vice versa. However, the dental therapists will be carrying out a small part of the work performed by dentists. We are dealing with one entity here. With those words I support the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 4 put and passed.

Clause 5: Section 4 amended—

Mr. HUTCHINSON: Paragraph (b) reads as follows:—

by inserting in their appropriate alphabetical sequence four new definitions as follows—

I seek to delete the word "four." I believe that it is not necessary to include a number, and as well as this the Opposition objects to the first-named definition which reads as follows:—

"Committee" means the Dental Charges Committee established by this Act;

The Opposition believes that there is no necessity whatever to impose a form of price control on the dental profession. A Counselling Committee within the framework of the A.D.A. has been in operation over a considerable period of time. This committee deals with complaints made about prices charged by dentists for work done.

Let me say that remarkably few people do not want to complain about charges made by dentists. If they are like me, they do not like going to the dentist and when the dentist's account arrives they always feel it is too high. However, the great majority of people do nothing about this because they probably feel that dentists are trained to do the job, and the training takes a long time. Also, usually they admit that the dentist has cured or part-cured their problem. In a general way many people in their own minds feel that the prices charged by dentists are too high, in the same way as they feel that the charges of doctors, or those of people in the business world are too high. Some people in the community even complain bitterly about the salaries of members of Parliament!

Mr. Lapham: I have never heard that!

Mr. HUTCHINSON: I thought the honourable member was more in touch with his electorate.

Mr. Lapham: Mine is a very discerning electorate.

Mr. HUTCHINSON: The Counselling Committee of the Australian Dental Association performs a good job of work in trying to adjudicate on the complaints received about charges. I received a letter from Mr. Halikis (President of the Australian Dental Association) dated the 31st October. In his letter he said that the members of the A.D.A. wished to oppose several clauses in the Bill. In particular they find the clauses which establish a dental charges committee offensive.

Mr. Halikis went on to say that the A.D.A., through its Counselling Committee, has for many years successfully arbitrated between dentists and the public on matters of fees. He said some difficulty had been experienced with a few nonmembers of the association.

I interpolate here to say that the Minister mentioned a few members of the dental profession are not members of that association.

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): Is this a very long letter?

Mr. HUTCHINSON: No.

The DEPUTY CHAIRMAN: The honourable member should condense it.

Mr. HUTCHINSON: I am trying to condense it in order not to offend your sensibilities, Sir. Mr. Halikis said that some difficulty had been experienced, but the services of the Counselling Committee have been expanding slowly into the area of dentists who are not members of the association. He went on to say that about 12 months ago he had a discussion with the Minister for Health when he introduced himself to the Minister as the new president of the association. He said the matter was discussed briefly and that if his memory serves him correctly the Minister and he were generally in agreement that the Counselling Committee was doing an excellent job. His recollection of the Minister's comments regarding nonmembers is that the Minister said he was not to worry unduly.

Mr. Halikis went on to say that the Minister said the actions of the Counselling Committee will cause patients not to seek treatment from a dentist if his prices are too high. Mr. Halikis reported those comments to his council, and then he went on to say that the association was most surprised to learn that it is proposed to set up a dental charges committee.

I believe the Government is wrong in the action it proposes to take. Of course, a cleavage exists between the feelings of the Government and the feelings of the Opposition regarding the efficacy of prices control legislation. We believe such measures have very little value, if any. Indeed, we

believe price control measures destroy the value of present systems. Therefore, I move an amendment—

Page 2, line 17—Delete the word "four".

Dr. DADOUR: Mr. Deputy Chairman, as this amendment is closely connected with the next, may I speak to both?

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): Yes.

Dr. DADOUR: I do not believe there is any necessity for the proposed dental charges committee. If one studies the method by which dentists arrive at their suggested charges, one realises that the investigation is conducted on a high plane. A responsible committee of dentists takes into consideration a number of factors such as the overhead costs of a dental practice, the average time taken for a dentist to perform an act of dentistry, what is a reasonable return for dentists, the average income earned by dentists, and the number of hours a dentist should work each week to earn that income.

A firm of chartered accountants was called in to ensure that the method of arriving at suggested fees was beyond reproach. The consultants said that the reasons for arriving at the suggested formula were valid and correct. The suggested charges were circulated to all members of the Australian Dental Association.

The Australian Dental Association set up a Counselling Committee to deal with complaints of people who feel they have been overcharged. When a complaint is received the committee obtains details from the patient and then from the dentist concerned. Mostly it is found that the patient does not realise he has had more than one filling. The position is explained to the patient, and he is quite happy.

If the committee finds that the fee is not in accordance with that suggested it tells the dentist to lower his fee. That advice is usually acted upon by the dentist, and that is the end of it.

However, over the years complaints have been received concerning dentists who are not members of the A.D.A. In the past the Counselling Committee has not dealt with such complaints, but it is now willing to deal with all complaints, irrespective of whether or not the dentist involved is a member of the association. Therefore, I feel the hiatus will disappear. The association will go further than that. It will issue to a patient who has been overcharged a certificate stating that the fee is too high, and if the dentist takes the patient to court for payment he will find he does not have a leg to stand on.

What action can be more responsible than this? The basic fee has been set by a formula which over the years has proved to be sound. Also if any dentist is out of

step he is judged by his peers and if he were found guilty he would be obliged to attend on the committee. If he failed to do so the patient would then be issued with a certificate stating that he has been overcharged. Surely this is sufficient. Why does any other body have to step into the breach when the dentists themselves cope with their own problems?

This problem will always arise, although it has always been laid down that before a dentist undertakes any work he should issue a statement indicating the work that is necessary. He would not realise the amount of work that would be necessary until he drilled the tooth to investigate it. He may then find he has to do a great deal more than he previously thought, such as capping, restoration, and other work. The dentist should tell the patient what work has to be done and what the approximate fee will be.

In those cases where problems have arisen, generally this has been due to the fact that the dentists concerned have not been members of the association. Most associations do not like dealing with non-members, because in the main such people have been members of the association at one time, but have ceased to continue with their membership because they are disgruntled, often wish to charge more than the fee prescribed, and so land themselves in trouble. The majority of people who do not belong to a union are those who are "way out" and they are the troublemakers. They have either been asked to resign from the association or have resigned before they were booted out.

Mr. Brady: One of the industrial unions found that out long ago; that is, that non-union members are the troublemakers.

Dr. DADOUR: I suppose the same applies in an association of professional men. I believe dentists have been, and still are, cognisant of the problem and are now willing to deal with the area with which they were not coping, and issue certificates stating that the patient has been overcharged.

Mr. DAVIES: I do not oppose the deletion of the word "four" because it does not really matter; I do not think it has any legal or statutory significance. However, I most certainly oppose the proposal, which we have not reached yet, to delete the word "committee," but if I can I will now answer some of the statements made as I may not have time to answer them later. During the discussion with Mr. Halikis, to the best of my recollection I expressed my great concern to him over dental charges and quite likely I agreed that some dentists could put themselves out of business. However, I am surprised that he, at this stage, is making available to the Opposition comment made during a courtesy call. When I commented that some people could put themselves out of

business I added that several would be stopped before they did. I understand the A.D.A. regularly receives complaints about one dentist in particular, but he continues to prosper. The association has been unable to take action against him. The Dental Board also receives similar complaints regularly made against the same dentist.

In general discussion I may have said what has been quoted. However, it does not get over the fact that I was greatly concerned about what was going on and some of the complaints I had received. In view of what took place I was not in the least bit surprised to see Mr. Halikis reported in *The West Australian* of the 27th October, 1972, as follows:—

Mr. Halikis said the idea of a four-member dental charges committee was acceptable to his association, as long as it acted fairly and as long as the A.D.A. was represented on it.

I hope it would act fairly, and most certainly the A.D.A. is represented, so I do not know why Mr. Halikis has had a change of heart.

We will certainly argue longer on this later and I do not propose to extend the debate now. As I have said, I have no objection to the deletion of the word "four," because I do not think it matters in the slightest.

Mr. W. A. MANNING: The provision to establish a committee for control of dentists' fees is one that should not be in this Bill. If the Minister desires to introduce dental therapists to dentistry it would have been better if the proposal had appeared in a Bill on its own. It will be quite inconsistent if we provide for a committee to fix the prices charged by dentists.

Mr. Davies: We are not; it is just a review of charges that could be made.

Mr. W. A. MANNING: Well, reviewing the charges of dentists, if the Minister so desires. We should not include such a provision in the Bill because recently we had another measure dealing with the review of prices which specifically excluded any reference to legal practitioners. If we exclude legal practitioners from the provisions of one Bill, why include dentists in another? How the member for Mt. Hawthorn can support such a provision, I do not know.

It seems to me that we are treading on dangerous ground by including this provision in the Bill.

Amendment put and passed.

Mr. HUTCHINSON: I move an amendment—

Page 2, lines 19 and 20—Delete the definition "Committee".

It is true the previous amendment to which the Minister agreed may have no bearing, because the clause could read smoothly without it. With its deletion reference

could be made to the new definitions that follow. There were four definitions and in order to proceed with the present one it was incumbent upon me to move for the deletion of the word "four." However, the amendment could be debated by saying that the dental charges could be established under the Dentists Act. I have already spoken on the matter and said it is not necessarily so that the Counselling Committee of the A.D.A. is sufficient to deal with the problem.

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): I would like to point out to the Committee that I allowed debate on the question of dental charges when we dealt with the previous amendment, because it is related to the definition of "Committee." I do not propose to permit members to reiterate matters during the debate, because there is a Standing Order dealing with repetition. We have already heard the debate on this question and there is no need to go over the same ground again.

Mr. Hutchinson: What does that mean?

The DEPUTY CHAIRMAN: It means that, for example, the member for Cottesloe has already spoken on the question of dental charges and the setting up of the proposed committee. Because the amendment to delete the word "four" is related to this definition I permitted debate on that amendment, but simply because several amendments are related to one another we should not continue the debate on the same points that have been made. I believe the member for Cottesloe made his point when he spoke to the previous amendment.

Mr. HUTCHINSON: I have not a great deal additional to say, except to point out that I disagree with your ruling or direction.

The DEPUTY CHAIRMAN: The honourable member has the right to move to disagree with my ruling.

Mr. HUTCHINSON: Whether or not I take that course remains to be seen, but you, Mr. Chairman, appear to me to be denying my right as a member of Parliament to speak when I believe logically that I should be permitted to have the right to speak—not that at the same time I am denying the right of the Chairman to determine matters as he sees fit. At the outset I referred to the differences between the first amendment relating to the deletion of the word "four" and the one we are now dealing with. How do you know, Mr. Chairman, that I will not say a great deal more, in view of the fact that I have kept my remarks to a brief statement as a result of the relationship between the previous amendment and this one?

The DEPUTY CHAIRMAN: I am not denying the member for Cottesloe the right to debate this amendment. I was

merely saying we should not go over the same ground again, and I would not like to see tedious repetition.

Mr. HUTCHINSON: There are times when it is highly appropriate for the Chairman to draw matters to the attention of members, but I am not one of those who offends in this direction.

The DEPUTY CHAIRMAN: I was not only drawing the attention of the member for Cottesloe, but that of the whole Committee, to the point I have raised.

Mr. HUTCHINSON: It seems to be a personal one, because previously you asked me not to read from a letter when I was reading only a small extract from it.

The DEPUTY CHAIRMAN: We will not debate my ruling.

Mr. Graham: That is quite right.

Mr. HUTCHINSON: Who is quite right?

Sir Charles Court: The Chairman is not consistent though. Did he not permit the Minister to read out a letter in full a while ago?

#### *Withdrawal of Remark*

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): The member for Cottesloe will resume his seat. I would ask the Leader of the Opposition to withdraw the implication that I am partial.

Sir CHARLES COURT: I will withdraw the remark if you so wish, but at the same time I invite your attention to the fact that you allowed the Minister to read a letter in full, but you denied my colleague the right to read a letter, although he was reading it in precis form.

The DEPUTY CHAIRMAN: I drew the attention of the member for Cottesloe to the fact that he should not read the letter in full. I do not think remarks like those help us at all.

Sir CHARLES COURT: By way of explanation I am trying to get the point across to the Committee that you allowed the Minister to read a letter in full without interruption, but when my colleague, the member for Cottesloe, read a letter in precis form you would not permit him to continue.

#### *Committee Resumed*

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): The member for Cottesloe may continue.

Mr. HUTCHINSON: With that business having been dealt with, I hope to the satisfaction of all, I shall proceed to discuss my amendment. I believe the establishment of a dental charges committee is foreign to an amending Bill of this kind. To my mind the prime purpose of this particular piece of legislation is to establish and launch the new dental auxiliary profession of dental therapy.

*Sitting suspended from 12.45 to 2.15 p.m.*

Mr. HUTCHINSON: Before the luncheon suspension we were discussing the dental charges committee. Can the Minister give me any idea how far he will take the principle of establishing charges committees—a form of price control committees—for other professions? If his answer is that he will not be establishing such a committee for any other profession, why is this the position? Why does he not treat the legal profession in the same manner as he is treating the dental profession?

Mr. T. D. Evans: The legal profession has a scale of charges set down by the Supreme Court.

Sir Charles Court: You were not prepared to let them be covered in the other Bill.

Mr. HUTCHINSON: The legal profession has its own form of control.

Mr. Hartrey: It is governed by the provisions of the Supreme Court Act.

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): Order!

Mr. HUTCHINSON: Any complaint by anyone who considers he has been overcharged is made to the appropriate committee.

Mr. Hartrey: No; to the Taxing Master of the Supreme Court.

Mr. HUTCHINSON: It functions from within the organisation.

Mr. Hartrey: It is set up under the law the same as this committee will be set up under the Bill.

Mr. HUTCHINSON: Would the member for Boulder-Dundas be prepared to operate under a committee set up like the dental charges committee?

Mr. Hartrey: Yes, of course, We would do a lot better than under the Taxing Master.

Mr. HUTCHINSON: I do not believe that is so.

Mr. Hartrey: I do; and I know what I am talking about, too.

Mr. HUTCHINSON: What is the intention in connection with the medical profession? The dental profession has its own Counselling Committee which operates reasonably satisfactorily.

Mr. Davies: It has to be good.

Mr. HUTCHINSON: What is the definition of "good" and "reasonable"? How does the Government know the dental charges committee will give "good" satisfaction?

Mr. Davies: I am waiting for your evidence to tell me how good it is. I am sure you will be telling me.

Mr. HUTCHINSON: I will be able to say something if the Minister will keep quiet.

Mr. Davies: You asked me a question.

Mr. HUTCHINSON: The Minister should reply in due course, but he is not answering the questions.

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): Order! I suggest the member for Cottesloe should address the Chair and we will get on more quickly.

Mr. HUTCHINSON: The Chairman of the Counselling Committee of the A.D.A. (Mr. Stinton) wrote to me to complain on behalf of the committee and the profession generally about the comments made concerning the effectiveness of the committee. The Minister has thrown doubts on its effectiveness and the profession is upset about this. Mr. Stinton says he is perturbed at some of the comments; that the A.D.A. has always favoured the investigation of charges by the dental profession; and that for many years the Counselling Committee has conducted investigations into complaints by the public. During the past 12 months the committee has dealt with quite a number of complaints from patients and it has acted on all of them. It brings both parties together to discuss their differences. Mr. Stinton further states that the committee has received from patients who have complained acknowledgment that they have been treated fairly in the deliberations which have taken place.

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): The member for Cottesloe has two more minutes.

Mr. HUTCHINSON: Thank you, Sir. I believe the Counselling Committee operates as efficiently as, and with greater efficacy than, the dental charges committee which would indirectly at first begin to control prices in the profession.

I do not believe that this should be done, and that dentists should be discriminated against in this way. What happens in regard to prices charged by skilled tradesmen for jobs done in people's homes? Do not people complain about prices charged by plumbers for work done? Will there be a charges committee?

Mr. J. T. Tonkin: Would you support one?

Mr. HUTCHINSON: No I would not, because as I have already said I do not like the principle. There is a definite cleavage between that side of the Chamber and this on that matter.

Mr. J. T. Tonkin: Do you like the principle of controlling wages?

Mr. HUTCHINSON: If the Premier intends to get onto wages, I do not like that either. However, I believe that if there is to be one then there will be a need to have the other. I want to emphasise again that we are opposed to this clause, and the consequential clauses which flow from it.

Mr. DAVIES: I want to be careful that I do not repeat anything I said earlier in this debate! The question was posed:

How far did I expect to go? I expect to go this far, and no further—as far as my portfolios will allow me to go. A demonstrated need exists. I ask the member for Cottesloe not to interrupt me; I promised not to interrupt him in the future.

Mr. Hutchinson: But the Minister did interrupt me.

Mr. DAVIES: Then the member for Cottesloe may have one more interjection to make us even! I do not intend to go any further than my portfolios allow unless there is a demonstrated need for a committee to review charges, at which time I will take action.

Mr. Hutchinson: How far does that demonstrated need have to go?

Mr. DAVIES: The comments contained in the last four annual reports of the A.D.A.; that is how far for a start. I believe the files which I have in my possession indicate a need, and the A.D.A. has also demonstrated that it needs a committee to review charges, on the condition that that profession controls the committee.

I am putting three dentists on the proposed committee, and one other person from the Consumer Protection Bureau. Surely the dentists will still have control. If they take exception to remarks in regard to charges, surely I can take exception to remarks made in this Chamber only recently to the effect that I have complete control over the Dental Board. I am sure that Professor Sutherland, who was sitting in the gallery the other night, must have felt like jumping over the rail when that suggestion was made. The suggestion was a severe reflection on the Dental Board by the member for Subiaco, and it was a severe reflection on civil servants.

I am not responsible for any charges made by plumbers, lawyers, or anybody else. The Opposition draws a red herring across the track when it claims that I will have a statutory power regarding charges. I have already pointed out my ineffectiveness regarding dental charges. We want men from the profession to work out the charges, and surely three men on the board will be able to handle that situation.

Mr. Hutchinson: On the Counselling Committee.

Mr. DAVIES: Those men will be able to review charges, and they will have the force of law behind them. There is no force of law under the system which operates at present. The A.D.A. claims it is prepared to investigate charges made by dentists who are not members of the association. Although apparently it was reluctant to do it previously, I accept that statement in good faith. However, by what right can the A.D.A. investigate people who are not even members of the association?

The need has been demonstrated and I do not intend to repeat it. This system has proved effective in New South Wales and in the Australian Capital Territory. One

would think that the dentists would be only too happy to accept this, and not be strongly opposed to the amendment.

Dr. DADOUR: I do not for one minute believe that there is a need for this proposed committee. I would ask the Minister how many complaints he has received in the last 12 months which have not been satisfactorily concluded. Also, are the dentists concerned the same offenders? I believe most of them are. Also, I believe this present move is a fantasy or a whim, whereby the Minister is attempting to get hold of the profession. He has said that this is not price fixing.

If the committee determines what a price should be surely that will set a precedent of what will be a fair charge. Therefore, we would have price fixing whether we like it or not. I believe the dentists themselves can handle this situation. They have handled it for a number of years, and they can continue to do so. The system has not been effective in one small area, but the dentists who were at fault were not members of the association. The dentists themselves have now said they will take over that area and investigate complaints.

When the association investigates a complaint and finds a dentist has overcharged and does not come to heel, the patient is given a certificate to say what should be the cost of the amount of dentistry that has been done. If the dentist who is at fault takes the patient to court, obviously he will produce a certificate from his peers—the Counselling Committee—stating what the cost should have been.

Mr. T. D. Evans: Do you think that certificate would be admissible in a court of law?

Dr. DADOUR: Of course it would be.

Mr. T. D. Evans: On what rule of evidence is it admissible?

Dr. DADOUR: Because of the responsible body which put it before the court.

Mr. T. D. Evans: There is no rule of law to justify the admissibility of such a certificate.

Dr. DADOUR: If there is no rule of law, lawyers should be subject to price fixing, because if the certificate is invalid—

Mr. T. D. Evans: You will find it in the provisions of the Supreme Court Act.

Mr. Hartrey: You do not know anything about it.

Dr. DADOUR: It is not the subject under discussion at the moment. I am trying to make the point that this proposal is a dream and fantasy of the Minister, to use his own words. Let us be reasonable about this. Let us look at the rationale and the criteria. What will be the aims of the proposed committee? As I said before, they

will amount to price fixing—no more and no less. There is no doubt that is what the aim will be. It cannot be anything else because a precedent will have been created for saying that a filling of such-and-such a size which took such-and-such a time would have a certain fixed price, and dentists would have to work from that standard.

The dentists themselves would be in a better position to fix prices, taking into consideration all the matters I mentioned earlier. Who will be the representative of the consumers? I have heard strong rumours Mrs. Coleman will be the representative. I do not know who she is. Is she a dentist?

Mr. Graham: She will be a senator.

Dr. DADOUR: Should she be on the committee if she is not a dentist? Are dentists not responsible people? Have they not over the years done their very best?

Mr. Hartrey: If a dentist were charged with burglary, would all members of the jury be dentists?

Dr. DADOUR: For what reason is it desired to hit at the professions? I think it amounts to a desire on the part of the Minister to hit at the professions; and I do not think he will stop with dentists. It will be the doctors next, and so on. I believe if this committee were set up under the Act, other committees would be set up in relation to other professions, and the Minister realises that. The Minister wants to socialise the professions and fix prices.

Mr. Graham: What a word!

Dr. DADOUR: The whole dental profession is against the setting up of this committee. I think Mr. Graebner would be against it. Every dentist in private practice would be against it.

Mr. Bateman: My dentist is not against it.

Dr. DADOUR: The honourable member's dentist must be a public servant in the Public Health Department.

Mr. Bateman: No, he is not.

Dr. DADOUR: Members of the dental profession are quite capable and responsible people who are able to carry on and look after their own profession and charges. What more can the association do other than give a certificate stating that a dentist is out of line? We cannot ask for more than that. Whether or not it stands up in court, it would be very good evidence. I, as a layman, think the magistrate or judge would take notice of it. Anyhow, it would serve as a deterrent to a dentist whose peers had found he was overcharging.

Mr. T. D. Evans: It would not be admissible.



Dr. DADOUR: That is only the opinion of the Attorney-General, and I do not always value his opinions. I believe the dentists are capable of handling this matter themselves, and that the Minister is succeeding in putting himself completely "offside" with the profession.

Mr. DAVIES: The member for Subiaco asked me how many complaints I had been able to bring to a successful conclusion. The answer is: None. I have no power to take action on complaints. I do not know how many complaints the A.D.A. might have brought to a successful conclusion. That has not been mentioned. If and when the legislation is passed, I will have no power to bring complaints to a successful conclusion. That matter will be beyond my jurisdiction. It will be up to the committee.

The Opposition is paranoid about price fixing and the control of fees. That is all members of the Opposition can think about. They are not concerned with the rights of the individual in the community. They stand up here and say every dentist is beyond reproach as far as fees are concerned. When an attempt is made to try to provide a legitimate avenue for people who have complaints, members of the Opposition are opposed to it. They are saying to dentists, "Charge what you like—the A.D.A. will fix it up." The charges will continue to be set by the profession itself. It is time we thought of the public.

Mr. McPHARLIN: When I spoke to the second reading this morning I quoted some figures giving the ratio of dentists to the population. Those figures must not be overlooked.

The Minister says this is not a price fixing measure; that the Bill is designed to set up a committee to examine complaints from people who consider they have been overcharged by dentists. If there is any move towards more stringent controls, people will not be attracted to the profession. There is a very severe lack of students at the present time. We will be short of dentists for many years. I think this aspect is worthy of some consideration.

The other point I wish to make is that an avenue already exists through which people can make complaints; namely, the Australian Dental Association. But what about the Commissioner for Consumer Protection? Perhaps complaints could be lodged with him. We know he will be a very busy man, but I do not see why this avenue could not be used, although I am not sure that people who have received dental treatment could be described as "consumers." However, the Commissioner for Consumer Protection exists to protect the community.

I do not support the Government in this matter. I support the amendment proposed by the member for Cottesloe.

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

## Ayes—18

Mr. Blaikie	Mr. Mensaros
Sir David Brand	Mr. O'Connor
Sir Charles Court	Mr. Ridge
Dr. Dadour	Mr. Runciman
Mr. Gayfer	Mr. Rushton
Mr. Hutchinson	Mr. Thompson
Mr. Lewis	Mr. Williams
Mr. W. A. Manning	Mr. R. L. Young
Mr. McPharlin	Mr. I. W. Manning

(Teller)

## Noes—24

Mr. Bateman	Mr. Graham
Mr. Bertram	Mr. Hartrey
Mr. Bickerton	Mr. Jameson
Mr. Brady	Mr. Jones
Mr. Brown	Mr. Lapham
Mr. Bryce	Mr. Nalder
Mr. Burke	Mr. Sewell
Mr. Cook	Mr. Stephens
Mr. Davies	Mr. Taylor
Mr. H. D. Evans	Mr. J. T. Tonkin
Mr. T. D. Evans	Mr. W. G. Young
Mr. Fletcher	Mr. Harman

(Teller)

## Pairs

Ayes	Noes
Mr. Coyne	Mr. May
Mr. Grayden	Mr. McIver
Mr. O'Neill	Mr. Moller

Amendment thus negatived.

Clause, as amended, put and passed.

Clauses 6 to 10 put and passed.

Clause 11: Section 15 amended—

Mr. HUTCHINSON: I have on the notice paper an amendment to delete paragraph (b). However, that is not what I intend to do. My amendment is intended to be consequential upon a series of amendments already agreed to by the Minister. When the amendment was drafted I did not take into consideration the fact that it could possibly interfere with the regulation by the board of the practice of dental therapy. Therefore, in lieu of the amendment standing in my name on the notice paper, I move an amendment—

Page 5, lines 3 and 4—Delete the words "the practice of dental therapy" and substitute the words "those acts of dentistry performed by a dental therapist".

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): That is the amendment on the notice paper.

Mr. HUTCHINSON: That is correct. I am sorry, I was thinking of the amendment which appeared on yesterday's notice paper. I was not aware that the new amendment had been included on today's notice paper.

Mr. DAVIES: We have no objection to the amendment. It merely rephrases the words in the Bill. The board must have the power to make regulations so that it has control over dental therapists. The amendment is in line with the undertaking I gave that we would accept the employer-employee relationship.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 12 put and passed.

Clause 13: Section 18 amended—

Mr. HUTCHINSON: I move an amendment—

Page 5, line 30—Insert after the word "dentistry" the words "or on employment as a dental therapist".

Mr. DAVIES: This is a continuation of the earlier amendment, and I have no objection to it.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 14 to 18 put and passed.

Clause 19: Section 30 repealed and re-enacted—

Mr. HUTCHINSON: There are a number of amendments of a consequential nature which I wish to move. I move an amendment—

Page 7, line 13—Insert after the word "or" the words "to be employed as a".

Mr. DAVIES: Once again this and the following amendments are consequential. I have no objection to them.

Amendment put and passed.

The clause was further consequentially amended, on motions by Mr. Hutchinson, as follows:—

Page 7, line 22—Add after the word "practice" the words "as a dentist or from employment as a dental therapist".

Page 7, line 27—Insert after the word "practise" the words "as a dentist or be employed as a dental therapist".

Mr. HUTCHINSON: I move an amendment—

Page 7, line 33—Insert after the passage "conduct," the word "or".

Mr. DAVIES: I cannot see the significance of this amendment. It does not seem to follow as a consequential amendment.

Mr. HUTCHINSON: The purpose of effecting this amendment is that it is a dual type of amendment. It will be seen in proposed section 30 (1) (e) appearing in clause 19 that a dentist or dental therapist is guilty of misconduct in a professional respect by reason of carelessness, incompetence, impropriety, infamous conduct, a breach of the provisions of the Act, or otherwise.

It is felt that the words "or otherwise" should be deleted. There is no need for the inclusion of such a comprehensive phrase. Already the omissions or failures in ethical conduct have been included in paragraph (e) to which I have just made reference, so the words "or otherwise" should not be included in the legislation.

Mr. DAVIES: The amendment is restrictive, but I do not think it is unreasonable. I will accept it.

Amendment put and passed.

Mr. HUTCHINSON: I wish to move the next amendment in my name to delete the passage "Act, or otherwise".

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): Why does the honourable member seek to delete the word "Act" and then to reinsert it?

Mr. HUTCHINSON: It has something to do with the punctuation mark after that word. The Parliamentary Draftsman on whom I have to depend for interpretations of legal matters thinks this is desirable.

The DEPUTY CHAIRMAN: This kind of alteration is made by the Clerk automatically. It will be sufficient for the honourable member to move for the deletion of the words "or otherwise."

Mr. HUTCHINSON: I move an amendment—

Page 7, line 34—Delete the words "or otherwise".

Amendment put and passed.

The clause was further consequentially amended, on motion by Mr. Hutchinson, as follows:—

Page 8, line 22—Insert after the word "practice" the words "or employment".

Mr. HUTCHINSON: I move an amendment—

Page 8, lines 22 to 31—Delete subparagraphs (i), (ii) and (iii) and substitute the following:—

(i) in the case of a dentist, to comply with such conditions as the Board may impose in relation to that person's practice; or

(ii) in the case of a dental therapist, to work under supervision, or to complete a specified course of instruction or study;

It will be seen that in the amending Bill the three subparagraphs have relationship to dentists and dental therapists. They are punitive provisions, or they come under the disciplinary powers clause.

It was felt that the grouping of dentists with therapists was too acute and that the same objective could be achieved with proper discrimination between the parent profession and the auxiliary profession, which is the purpose of my amendment. It is not felt that a dentist should have to complete a specified course of instruction or study.

Mr. DAVIES: I am sorry I cannot be as co-operative on this amendment as I have been on previous amendments. We were

requested to include in the Dentists Act provisions similar to those in the Medical Act. As the member for Cottesloe has said, if his amendment is successful there will be a difference in the discipline which can be applied to dentists and to dental therapists. However, I do not believe any need exists for differentiation. It does not mean the board will treat dentists and dental therapists alike. However, it should have the right to apply punishments—I do not like that word—if necessary. I do not think we need to differentiate between the dentists and the dental therapists.

Dr. DADOUR: I do not agree with the Minister. He said that the penal provisions are only slightly wider than those contained in the Medical Act; nevertheless they are wider. The provision in the Bill is to be found in clause 19 in proposed new section 30 (3) (c) (ii). This I take it would relate to the lesser-trained people such as therapists—those who have had only a limited training compared with the dentists. The provision in the Medical Act is not spelled out. That is to be found at the conclusion of section 13 (1).

I am sure that the intention of the Bill is to cover the dental therapists, but I would like the provisions to be made even clearer as is the case in the amendments. I believe that subparagraph (ii) of proposed new section 30 (3) (c) could be interpreted as being insulting. When a man has graduated after five years' study surely he should not be asked to go back to study again. What misdemeanour could he commit to warrant such a penalty? I support the amendment.

Mr. HUTCHINSON: I am sorry the Minister does not intend to support my amendment. As I said by way of interjection when the Minister was replying to the second reading debate, when I first discussed the disciplinary powers with the dentists they objected to quite a number of them. Then I pointed out that the amendments were virtually in line with the provisions in the Medical Act. I also pointed out that although they cover, with consequential amendments, almost four pages of the Bill, the provisions did not depart substantially from those in the Medical Act on which they asked that the disciplinary powers be based. They were satisfied except for this particular provision which is rephrased in the amendment to differentiate between the parent profession of dentistry and the auxiliary profession. I hope the Minister will agree to the amendment.

Mr. DAVIES: I do not see the need to differentiate between dentists and dental therapists. It is up to the board to impose the penalty.

The member for Subiaco referred to the appropriate section in the Medical Act, but I would point out to him that doctors

can be forced to undergo further training. Similar provisions are being incorporated in the Dentists Act. I repeat that I am not arguing about what punitive measures can be imposed. I am arguing as to whether or not dental therapists and dentists should be treated differently. I do not think they should be. The board should be given the right to apply whatever punitive measures it thinks necessary, and it should be left to the board to decide whether it will go the whole hog.

Dr. DADOUR: The Minister says he cannot see a reason to distinguish between dental therapists and dentists. If he cannot see this salient point it is fruitless to continue the debate.

I have tried to point out to the Minister and to others that the difference in training is great, but the disciplinary powers in the Bill, as printed, are extremely wide and cover both therapists and dentists. I cannot get that message across. Either it is falling on deaf ears or members opposite do not have the intelligence to understand. I do not know which it is.

The provisions, as spelt out in the legislation, are vastly different from those spelt out in the Medical Act. I know of no doctors who have been trained in Western Australia and who have subsequently been sent back to medical school for further study. I have never even heard of this, or of dentists who have been trained in Western Australia being sent back for further study. Of course, if the professional man comes from a foreign country I know this does occur. Such a person must work under supervision for six weeks in the fields of medicine and surgery. However, this position is entirely different.

I consider the clause is meant to apply to dental therapists and it should be spelt out in this way. We are talking about a point of law. Earlier this afternoon when the proposed committee to look into overcharging by dentists was mentioned, it was said that this must be a point of law.

Surely the question under discussion is as valid as that. This, too, must be a point of law. To be so, it must be spelt out and surely it should be spelt out in the legislation. I ask for nothing more nor less and I think my request is reasonable.

The Minister, on his own admission, said that the provisions in the Bill are wider than those in the Medical Act. In fact the words "slightly wider" were the ones used.

Mr. Davies: No.

Dr. DADOUR: That was the information given to us from the Crown Law Department. It was said that the provisions are slightly wider. I am sure *Hansard* will bear out what I am saying.

Mr. Davies: I will read it out to the honourable member.

Dr. DADOUR: It must have been altered, because the words I heard were "slightly wider." I am sure other members heard those words when the Minister read the statement of the Crown Law Department. If they are slightly wider I believe the Minister has broken faith. He was asked by the Dental Board to incorporate the same provisions as those in the Medical Act—no more and no less. In my opinion they are not slightly wider but a great deal wider and, in this respect, the Minister has erred. I would like some explanation from the Minister on those points.

Mr. DAVIES: I hope you will not rule me out of order, Mr. Deputy Chairman (Mr. A. R. Tonkin) for tedious repetition, but, once again, I shall repeat myself and read the same three lines. These are—

The Bill is slightly wider as to remedies and penalties—

I am sure the honourable member will agree with this. It continues—

—permitting amendment of the registered particulars.

It is slightly wider in respect of permitting amendment of the registered particulars, which are dealt with under paragraph (a) of proposed re-enacted section 30 (3).

Obviously I did not read it loudly enough or the honourable member did not understand. In any event he has put on the words a different interpretation from the one which actually exists. For the final time—

The Bill is slightly wider as to remedies and penalties, permitting amendment of the registered particulars.

That is the difference.

Amendment put and negatived.

Mr. HUTCHINSON: There is, on the notice paper, another consequential amendment to the same clause. I move an amendment—

Page 8, line 36—Insert after the word "practice" the words "or employment as a dental therapist".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 20 put and passed.

Clause 21: Section 30B added—

Mr. HUTCHINSON: The purpose of the clause is to insert a new section into the Act to deal with inquiries that can be made in relation to actions on the part of dentists or dental therapists. This comes under the general disciplinary powers provision which is being widened and is to be included in the parent Act. Proposed new subsection (2) reads as follows:—

(2) Pending the holding of the inquiry the Board may suspend the dentist or dental therapist from prac-

tice, either generally or to a specified extent, for a period not exceeding three months.

I do not think it is a good practice to judge and sentence before an inquiry is held. If the Committee agrees to this provision it is, in fact, agreeing to the suspension of a dentist or dental therapist before an inquiry is properly conducted and before any guilt or innocence is established. In the interim period the dentist, or dental therapist, would suffer not only loss of face and professional standing, but also financial loss.

Mr. T. D. Evans: That practice applies in the Police Department. If a police officer is the subject of an inquiry, before the inquiry is under way he is suspended.

Mr. HUTCHINSON: This provision may be in other Acts. I am not sure of this.

Sir Charles Court: In the case of a police officer, if the offence is not proven and he is subsequently reinstated his remuneration is made retrospective. However, if a dental practitioner is suspended he has lost all that income.

Mr. HUTCHINSON: The Leader of the Opposition has made an extremely valid point. This is a question of financial loss. If a policeman is suspended until the inquiry is held he will be paid for that period of time if he is proven guiltless.

In any event, I do not like this provision at all and I do not think it should be included, in the main, in any legislation. I do not know what the legal eagles think about it, but perhaps their view is that the end justifies the means.

I would like to hear the Minister on this point. To the layman it certainly does not seem appropriate that, pending the holding of an inquiry, a dentist or dental therapist can be forced to be unemployed for a period of up to three months. I move an amendment—

Page 10, lines 8 to 12—Delete proposed subsection (2).

Mr. W. A. MANNING: I will contribute a few words to the debate in the hope that a few moments' delay may enable the Minister to speak favourably in connection with the amendment moved by the member for Cottesloe.

It is entirely wrong for anyone—whether it be a dentist or dental therapist—to be prejudged and forced to close down a practice. That person may later be found not guilty of the offence.

The Attorney-General interjected and commented about police officers, but there is no relationship whatsoever between police officers and dentists or dental therapists. A person in a dental practice would have to close down that practice and make it known, by advertisement, that he would not be available. People who are being treated by the dentist would have to wait for quite a long period of time.

Mr. T. D. EVANS: What about a person who is charged with an offence before he is actually tried? Bearing in mind that a person is innocent until proven guilty, if he cannot find the appropriate bail he must go inside and is put out of business.

Mr. W. A. MANNING: I do not think that is a valid point. If the Minister is founding his argument on the fact that it says the board "may" suspend, I do not think it has much value. The board still has the power to suspend a dentist or a dental therapist from working for a certain period not exceeding three months. It is quite incorrect that a dentist may be forced to close his practice when there may be no justification for it.

Mr. DAVIES: I must confess that I had a second look at this provision before it was included in the legislation. I feel my record stands fairly clear as to my view in rights of appeal and justice from my period on the other side of the Chamber. I finally decided to leave this provision for the reason stated by the member for Narrogin—that the final decision is left to the board. I agree that this could present a hardship for a dentist or a therapist, and the fact remains that the board may make an incorrect decision. I imagine the provision would be applied only in the case of a particularly obnoxious offence by a dentist or a therapist. However, if the Opposition feels an injustice may result, and because of my initial hesitation on this matter, I am prepared to agree to the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 22 put and passed.

Clause 23: Section 32 amended—

Mr. HUTCHINSON: I move an amendment—

Page 10, line 34—Insert after the word "or" the words "from employment".

This is a consequential amendment and the principle has been agreed with earlier.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 24: Section 32A added—

Mr. HUTCHINSON: I move an amendment—

Page 11, line 4—Insert after the word "practice" the words "or from employment as a dental therapist".

This again is in line with the principle that we are simply involved with the sole practice of dentistry.

Amendment put and passed.

Mr. HUTCHINSON: I move an amendment—

Page 11, line 7—Insert after the word "or" the words "from employment as".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 25 to 30 put and passed.

Clause 31: Section 46 amended—

Mr. HUTCHINSON: I move an amendment—

Page 16, line 5—Insert after the word "dentistry" the words "or act as a dental therapist".

This again is a consequential amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 32 put and passed.

Clause 33: Section 50 amended—

Mr. HUTCHINSON: I move an amendment—

Page 17, lines 19 to 25—Delete paragraph (b) with a view to substituting the following paragraph—

(b) by adding after paragraph (e) paragraphs as follows—

(f) a dental therapist in the employment of a dentist who performs under the direction and control of that dentist any act of dentistry authorised under the provisions of section fifty A of this Act; or

(g) a dental therapist employed under the Public Service Act, 1904, who performs under the direction and control of a dentist any act of dentistry authorised under the provisions of section fifty A of this Act.

I move this amendment to ensure that dental therapists come under the direction and control of a dentist. Here again the Parliamentary Draftsman felt it would be advantageous to delete paragraph (b) and substitute after paragraph (e) paragraphs (f) and (g).

Mr. DAVIES: Did I understand the honourable member to say the Parliamentary Draftsman suggested this?

Mr. Hutchinson: Yes. I wanted to ensure that the therapists work under the direction and control of the dentists.

Mr. DAVIES: An alternative amendment appears on the notice paper. To my way of thinking the alternative amendment is consequential on the earlier amendments and is in accordance with the undertaking I gave. I do not see the necessity for the additional paragraphs. We are endeavouring to emphasise the employer-employee relationship, and in this context the word "control" implies a sense of prohibition. An employee may be directed to perform a certain task, but he will do it how he

wishes. However, the words "direction and control" have a different connotation. I feel the same effect will be achieved with the alternative amendment.

We come back to the point raised by the member for Mt. Marshall this morning—who will be responsible in a court of law? If the dentists want to accept the responsibility, I am happy about that.

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): I want to point out to the Committee that if the amendment is put and lost it will not be possible to put the alternative amendment.

Mr. HUTCHINSON: The intention was to seek the opinion of the Government on the amendments. I should imagine the Minister would have sought the advice of the Crown Law Department as to whether there will be a division between dental therapists engaged by dentists in private practice and those employed under the Public Service Act. It was mainly for that purpose and to bring in the word "control" that the amendments were placed on the notice paper. However, I will not press the issue, and I seek leave to withdraw the amendment with a view to moving the alternative amendment.

Amendment, by leave, withdrawn.

Mr. HUTCHINSON: I move an amendment—

Page 17, line 22—Insert after the word "direction" the words "and control".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 34: Section 50A added—

Dr. DADOUR: I seek your guidance, Mr. Deputy Chairman, because I wish to move a number of other amendments between this and a later one. I wish to ascertain how I can move the amendment I have on the notice paper to delete "a new section" and substitute "new section." The amendment is for the purpose of adding a new section to stand as 50B.

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): You will have to explain the reason for moving the amendment.

Dr. DADOUR: The reason for including a new section 50B was that it was felt there should be some limitation placed on the number of therapists under the control of an individual dentist. It will apply particularly to private dentists. We have no desire to place any restriction on the employment of these girls by the Public Health Department, because I should imagine there would be a certain proportion of dental therapists to every dentist employed by the Public Health Department according to the needs. I draw the Committee's attention to subsection (3) of proposed new section 50A which appears on page 19 of the Bill.

The whole purpose behind the new clause is to make it applicable to dentists in private practice. The clinics may not be far apart, but if they were it would be very unlikely that all the therapists would be calling on the dentist at the one time in the event of an emergency. I think this will give him latitude in the number of therapists he might place in any one clinic and still keep the position reasonable, because subsection (3) of proposed new section 50A uses the words, "reasonably available for consultation." This is the point I will bring up later whilst debating this clause.

At the moment I believe that if there are two permanent surgeries; one in one suburb and another in the next, all that would be needed would be reasonable supervision by the dentist. If a dentist has only two establishments it would be obvious he would be able to cope, but if he had more than two—it could be that he could have a clinic in every suburb—this may cause trouble. Therefore I decided that the addition of a new section would be a safeguard. It will not be needed in a fairly large country town where a dentist would have his therapists and locums working with him and every day of the week he could move the whole of his personnel to another town, and the following day move again. There is no restriction on this, because actually he has only one transportable clinic.

However, in the city it would be necessary to impose some restriction because there would be too many establishments for one dentist to supervise. That is the reason for the amendment. I move an amendment—

Page 17, line 27—Delete the words "a new section" and substitute the words "new sections".

Mr. DAVIES: I can appreciate the reason for the amendment and I agree with it, but I am worried about its application because of the last point the member for Subiaco raised; that is, the position that will pertain in a country town if a dentist takes his clinic personnel from Three Springs to Morawa and then to Mullewa. The question arises: Should any limitation be placed on the distance between each clinic in the city as distinct from the distance between each clinic operating in country towns? If we can obtain a clear indication of what is required I would be happy to co-operate, because I am concerned that someone will start factories of dental therapists where they churn out fillings and so forth improperly supervised.

It may be possible between now and the time when we discuss this proposed new section—which will not be for a short while—to consider framing some amendment that would meet the situation.

Mr. Gayfer: Would you consider a period of 15 minutes?

Mr. DAVIES: Does the honourable member mean that in the city a dentist may not operate two clinics that are more than 15 minutes' travelling time from each other? However let us say a dentist is operating clinics at Narrogin, Wagin, and Katanning. That is more than two, and we do not want to inhibit a dentist using therapists. I find some difficulty in framing some acceptable amendment that will meet the situation. If I accept the amendment that has been moved to proposed new section 50A and we then proceed with two or three more items, during the afternoon tea break we may be able to frame a suitable amendment to add a new section 50B.

Mr. HUTCHINSON: I think the amendment proposed by the member for Subiaco is sound and it is pleasing to know the Minister is in sympathy with it. The point he raises makes sense, because we are all concerned about the situation. I have spoken to my leader—and I think the Leader of the Country Party would agree with this—and he has suggested that if the Minister promises to have a look at this proposal we could frame another amendment which could be moved in another place.

We do not wish to penalise country centres where it is possible a hard-working dentist would transport his clinic and his dental therapists for the purpose of visiting a number of places on his itinerary.

Mr. Davies: If we accept the amendment that has been moved to proposed new section 50A I give an undertaking that later I will have the Crown Law Department consider an amendment to add a new section 50B now that I know what is in the mind of the Opposition.

Mr. W. A. MANNING: It sounds as though the Minister's amendment will permit dentists to practise in, say, three towns which may be 30 miles apart, without their being accompanied by their dental therapist.

Mr. Davies: That is not the case.

Amendment put and passed.

Mr. HUTCHINSON: I move an amendment—

Page 17, lines 28 and 29—Insert after the word "direction" the words "and control".

Amendment put and passed.

Mr. HUTCHINSON: I move an amendment—

Page 18, lines 24 to 26—Delete subparagraph (ii).

This refers to one of the acts of dentistry which a dental therapist will be able to perform under the Bill at the moment. The subparagraph reads—

the extraction by forceps of deciduous teeth under local analgesia.

I do not think it is appropriate for this provision to be written into the Act. Students have not been taught to extract deciduous teeth and indeed I have a letter written by Mr. Brian Atkinson who is a part-time instructor at the School of Dental Therapy. He refers to the provision in the Bill to allow dental therapists to extract deciduous teeth, and he points out that none of the students have ever extracted a tooth, be it deciduous or permanent; that they have received no instruction or clinical tuition of any kind in relation to the extraction of teeth; and he believes that it would be impossible to train girls to extract teeth in the time available. He is opposed to their performing this act of dentistry. I hope the Minister will agree to the deletion of this subparagraph.

I was trying to be practical. There must be occasions when dental therapists can work on a child's mouth in particular if there are any deciduous teeth which need to come out and the dentist knows she could take out.

Perhaps we could insert the word "loosened" before the word "deciduous." It would then read "the extraction by forceps of loosened deciduous teeth under local analgesia." This does not constitute an intensive part of the training of dental therapists. It is a relatively simple procedure which should present no problems at all.

The amendment I have suggested may overcome the difficulty. We must not lose sight of the fact that quite often a mother will extract a loosened deciduous tooth, as will the child itself. Surely we should permit a person trained fairly widely in certain aspects of dental discipline to extract loosened deciduous teeth.

*Sitting suspended from 3.46 to 4.07 p.m.*

### *Progress*

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

*(Continued on page 5228)*

## QUESTIONS (32): ON NOTICE

### 1. MOTOR VEHICLE LICENSES

#### *Renewal: Singleton*

Mr. RUSHTON, to the Minister representing the Minister for Police:

- (1) Is he aware of the difficulties the residents of Singleton have in renewing their vehicle licenses due to Police Department confusion over which shire Singleton forms a part?
- (2) Will he please have the inconvenience being experienced by Singleton residents investigated, appreciated and remedied by his department?

Mr. BICKERTON replied:

- (1) No.
- (2) There is no Post Office at Singleton and the postal address is c/- Post Office, Mandurah. This does cause some difficulties and the records will now be searched and where the Mandurah address has been given by a resident of Singleton, this will be altered to ensure a renewal notice is forwarded. Staff at the various Traffic Offices will also be advised to ensure that the correct address is always shown on the application form.

## 2. MINING, INDUSTRIAL, AND COMMERCIAL AGREEMENTS

### *Sponsoring by Government*

Mr. MENSAROS, to the Premier:

Could he please detail those achievements by way of mining, industrial or commercial agreements, etc. (other than Commonwealth or State-generated works) originated by his Government which already show some benefit to the economy and/or Treasury of the State?

Mr. J. T. TONKIN replied:

In the limited time available, it has not been possible to set out details of agreements, etc. which have already benefited the economy and/or the State Treasury. However, for the information of the Member, a schedule is tabled indicating some of the major industrial, mining and development agreements finalised during the Government's first 18 months in office. It is confidently anticipated that these agreements will progressively benefit the economy of the State.

*The schedule was tabled (see paper No. 510).*

## 3. CHARITABLE ORGANISATIONS

### *Investigation*

Mr. MENSAROS, to the Minister representing the Chief Secretary:

- (1) Will the reported investigation into "some" charitable organisations be conducted openly or in a confidential manner?
- (2) If the investigation is conducted confidentially, will the names of the organisations to be investigated be published?
- (3) Who is going to conduct the investigations?
- (4) Will counsel be allowed to represent the investigated organisations?

Mr. TAYLOR replied:

- (1) The investigation is taking the form of a departmental review of registered charitable organisations in Western Australia and will be conducted in a confidential manner.
- (2) If the advisory committee recommends to the Minister that some licenses be revoked, the Minister may publish the names of these organisations.
- (3) Officers of the Chief Secretary's Department have been conducting the review for some months.
- (4) No.

## 4. TOWN PLANNING

### *Herdsmen Lake-Scarborough Residential Area*

Mr. MENSAROS, to the Minister for Town Planning:

What is the density of—

- (a) persons per acre;
  - (b) dwellings per acre,
- of the proposed residential development west of Herdsmen Lake and south of Scarborough—
- (i) exclusive of;
  - (ii) inclusive of,
- the hospital project?

Mr. DAVIES replied:

It is assumed that the Member refers to development to the east of Herdsmen Lake and in this case:

- (a) 95 persons per acre, approximately;
- (b) 36 dwelling units per acre; and
- (i) 90 persons per acre, approximately;
- (ii) 33 dwelling units per acre.

## 5. NAVIGATION POSTS

### *Swan and Canning Rivers*

Mr. MENSAROS, to the Minister for Works:

- (1) What is his reason for the decision not to consider installing the navigation posts on the Swan and Canning Rivers with illuminated beacons?
- (2) Could the revenue received from increased boat registration fees be used for this purpose?

Mr. JAMIESON replied:

- (1) It is considered unnecessary to illuminate all navigation posts on the Swan and Canning Rivers. It is accepted practice generally that the majority of navigation aids in rivers and estuaries are day markers and do not carry lights as too many beacons could cause confusion.



- (2) No. Revenue from boat registration fees is sufficient only to cover the cost of the machinery for the registration of boats and the policing of the appropriate regulations.

## 6. GARDEN ISLAND

### *Commonwealth and State Conference*

Mr. RUSHTON, to the Premier:

- (1) Who attended the two-day conference on 1st and 2nd November on behalf of the Commonwealth and State to discuss and negotiate the future development of Garden Island?
- (2) Will he advise—
  - (a) the recommendations made by the joint meeting;
  - (b) the Government's decision?
- (3) If "No" to (2) (a) and (b), when can a decision be expected?

Mr. J. T. TONKIN replied:

- (1) Commonwealth and State officials representing interested departments.
- (2) (a) and (b) No recommendations have been received to date.
- (3) It is not known when a decision will be made.

## 7. ROADS

### *Golden Bay-Singleton-Mandurah*

Mr. RUSHTON, to the Minister for Town Planning:

- (1) Has the department plans for a coast road behind the beaches, linking Golden Bay, Singleton and Mandurah?
- (2) If so, will he explain the progress made in implementing the plan or contemplated?
- (3) If "No" to (1), will he advise steps necessary to develop this connecting tourist road?

Mr. DAVIES replied:

- (1) to (3) No. Such a project would require a joint planning approach by all the authorities concerned. They would have to consider the traffic hazards which would result from building a through road between holiday accommodation and the beach; erosion that could result from encroachment on to foreshore reserves; whether an additional road inland from the settlements would be desirable; and how it would fit in with other existing and planned roads.

## 8. WARNBRO SCHOOL

### *Enrolment Zones*

Mr. RUSHTON, to the Minister for Education:

Will he please advise me the zoned areas from which students will attend the new Warnbro primary school?

Mr. T. D. EVANS replied:

The boundary between the new Warnbro primary school and existing schools in the area is—Waikiki Road, Seagate Road and its extension to Forty Road. Children living in the area south of this boundary will attend the new school.

## 9. HIGH SCHOOL

### *Langford*

Mr. BATEMAN, to the Minister for Education:

- (1) Is a high school to be built in the Langford area?
- (2) If so, when?
- (3) Will the children living in the Lynwood and Ferndale areas be eligible to attend such high school?

Mr. T. D. EVANS replied:

- (1) and (2) Yes, but no definite date has been determined.
- (3) This will be determined by the establishment of a further high school at Parkwood.

## 10. HIGH SCHOOL

### *Parkwood Area*

Mr. BATEMAN, to the Minister for Education:

- (1) When is it anticipated that a high school will be built in the Parkwood area?
- (2) From what area would children attend any such high school?

Mr. T. D. EVANS replied:

- (1) Possibly 1975.
- (2) No decision can be made at this stage.

## 11. NON-GOVERNMENT SCHOOLS

### *Pay-roll Tax*

Sir CHARLES COURT, to the Treasurer:

- (1) Are private schools liable to pay payroll tax on their salaries and wages?
- (2) If so, how much were they liable to pay in the year ended 30th June, 1972?
- (3) What period of the year was at the higher rate of tax that prevailed after the State took over from the Commonwealth?
- (4) What would the figure be if the higher rate had applied for the full year to 30th June, 1972?
- (5) What would the figure be if the former lower rates had applied for the year to the 30th June, 1972?

Mr. J. T. TONKIN replied:

- (1) No, provided these schools come within the scope of paragraph (d) of section 10 of the Pay-roll Tax Assessment Act.
- (2) to (5) Answered by (1).

## 12. BROOME HIGH SCHOOL

### *Additions and Air-conditioning*

Mr. RIDGE, to the Minister for Works:

- (1) On what date was the contract let for additions to the Broome Junior High School?
- (2) Who was the successful tenderer?
- (3) What was his quoted price?
- (4) Did the contract price include a "prime cost" item of \$29,000 for airconditioning?
- (5) What were the names of other tenderers who quoted for the work in question, and what prices did they tender?
- (6) Did the prices submitted by the contractors referred to in (5) include a prime cost sum of approximately \$20,000 for airconditioning?
- (7) Up to the present, what is the value of "extras" which have been agreed to for the job?
- (8) Does the reply to question 10 on Tuesday, 31st October mean that a contract will be let for airconditioning at a price over and above the successful tenderer's original quote?

Mr. JAMIESON replied:

- (1) 12th September, 1972.
  - (2) Colin Fogliani Pty. Ltd.
  - (3) \$102,350.
  - (4) The contract documents call for a provisional sum for air-conditioning, amounting to \$22,500, to be included by tenderers when preparing their prices.
- |                                     | \$      |
|-------------------------------------|---------|
| (5) H.S. Building Co., Broome       | 121,644 |
| George Esslemont & Son, Applecross  | 126,000 |
| D.D. & G.G. Constructions, Nedlands | 126,800 |
| Geraldton Building Co., Geraldton   | 127,432 |
| Magee Constructions, Bedford Park   | 134,473 |
| L. & H. Constructions, Port Hedland | 136,300 |
| Jack Bendat & Assoc., Perth         | 146,319 |
| Newton Construction, Exmouth        | 147,121 |

	\$
R. J. Davies, Osborne Park	157,400
Late tender, lodged 3.10 p.m.—	

L. H. Ross Construction Broome	125,280
--------------------------------	---------

- (6) All tenderers received the same instruction via the specification to include a provisional sum for air-conditioning, amounting to \$22,500, and, with no evidence to the contrary, it is assumed they have done so.
- (7) Nil.
- (8) When the results of tenders for the air-conditioning are known, the acceptable tenderer will become a nominated sub-contractor and his tender will be offset against the \$22,500. The excess will be added to the head contract or the saving will be deducted from the head contract.

## 13. ELECTRICITY SUPPLIES

### *Country Towns Assistance Scheme*

Mr. RIDGE, to the Minister for Electricity:

- (1) Under the State Electricity Commission's "country towns assistance scheme", which local authorities will be asked to lease their electricity undertaking to the S.E.C. in the next 12 months?
- (2) What tariffs are presently charged by the local authorities in question?
- (3) What rates of charges are proposed by the commission after country towns join the scheme?
- (4) Will future reductions in charges be based on economics in the operation of individual undertakings or will they be assessed in relation to the overall operation of participating towns?
- (5) If it is proposed to use the borrowing powers of local authorities for upgrading undertakings, will councils be required to give priority to electricity loans, over and above other municipal works listed in borrowing programmes?
- (6) Is it intended that the S.E.C. will service payments of principal and interest on existing loans for electricity purposes?
- (7) Will the existing staff of council electricity undertakings be retained by the S.E.C. in their present capacities?
- (8) What action is proposed if any local authorities in the interest of their ratepayers, reject a takeover bid by the S.E.C.?

Mr. Jamieson (for Mr. MAY) replied:

- (1) (a) Yalgoo.  
Cue.  
East Pilbara (Nullagine).  
Menzies.  
Kondinin (Hyden-Karlgarin).  
Dumbleyung (Kukerin).  
Lake Grace (Newdegate).  
Wiluna.  
Nyabing-Pingrup.  
Dundas (Salmon Gums).  
Upper Gascoyne (Gascoyne Junction).  
West Kimberley (Camballin concession).
- (b) East Kimberley (Marble Bar).  
Shark Bay.  
Meekatharra.  
West Kimberley (Derby).  
Broome.  
Carnarvon.  
Exmouth.  
Lake Grace.
- (2) (a) Present tariff—  
Yalgoo—18c to 10c.  
Cue—16c to 15c.  
East Pilbara (Nullagine)—\$2 per month and units 7c to 5c.  
Menzies—12c to 9c.  
Kondinin (Hyden) 9c; (Karlgarin) 14c.  
Dumbleyung (Kukerin)—15c to 7.5c.  
Lake Grace (Newdegate)—15c to 8.  
Wiluna—17c to 13c.  
Nyabing-Pingrup—13c to 8c.  
Dundas (Salmon Gums)—15c to 11c.  
Upper Gascoyne (Gascoyne Junction)—12c to 10c.  
West Kimberley (Camballin concession)—15c.
- (b) East Kimberley (Marble Bar) 6c.  
Shark Bay—9c to 5c.  
Meekatharra—10c to 8c.  
West Kimberley (Derby)—5c.  
Broome—6c.  
Carnarvon—6c. to 4c.  
Exmouth—4c. to 3c.  
Lake Grace—6c.
- (3) (a) Proposed tariff—  
In accordance with country towns assistance scheme tariff hereunder.
- (b) Lower than existing and similar to schedule hereunder. To be calculated for each town after discussion with councils concerned.
- The tariffs quoted in (2) (a) and (b) are the last available to the commission.

(4) See above. Future reductions will be collectively assessed for those authorities listed in (1) (a) and on an individual basis for authorities listed in (1) (b). In the light of future development, an authority may be transferred from (1) (a) to (1) (b).

(5) No.

(6) Yes.

(7) Generally yes, but subject to negotiation with the local authority.

(8) The scheme is entirely voluntary and no action is proposed if a local authority rejects the scheme.

### *Schedule.*

State Electricity Commission  
of Western Australia.

Country Towns Assistance Scheme.

Effective from date town joins the scheme.

Industrial commercial and general.  
Table "A"—

	per month	Cents per unit
First	50	8.50
Next	950	8.00
Next	4,000	7.00
Next	45,000	6.00
All over	50,000	5.00

Minimum Charge—

At the rate of \$5.00 per quarter.  
Domestic.

Lighting and power for purely domestic use in permanent private residences and flats. Not available for hotels, boarding houses, residential institutions, caravan parks, sleeping quarters and the like, or residences, used partly for business.

Table "B"—

A fixed charge at the rate of \$5.00 per quarter.

Plus all metered units at 5.50 cents per unit.

Note: For multiple residential buildings supplied through one metered supply point the fixed charge is as follows:—

For the first residential unit \$5.00 per quarter.

For each additional residential unit \$2.50 per quarter.

### *Sub Meters*

Subsidiary meters are available on application without charge to meter the supply to subsidiary consumers.

# 14. ROAD TRANSPORT TO THE NORTH-WEST

## Permit Fees

Mr. RIDGE, to the Minister representing the Minister for Transport:

- (1) What is the scale of permit fees which are payable to the Transport Commission for the carriage of goods by road from—
  - (a) Perth;
  - (b) Geraldton;
  - (c) Meekatharra,
 to areas north of the 26th parallel?
- (2) What number of permits were issued for the carriage of goods to north of the 26th parallel during the 1971-72 financial year?
- (3) What revenue was raised from the issue of the permits referred to in (2) during the year under review?
- (4) Is it considered that the issue of permits affords any substantial measure of protection to the Government railways or the State Shipping Service?
- (5) If not, what purpose is there in continuing with the permit system?
- (6) Is a reduction in the scale of fees anticipated during the current financial year?

Mr. T. D. EVANS replied:

- (1) The scale is as follows:—

Mileage up to:	Rate per ton
	\$
50	0.20
100	0.40
150	0.70
200	1.00
250	1.30
300	1.60
350	1.80
400	2.00
500	2.40
600	2.80
700	3.20
800	3.60
900	4.00
1,000	4.20
1,100	4.40
over 1,100	4.50

This scale applies to transport from Perth, Geraldton or Meekatharra, but as a concession to northern pastoralists a "flat" rate of 30 cents per ton applies for wool irrespective of distance. Livestock carting is exempt.

No fees are payable in respect of distances north of the Shire of Port Hedland as goods transport within the Kimberley division is exempt from licensing.

- (2) The number of permits for transport to the north cannot be readily segregated but the total number of permits issued for the whole State was 29,387.
- (3) \$591,076.
- (4) The issue of permits authorises the transport of cargo which, in many cases, would otherwise need to be forwarded by rail or sea. The payment of permit fees would naturally reduce any freight rate advantage which road transport would otherwise have to the extent of the amount of permit fees paid. It has not been possible to arrive at any assessment of what traffic would be lost by rail and sea services if road permit fees were eliminated.
- (5) Protection of Government services is not the sole reason for a licensing system. As in many other countries regulation of the road transport industry itself is a major factor.
- (6) Reductions took effect in September, 1971, and again in January, 1972, but there is no proposal at present for further reductions.

# 15. ELECTRICITY SUPPLIES

## Charges: Kukerin

Mr. W. G. YOUNG, to the Minister for Electricity:

Further to my question 11 on Tuesday, 7th November, regarding the reduction in electricity charges in country towns, when will this apply to Kukerin?

Mr. Jamieson (for Mr. MAY) replied:

It is expected that the application of the country towns assistance scheme to Kukerin will be discussed with the Shire of Dumbleyung next month.

# 16. INDUSTRIAL DEVELOPMENT

## Western Australian Goods: Promotion

Mr. NALDER, to the Minister for Development and Decentralisation:

- (1) Is it correct that his department is initiating a campaign to promote Western Australian made goods?
- (2) If so, what form will the promotion take?
- (3) If advertising is to be accepted as a form of promotion, will space be placed with—
  - (a) metropolitan press;
  - (b) country newspapers?

Mr. GRAHAM replied:

- (1) The promotion of Western Australian products is a continuing campaign which has been in progress for some time. During Western Australia week to be conducted in 1973 added emphasis will be given to the use of local products.
- (2) All of the media, such as press, TV and radio, are currently in use.
- (3) No decisions have been made on the form of advertising for Western Australia week 1973 but the promotion will be as broad as possible.

## 17. RAILWAYS

### *Cold Sawing Machine: Tenders*

Mr. CHARLES COURT, to the Minister representing the Minister for Railways:

- (1) How many tenders were received for W.A.G.R. tender No. 554A (cold sawing machine) which closed 10th August?
- (2) (a) Who were the tenderers and what were their respective prices;  
(b) what was the local (W.A.) component in each?
- (3) What tender was accepted?
- (4) Was it the lowest tender—  
(a) with local preference;  
(b) without local preference?
- (5) Why was it accepted?
- (6) (a) Were representations made about a locally produced machine;  
(b) if so, with what result?

Mr. T. D. EVANS replied:

- (1) Twenty offers were received from ten firms.
- (2) It is contrary to policy to disclose this information respecting offers, other than the successful tender.
- (3) Ace Industrial Distributors (Kwinana) Pty. Ltd.—\$1,952.00.
- (4) (a) Yes, to specification.  
(b) Yes, to specification.
- (5) It was the lowest offer complying with the specification.
- (6) (a) Yes.  
(b) It was confirmed that the local machine failed to comply with the specification.

## 18. TOXIC FUNGUS

### *Rye Grass*

Mr. NALDER, to the Minister for Agriculture:

- (1) Is he aware of a toxic fungus or organism that becomes attached to rye grass in Western Australia and proves fatal to sheep and cattle if eaten?

- (2) Will he advise as to what research is being conducted into this organism by—

- (a) the Department of Agriculture;
- (b) the C.S.I.R.O.?

- (3) How long has the disease been known to exist in Western Australia?
- (4) Has any progress been made in the control of the disease?
- (5) How many farms are affected?
- (6) How many stock losses have been reported of—  
(a) cattle;  
(b) sheep?

Mr. H. D. EVANS replied:

- (1) A condition involving a toxic principle in wimmera rye grass seeds which when eaten can be fatal to sheep and cattle has been recognised.
- (2) (a) The disease has been reproduced in sheep and laboratory animals at the animal health laboratory and pathological studies of animal tissues have been carried out. Treatments of affected animals in the field are being assessed.  
Plant pathologists have studied the toxic seeds. Further studies in the field and laboratory are planned.  
(b) As far as is known some research is being carried out by C.S.I.R.O. in Victoria.
- (3) At least three years.
- (4) Research and field studies to date have led to a clearer understanding of the disease.
- (5) Nine.
- (6) (a) 45.  
(b) 1,500.

## 19. UNEMPLOYMENT

### *Farm Labourers*

Mr. NALDER, to the Minister for Labour:

- (1) How many farm labourers are registered as unemployed in Western Australia?
- (2) Is he aware that vacancies exist in country areas for this type of employment?

Mr. TAYLOR replied:

- (1) Latest figures provided by the Commonwealth Department of Labour and National Service are 30 in the metropolitan area and 100 in the country areas. It is understood that these applicants for employment are general farm hands with the accent on farm labouring experience.

- (2) The Commonwealth Department of Labour and National Service, through its various district offices, indicated that there are very few vacancies for general farm hands. It is suggested that there are 55 to 60 vacancies for machine operators, chiefly header operators. Vacancies do not always occur in districts where suitable applicants may be available.

## 20. REGIONAL COUNCILS AND PROMOTION COMMITTEES

### *Operations*

Mr. NALDER, to the Premier:

Further to my question on 19th October, 1972, to which he replied that the exact number of regional councils operating in Western Australia is not known, is he aware that the following regional councils have functioned for many years and today comprise the Country Regional Council Association of W.A.—

Lower Great Southern;  
Moore;  
Mt. Marshall;  
Central South;  
South-west?

Mr. J. T. TONKIN replied:

Yes. However, other similar organisations also exist which are not members of the Country Regional Councils' Association of W.A.

## 21. LEEDERVILLE TECHNICAL SCHOOL

### *Staff: Amenities*

Mr. O'NEIL, to the Minister for Education:

- (1) What staff room facilities currently exist at the Leederville Technical School?
- (2) Are these considered to be adequate?
- (3) Are there any proposals to rearrange accommodation which would deprive the teaching staff of adequate staff facilities, and if so, what are they?
- (4) How many females are on the staff of the Leederville Technical School?
- (5) How many toilets are available for use by female staff and is this number considered to be adequate?
- (6) Are there any retiring rooms or similar facility set aside for use by female staff members?
- (7) Is he generally satisfied with staff amenities provided at the school and, if not, what consideration is being given to improve the position?

Mr. T. D. EVANS replied:

- (1) Staff room-office facilities are available in the various teaching areas of the college.
- (2) Additional facilities would be an advantage.
- (3) It may be necessary for a classroom, temporarily used for staff accommodation, to revert to its original function.
- (4) 34 full-time.  
11 part-time.
- (5) 3. These toilets meet the accepted standards.
- (6) No.
- (7) Improved facilities are to be desired and projects of this nature are being considered in a study of urgent needs of technical education.

22.

## TRAFFIC CONTROL

### *Albany: Police Takeover*

Mr. WILLIAMS, to the Minister representing the Minister for Police:

- (1) On what date did the Albany Municipal Council request negotiations for police takeover of traffic in their area?
- (2) Was the request a written submission?
- (3) On what date did police departmental officers first discuss the proposed takeover?
- (4) What were the names of the officers concerned?
- (5) Are the proposed terms of the takeover similar to the conditions of all takeovers to date?
- (6) If not, in what way does this takeover differ from others?

Mr. BICKERTON replied:

- (1) On 14th December, 1966, the Albany Municipal Council requested a conference with a view to handing over traffic in their area. A further request was made on 26th July, 1972, and the answers apply to this later submission.
- (2) Yes.
- (3) 13th September, 1972.
- (4) The Secretary of the Police Department, the superintendent in charge of police buildings, and an inspector from the traffic office.
- (5) Yes. In respect of police activities and participation, where traffic control is taken over from local authorities, the terms and conditions are consistent in all localities.
- (6) Answered by (5).

23. This question was postponed.

## 24. CATTLE

*Brucellosis: Compensation*

Mr. RUNCIMAN, to the Minister for Agriculture:

- (1) What amount was paid out of the compensation fund for cattle affected by brucellosis during the years 1970-71 and 1971-72?
- (2) What amount was received by way of recovery for the sale of brucellosis infected cattle during the years 1970-71 and 1971-72?

Mr. H. D. EVANS replied:

- (1) 1970-71—\$38,760.00.  
1971-72—\$732,353.50.
- (2) Separate audited accounts for brucellosis are not kept. However, in 1970-71:  
The total amount received from the sale of carcasses affected with tuberculosis, brucellosis and actinomycosis was \$74,143.67; and in 1971-72:  
The amount was \$457,889.61.  
The precise information sought by the Member will be extracted as soon as possible from departmental records.

- (3) Has it been proved to the Government's reasonable satisfaction that the water in front of Naval Base in Cockburn Sound is unsuitable for port and commercial development?
- (4) What large employment intensive project is planned to plug the gap left by the Government's deferring of its previously announced large unemployment relief by developing of the Naval Base suburb?
- (5) How many unemployed persons were to be engaged in developing and building the new suburb?
- (6) Is he now prepared to let us know of the two new industries he confidently stated were to come to Western Australia in a short time when being interviewed on the television programme "Half Way"?
- (7) If "No" to (6), what is the present position regarding these two industries?

Mr. J. T. TONKIN replied:

- (1) Yes.
- (2) It was desired to present the opportunity to other Ministers to have representation on this study group at the outset, if they so desired.
- (3) Yes.
- (4) No specific reference was made by the Government to relief of unemployment in the 14th June, 1972 announcement relating to this proposal.
- (5) Answered by (4).
- (6) The proposed industries referred to were ships and drilling rigs, modification and reconstruction.
- (7) Answered by (6).

## 25. LAMB MARKETING BOARD

*Authority to Purchase*

Mr. RUNCIMAN, to the Minister for Agriculture:

Can the newly created Lamb Marketing Board purchase lambs from Midland and other sale yards and have the lambs slaughtered for export?

Mr. H. D. EVANS replied:

Lambs may only be acquired by the board from producers on a weight and grade basis.  
The board does not intend to export on its own account at present.

## 26. NAVAL BASE HOUSING PROJECT

*Employment and Environmental Protection*

Mr. RUSHTON, to the Premier:

- (1) Is it correctly reported in *The West Australian* of 13th November headed "Group Studying Pollution of Site" that the group has received Cabinet permission to monitor air pollution levels on the proposed Naval Base residential site?
- (2) Why was it necessary to obtain Cabinet approval considering the powers thought to be vested in the Environmental Protection Authority?

## 27. INDUSTRIAL DEVELOPMENT

*Zone Development Committees*

Mr. RIDGE, to the Minister for Development and Decentralisation:

- (1) What number of zone development committees function in Western Australia?
- (2) In which zones do they function?
- (3) What cost was incurred by the Government to meet the expenses of each committee for each of the years 1969 to 1971?
- (4) What was the membership of each committee in the years 1969 to 1972?

Mr. GRAHAM replied:

- (1) Seven.
- (2) Albany.  
Central South.  
Eastern Goldfields-Esperance.  
South West.  
Lower North.  
Central North.  
Kimberley.

## (3)—

Committees	1969-70	Cost (a) 1970-71	1971-72
	\$	\$	\$
Albany		1,140	393
Central South		448	354
Eastern Goldfields-Esp.	3,692	1,040	1,320
South West		749	703
Lower North			
Central North	8,621	9,075	4,891
Kimberley			
Total	\$12,313	\$12,461	\$7,861

(a) only available on financial year basis.

## (4)—

Committees	1969	Membership 1970	1971	1972
Albany	9	9	9	9
Central South	10	10	10	10
Eastern Goldfields-Esp.	10	10	10	10
South West	9	9	9	9
Lower North	10	10	10	10
Central North	18	18	19	19
Kimberley	10	10	11	11
Total	74	74	78	78

## 28.

## SEX SHOP

## Closure

Mr. THOMPSON, to the Premier:

- (1) What action has he taken to close the sex shop which he described at the opening of this session as a blot on Western Australia?
- (2) Has the supply of sex aids dried up as was predicted by him in answer to question 23 on 2nd August, 1972?
- (3) Has the legislation to which he referred in answer to question 29 of 2nd August, 1972, been presented to this House; if so, what was it and what was its fate?
- (4) Does he not agree that since the first day of this session when he indicated that he would take prompt action to close the shop, nothing of substance has been done and that the shop still trades as though he had not spoken?
- (5) Does he contemplate action in future?

Mr. J. T. TONKIN replied:

- (1) No direct action has been taken to close the shop—however, a successful prosecution has been taken against the manager. Further prosecution is under consideration.
- (2) and (3) Sex aids are imported materials and are a matter for Commonwealth legislation, which is at present under consideration. Amendments to the Indecent Publications Act are at present before the House.
- (4) No.
- (5) See (1).

## 29.

## TRAFFIC RULES

## Bicycle Riders

Mr. THOMPSON, to the Minister representing the Minister for Police:

- (1) Bearing in mind that a person wishing to obtain a motor driver's license has to submit to a complete examination of his grasp of the rules of the road and demonstrate his ability to handle a vehicle, what knowledge of rules of the road and ability to handle his vehicle does a person who rides a bicycle have to demonstrate?
- (2) Is he aware that many motorists are concerned for the safety of children on bicycles who, in many cases, display considerable ignorance of the rules of the road and in some instance handle their machines in a way that is a danger to themselves and other road users?
- (3) Will he take steps to ensure that those who ride bicycles have the necessary command of the rules of the road and the ability to handle their machines?

Mr. BICKERTON replied:

- (1) As no license is required, a person does not have to demonstrate his knowledge of the rules of the road prior to riding a bicycle.
- (2) Yes.
- (3) The Police Department school lecturing branch visits all schools, lecture, and gives practical demonstrations to all children as to how the machine should be handled. No further action is contemplated at present.

## 30.

## TOWN PLANNING

## Mundaring: Kennel License

Mr. THOMPSON, to the Minister for Town Planning:

- (1) Will he state his reasons for having upheld an appeal by a Mr. Rinaldi against a decision supported by the Shire of Mundaring that a license to keep greyhounds not be granted with respect to a block of land in Wilkins Road, Mount Helena?
- (2) Is it not a fact that the area of land on which it is proposed to keep the dogs is considerably less than the minimum 10 acres stipulated by the council?
- (3) What is the area of the land in question?
- (4) Is he aware that by allowing these dogs to be kept in an area smaller than that specified by the council, adjoining land owners will be subjected to considerable discomfort?



Mr. DAVIES replied:

- (1) Having inspected the site personally, with representatives of council and the appellant, I considered that the reasons advanced by council in objecting to the proposal were insufficient to justify refusal, bearing in mind the situation of the land.
- (2) Yes.
- (3) 2.02 ha (5 acres).
- (4) The area specified by council was adopted by it as a guide and each proposal of this nature must be considered on its merits. My decision in allowing the appeal was subject to conditions requiring a house to be built and occupied before the kennels are in operation, and restricting the number of dogs to 10.

### 31. WATER SUPPLIES

*Greenough Electorate*

Sir DAVID BRAND, to the Minister for Water Supplies:

- (1) What progress can he report on the additional water supply for the towns of Carnamah and Coorow?
- (2) As there is evidence that sources of water supply for Three Springs are limited, what plans has he for an extra source of supply?

Mr. JAMIESON replied:

- (1) Funds have been included in the 1972-73 approved loan programme to commence this work. Present planning is to complete augmentation of the Carnamah town water supply by December, 1973 and Coorow by December, 1974. Work on laying the pipeline is scheduled to commence in mid-April, 1973.
- (2) There are sufficient underground water supplies at Three Springs for the present and known future requirements. Long term planning envisages a new source of supply some eight miles west of the town.

### 32. POTASH

*Sales and Price*

Mr. STEPHENS, to the Minister for Agriculture:

- (1) What quantity of potash has been sold in each of the last five years either as a mixture or as a straight application from works at Bunbury and Albany?
- (2) What is the price ex-works of bulk and bagged potash at Bunbury and Albany respectively?

- (3) If there is any variation in price what is the explanation for this difference?

Mr. H. D. EVANS replied:

- (1) This information is not available to my department.
- (2) The prices for muriate of potash ex Bunbury are—  
\$64 per ton in bulk, and  
\$69 per ton in bags; and from Albany \$74.50 in bags. (Bulk potash is not available from Albany).
- (3) I understand that shipments of potash are not received into Albany and requirements for that works are therefore supplied from Bunbury.

### COMMISSIONER OF NATIVE WELFARE

*Annual Report: Tabling*

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [4.30 p.m.]: On behalf of the Minister for Community Welfare I wish to table the report of the Commissioner of Native Welfare. The report was tabled today in the Legislative Council and it is desired that it should also be tabled in this House. It came into my possession only recently. It is of note that it is an historic document as the position of Commissioner of Native Welfare has now disappeared from the Public Service list.

### QUESTIONS (5): WITHOUT NOTICE

#### 1. WHEAT AND WOOL CARTAGE

*Trades and Labor Council: Ban*

Mr. W. A. MANNING, to the Premier:

- (1) Has he seen a news item in this morning's issue of *The West Australian* stating that the Trades and Labor Council threatens a black ban on the movement of wheat and wool if certain legislation on another subject is defeated?
- (2) Does he intend to take action on this threat, which amounts to blackmail and a threat to democracy as we know it?

Mr. J. T. TONKIN replied:

- (1) and (2) I did not see the statement in the Press.

#### 2. RAILWAYS

*Cold Sawing Machine: Tenders*

Sir CHARLES COURT, to the Minister for Development and Decentralisation:

I refer to question 17 on notice, which was addressed to the Minister representing the Minister for Railways.

- (1) In view of the fact that I cannot place a question on the notice paper for tomorrow, would he be good enough to check with his department and see whether he is satisfied that adequate consideration and preference was given to the locally produced machine referred to in the question?
- (2) Would he be good enough to advise in what particulars the locally produced machine failed to meet the required specifications?

Mr. GRAHAM replied:

- (1) and (2) This matter does not come within the direct purview of my department; but as a result of the complaint I caused an inquiry to be made. It will be appreciated that the decision was made by the Tender Board on behalf of the W.A.G.R. It would appear that a difficulty arose on account of the fact that a tenderer, being the producer of an article manufactured in Western Australia, submitted a brochure as part of the tender documents, and the brochure did not adequately describe the machine for which he submitted a tender. The Tender Board, after studying the brochure, concluded that the machine was restricted in the type of work it could perform, and decided that it was unsuitable for the job for which tenders had been called. As I understand the position, it is unfortunate that a physical examination was not carried out; that is, that somebody on behalf of the W.A.G.R. or the Tender Board did not inspect a prototype of the locally manufactured machine.

My appreciation is that the machine is adaptable and could perform, at least reasonably, the job the W.A.G.R. had in mind. All I can say is that the situation is most unfortunate and steps will be taken to ensure that matters are examined more closely in the future. However, the fault stemmed from the tenderer himself by submitting a document which did not properly describe the subject of his tender.

### 3. WORKERS' COMPENSATION ACT

#### *Amendment: Submissions*

Mr. JONES, to the Minister for Labour:

With regard to his reference to a submission received by him from the Trades and Labor Council concerning possible amendments to the Workers' Compensation Act, as mentioned in his reply to a question without notice asked by the member for Bunbury yesterday—Tuesday, the 14th November—will he advise—

- (1) How many numbered submissions were made?
- (2) How many were rejected?
- (3) How many were the Trades and Labor Council advised would be considered in a new review for 1973?
- (4) How many were included in the present amending Bill?
- (5) Of this latter number, how many were also suggested by the Workers' Compensation Board, the Government, or members of Parliament?
- (6) What number does this leave as being suggested solely in the Trades and Labor Council submission?

Mr. TAYLOR replied:

I would like to thank the member for Collier for his thoughtfulness in bringing the matter to my attention.

Sir Charles Court: Did you write it out for him, or did you type it for him?

Mr. TAYLOR: The answer is as follows:—

- (1) Approximately 38 submissions.
- (2) and (3) Approximately seven were rejected and approximately 12 transferred to the proposed committee of review, making a total of 19 rejected.
- (4) Approximately 15 are included in the amendments, plus four which were, however, substantially amended.
- (5) The bulk of these—for example, the promotion of the chairman to the position of judge; penalty increases; rate increases; etc.—had been already suggested by the Government and the Government's committee.
- (6) Of the approximately 38 submissions, only a minimum number. Virtually all of these

latter items are conditions which apply in at least one other State workers' compensation Act and may have been included, anyway, if not drawn to the attention of the Government's Parliamentary Industrial Committee in the submission.

#### 4. BUILDING WORKERS' UNION

##### *Subcontracting: Conference*

Mr. MENSAROS, to the Minister for Labour:

Regarding the reported meeting of "building workers" and the request by the B.W.I.U. for the Government to arrange a conference, could he say—

- (1) Whether the demands by the union are in connection with weekly pay rates of tradesmen?
- (2) Or is there an endeavour to bring the so far freely negotiated subcontract agreements in some way under industrial awards?
- (3) If answer to (2) is "Yes," would he state whether the Government would support moves to undermine and/or terminate the successful system of subcontracting in the building trade, the cessation of which would lead to lesser productivity, smaller earnings and lack of incentive by a solid, small, free enterprise group in the community?

Mr. TAYLOR replied:

(1) to (3) The honourable member gave adequate warning to my department of his intention to ask this question. As he will appreciate, the answer has just reached me and I find it is not the answer to his question. Therefore, I ask that he repeat his question without notice tomorrow.

In the short time I have had to review the situation I am advised that no approach has been made by the union to either myself or the Minister for Housing regarding a conference.

#### 5. WHEAT AND WOOL CARTAGE

##### *Trades and Labor Council: Ban*

Mr. W. A. MANNING, to the Premier:

As the Premier has now seen the article referred to in my previous question without notice, will he give me a reply?

Mr. J. T. TONKIN replied:

I am unaware of any Standing Order or rule which permits the honourable member to ask the same question twice in the one sitting.

Mr. O'Neil: Are you aware of any to prevent him from doing so?

Mr. J. T. TONKIN: Yes, there is one; he presides over this House.

Sir Charles Court: This is not the same question.

The SPEAKER: Order!

Mr. J. T. TONKIN: Therefore, in order to comply with the rules of the House, and to give me an opportunity to answer the question tomorrow, I ask that it be placed on the notice paper for tomorrow.

Mr. Nalder: It cannot be placed on the notice paper for tomorrow, because the time for questions has passed.

Mr. J. T. TONKIN: Well, put it on the notice paper for next week.

Mr. Gayfer: I thought we would not be sitting next week.

The SPEAKER: Order!

#### DENTISTS ACT AMENDMENT BILL

##### *In Committee*

Resumed from an earlier stage of the sitting. The Deputy Chairman of Committees (Mr. A. R. Tonkin) in the Chair; Mr. Davies (Minister for Health) in charge of the Bill.

Clause 34: Section 50A added—

Progress was reported after the member for Cottesloe (Mr. Hutchinson) had moved the following amendment:—

Page 18, lines 24 to 26—Delete subparagraph (ii).

Mr. DAVIES: Before progress was reported we had seen a move by the Opposition to delete subparagraph (ii). I suggest a reasonable compromise would be to add the word "loosened" so that the subparagraph would read—

the extraction by forceps of loosened deciduous teeth under local analgesia;

I understand this work is carried out by dental therapists in other States, and I am trying to achieve uniformity.

Mr. O'Neil: We cannot hear you.

Mr. DAVIES: We must also bear in mind that dental therapists will work under regulations. This amendment would overcome the difficulty and would possibly obviate the necessity for a child to return for a second appointment when one would suffice. I am sure children would appreciate that.

**Dr. DADOUR:** The Minister's suggested amendment indicates that he does not understand that therapists are not taught how to remove teeth. They would not even know which forceps to use. The insertion of the word "loosened" would not mean very much. If a tooth is loose it could mean that an abscess is underlying it, or it could be the result of a root fracture due to trauma of the teeth. A dental therapist might remove the tooth and leave the root behind. If she used the wrong forceps she might lose the tooth and possibly the child could inhale it.

I believe dental therapists should be taught exactly how to remove teeth and which forceps to use. There are many types of forceps for use on different teeth. I would point out that proposed new section 50A sets out the treatment which may be administered by a dental therapist. It is quite comprehensive. However, we are concerning ourselves only with acts of dentistry. I think members opposite may not realise that dental therapists are to be permitted to carry out many forms of treatment with which we do not argue.

I believe the Minister's suggested amendment would make no difference whatsoever. This situation is fraught with danger, and the subparagraph should be deleted and not put into effect until such time as dental therapists are taught how to do this work.

Surely the whole argument is based on the competence of dental therapists. As I said previously, if the Bill had been presented correctly in the first place we would have no argument with it. It would be wrong of the Parliament to permit dental therapists to carry out the extraction by forceps of deciduous teeth when they are not taught how to do it.

**Mr. HUTCHINSON:** This particular facet of the charter for dental therapists is not opposed for its own sake, but it is not satisfactory as it is. I agree with the member for Subiaco that it is not sufficient to insert the word "loosened." They can be loosened in a number of ways, and the degree of looseness has to be determined.

If this facet had been taught I would have no objection. Can the Minister inform us why this facet of the training was not taught to the girls who have completed their course? I cannot understand why it was omitted when these girls were able to do the other jobs.

Is there a way in which the Minister can add to the legislation the proviso that this work may be performed when the necessary instruction has been given? I am not opposing this, provided the work has been done in the school. Will the Minister be able to look into this matter again, and have a condition inserted in another place so that this part of the legislation is held over until the requisite training has been completed?

**Mr. DAVIES:** With the initial course there were some omissions, and this particular facet might not have been taught thoroughly. I understand some of these girls have had experience in this facet.

The board should cause regulations to be made dealing with the duties of dental therapists, but until such time as they have completed a postgraduate course in this facet—which I am assured will only be for a relatively short period—they should not be permitted to carry out this work. However, once having satisfied the board that their training is such that they can perform this small task they should be permitted to extract deciduous teeth.

The two particular aspects to bear in mind are these: The board may make regulations, and there will be a postgraduate course to satisfy the board that this particular aspect of the work has been attended to. I stress the point that these ladies will be working under supervision, and that should overcome many of the difficulties which the member for Subiaco has brought to our notice. These difficulties can become very real if the dental therapists are working on their own; but as they are working under supervision this particular subparagraph should be retained.

I will undertake to see whether some suitable wording can be included in the Bill when it reaches another place, to ensure that the girls are properly trained before they are permitted to perform this task.

**Dr. DADOUR:** The Minister has not got the message. These girls are not graduates, and there is no postgraduate instruction or postdiploma course laid down in the legislation. The fact is they will be permitted to do something about which they have not been taught, because the Bill states they may do this work. I do not think we should permit these persons to perform this function of a dentist.

The Minister has talked about supervision of the work of dental therapists. In this connection I refer him to the provision appearing on page 19 of the Bill which states—

(3) For the purposes of this section, it shall be sufficient compliance with the requirement for a dentist to remain reasonably available for consultation, if he, or another dentist specified by him, would be available, within a reasonable time having regard to the distance involved and the type of assistance required, to render assistance to the dental therapist if such assistance is required by her.

Where does the supervision come in? The Minister did not know about "reasonable availability," and this could refer to the dentist being 10 or 20 miles away. The point has not reached the Minister. If this refers to supervision by the dentist then it should be so expressed in the Bill.

Mr. Hartrey: Do you think 10 miles away is "reasonable supervision"?

Dr. DADOUR: I am talking about supervision.

Mr. Hartrey: You are talking about "reasonable supervision."

Dr. DADOUR: There is no such thing as "reasonable supervision."

Mr. Hartrey: Why not?

Dr. DADOUR: It is either supervision, or it is not. If these girls are not taught this facet of the work they should not be allowed to perform it. The proviso that these girls will be taught through a post-diploma course is not sufficient. The word "supervision" has been mentioned and if it is supervision I go along with it; but the whole point is that the dentist will have to be reasonably available. That means very little to me.

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

Ayes—21

Mr. Blaikie	Mr. O'Connor
Sir David Brand	Mr. O'Neill
Sir Charles Court	Mr. Ridge
Dr. Dadour	Mr. Runciman
Mr. Gayfer	Mr. Stephens
Mr. Hutchinson	Mr. Thompson
Mr. Lewis	Mr. Williams
Mr. W. A. Manning	Mr. R. L. Young
Mr. McPharlin	Mr. W. G. Young
Mr. Mensaros	Mr. I. W. Manning
Mr. Nalder	

(Teller)

Noes—21

Mr. Bateman	Mr. Graham
Mr. Bertram	Mr. Hartrey
Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Jones
Mr. Brown	Mr. Lapham
Mr. Bryce	Mr. Moller
Mr. Cook	Mr. Sewell
Mr. Davies	Mr. Taylor
Mr. H. D. Evans	Mr. J. T. Tonkin
Mr. T. D. Evans	Mr. Harman
Mr. Fletcher	

(Teller)

Pairs

Ayes

Noes

Mr. Coyne	Mr. May
Mr. Grayden	Mr. McIver
Mr. Rushton	Mr. Burke

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): The voting being equal, I give my casting vote with the Noes.

Amendment thus negatived.

Mr. HUTCHINSON: The next amendment to clause 34 in my name on the notice paper I do not intend to proceed with. However, I move an amendment—

Page 18, lines 29 and 30—Delete subparagraph (iv).

This is another part of the charter and it provides that a dental therapist may undertake under the direction of a dentist the pulpotomy of deciduous teeth. I am not trammelled by knowledge of this subject, but I understand from members of the dental profession that it would be best for this work not to be undertaken by dental therapists at this stage, in view of the degree of their training. I would like to hear the Minister's comments on this.

Mr. DAVIES: Probably I would know less about pulpotomy than does the member for Cottesloe. My advice is that with this procedure the pulp or nerve of a deciduous tooth is removed and certain mummifying agents placed in the pulp chamber prolong the useful life of the tooth. If it is so desired we are quite happy to delete this subparagraph although it seems to me that dental therapists should be permitted to carry out the same procedure as is permitted in subparagraph (iii); that is, the emergency treatment of pulp exposure.

The member for Subiaco has said these therapists would be competent to do this work in an emergency, but I imagine he thinks they are not competent to do it under routine conditions. If it is to be deleted in accordance with the policy of the Federal body of the A.D.A. I am happy to agree.

Dr. DADOUR: I felt this work could be done by dental therapists in an emergency, but I do not think they should do it in nonemergency cases. The point is I do not want to see this work done by them as a routine, but only in emergency cases where necessary.

Amendment put and passed.

Mr. HUTCHINSON: I move an amendment—

Page 18, line 31—Insert after the word "preparation" the words "and restoration".

This deals with the functions of dental therapists enumerated in subparagraph (v). It would be more appropriate if instead of preparing the cavities only, dental therapists are permitted to do the restoration work as well. This amendment, and the following one on the notice paper, relate to the dental work to be done on pre-school and primary school children.

Amendment put and passed.

Mr. HUTCHINSON: I move an amendment—

Page 18, line 33—Add after the word "teeth" the words "of pre-school and primary school children by amalgam cement and plastic materials".

This is one of the parts of the charter about which the A.D.A. feels upset. The original understanding was that it would not be included in the legislation. As I pointed out, over a year ago when the proposed legislation was being discussed, Mr. Graebner suggested that the duties of the dental therapist should be limited further—not be extended—so that they did not include the treatment of adult patients. I know Mr. Graebner may have had a change of heart in the light of his experience with the students, but let me say that the rest of the A.D.A. does not believe this provision should be incorporated. I consider a man's word should be his bond and the agreement made in regard to the new legislation should stand.

What irks me more than anything else is that I have had to take something of a stand in trying to impress upon the Minister that it is very bad to introduce legislation which provokes disharmony and an estrangement between two sections of the profession. It was wrong for the original agreement to be altered. I think this is deplorable and I hate to be in the middle of the controversy.

I am aware of your views, Mr. Deputy Chairman (Mr. A. R. Tonkin), concerning quotations, but I would like to refer to a letter by the Dean of the Dental Faculty (Professor Sutherland) who is also Chairman of the Dental Board. He believes that students should not proceed with the treatment of adult teeth. Indeed he has written to the Minister along these lines. He has been in Western Australia for some 20 years and he says that his main concern stems from the fact that this particular portion of the Bill permits a dental therapist to prepare and restore cavities with certain materials, in the permanent teeth of adults. The Bill does not include any age limit as laid down in the national policy of the A.D.A.

In the first place Professor Sutherland does not believe that dental therapists can be adequately trained in a two-year course to deal with all the complexities of operative dentistry. I do not doubt that in many cases the dental therapists would be able to do this work because they have had plenty of practice, but more than practice is involved. The clinical background must be appreciated.

The Dean of the Dental Faculty says that the undergraduate course extends over a full five years and includes a much greater depth of training in the basic dental sciences than does the course for dental therapists. In his letter he agrees with the Minister that a significant feature of the training is the high level of skill attained by the dental therapists in the treatment of children. However, he cannot agree that this statement can be extended to include operative dentistry for adult patients.

He goes on to state that it could have an effect on the intake of dental students who must undergo a five-year course to obtain a degree.

I also want to mention the comments of Mr. Robert Horseman who is a dental surgeon, because they are quite appropriate. He has written to the President of the A.D.A. and he indicates that he is the clinical administrator at the dental therapists' school on a part-time basis, but that prior to coming to Western Australia he was an instructor in operative dentistry at the University of Southern California. He states that in spite of his long years of practice and instruction he was surprised, but agreeably so, to find the young girls

of the school doing such high-quality work in so short a time. He then indicated that he would be pleased to have his daughters taught dental therapy. The pertinent paragraph states—

I DO NOT, however, feel that they should be allowed to practice on adults and do almost unlimited operative procedures in adult mouths.

A form of supervision will be exercised, but we must remember, as the member for Subiaco mentioned, that under proposed new section 50A (3) the dentist has only to remain reasonably available for consultation. It is this provision which is causing concern. Mr. Horseman further writes—

Where the complexity of problems arising in deciduous teeth is great enough, those problems and solutions in adult mouths are simply beyond the scope of the therapist's education and ability.

He does not believe this provision should be included. The majority of the dental profession, the Dean of the Dental Faculty, the Chairman of the Dental Board, and, some months ago, Mr. Graebner, all have agreed on this point. This is one of the most logical amendments we have submitted on the Bill.

Dr. DADOUR: I thought that members from both sides were fairly well in agreement on points involving the safety of the community. We have our political differences I agree, but I believed—maybe I am a little naive—that we could argue and reason and get the message across to members opposite when the community was involved. However, obviously the message is not getting across at all.

I am thinking only of the community, not of the dentists, and this is why I called for a division on the last clause. I do not think we are right in letting people who have not been trained—

Mr. Davies: Don't be unkind. They are being trained.

Dr. DADOUR: Not to extract teeth.

Mr. Davies: You have not been to inspect the clinic so how would you know?

Dr. DADOUR: I have been to the clinic, but I have not inspected it.

The Minister is missing the point, but I hope members opposite will reason for themselves. If we are to allow these young girls to carry out any work on the teeth of adult patients, then we must provide for direct supervision at all times.

As I said before I do not want to spell out the shortcomings of the dental therapists, but they are numerous, because they have had only two years' training. They do not know the intricate anatomy of the areas. They do not know the underlying physiology, biochemistry, and all the other necessary important information.

If we are to allow the dental therapists to do anything, then we must provide for direct supervision at all times. I am thinking only of the community. A great deal of time has been wasted because of this provision, but I feel that I should emphasise one or two points. This morning I received the following telegram:—

As President of University Dental Student Society I would like to express my concern and alarm on behalf of my members the present context of the amendment to the Dentists Act stop if these amendments are passed then we consider the future of dentistry in this State is in jeopardy stop we also consider with the passing of this current act in present form that there would be no incentive to youth to embark on a 5-year dental science course.

Yours sincerely

C. G. OWEN,  
President,  
U.D.S.S.

It is signed by the President of the University Dental Student Society.

I would like to read a small extract from the *Dental Bulletin* dated the 12th October, 1972. It contains a letter, addressed to The Editor, which reads, in part, as follows:—

Dear Sir,

I wish to express my unequivocal support for the statement "This Branch cannot support a programme based on unlimited duties for Dental Therapists" made by the President in the September issue of the *Dental Bulletin*.

It is signed by A. H. F. Graebner. I do not think that either he or we know where we are. Certainly a great deal is wanting. I do not know whether I have managed to get my message across. We are trying to protect the community but we could not possibly do this unless we include certain safeguards.

Like the member for Cottesloe I, too, have received a number of letters. I do not wish to weary the Committee by reading them. I appeal to every member to consider and understand the safeguards which we are endeavouring to write into the legislation. If, in the future, it is found that these girls can surpass what we have written in, we can then let them loose amongst the older age groups in the community. It has been proven throughout the world that the area of need is for pre-school and school children, mainly in the sphere of deciduous dentition. This has been proven and there is no argument about it.

Mr. Graebner is not convinced and no-one has convinced me or anybody else on this side of the Chamber that these girls are now able to effect certain dental procedures when the legislation speaks in terms of the reasonable availability of a dentist.

If they can, let them prove it to us. We should not let loose amongst the general public people who are partly trained.

I know these comments detract a little from dental therapists. They must, because discussion has to be at that level. I am not thinking of dentists but of members of the community and I ask members opposite to do likewise. We should be thinking of the general public and not be passing legislation in this form.

The legislation will go from this Chamber to another place. It will have to be brought into line, because the way in which it has been drawn up is shocking. I believe the amendment is a good one. Its purpose is to protect the people and nobody else. Dentists are not involved with this.

If the Government makes provision for direct supervision, I would go along with this, but I will not go along with a statement phrased in terms of "reasonable availability of a dentist."

Mr. McPHARLIN: I am afraid I cannot share the viewpoint of the members who have spoken to this amendment. In reading the Minister's second reading speech, I find he made it quite clear that dental therapists are employed in other States only on school health programmes. In Western Australia it is proposed that they shall be employed in private practice as well as in Government services.

The availability of dental care will be increased by providing that dental therapists may be employed in private practice. Under the supervision of dentists, they will find they have a wider scope for the application of their training. Surely, therapists would be trained in such a way as to allow them only to treat certain teeth in a certain way. Their training would enable them to do this.

I have some notes with me and reference is made to a letter which Mr. Halikis had quoted. An extract from this letter reads—

There is little doubt that therapists are capable of performing simple filling procedures in permanent teeth.

As a part-time clinical demonstrator to the student therapists throughout 1972, I have seen them complete such restorations to a standard of technical excellence which is a tribute to their school and its teaching staff.

Later on it is stated—

Obviously any procedure that is beyond the capabilities of the Dental Therapist will not be delegated to her . . .

The dentist who has to accept full responsibility, would not delegate any duty which she was not capable of performing. I think this point has been overlooked, but it is a very important one. A dentist certainly would not delegate to a dental therapist treatment which she was not

capable of performing. The therapist will have work to perform only in the case of selected teeth.

I consider the question we are debating at the moment is an extremely important part of the measure. Instead of being responsible for reducing the number of students who will enrol in the Faculty of Dental Science, I believe therapists would give dentists an incentive to train. These girls are looking for a profession to follow and, as the years go by, they will become more and more proficient under the supervision of the dentists. The dentists themselves will be able to practise the more exacting and scientific aspects of their profession.

With those comments I am afraid I cannot support the amendment which is before the Committee.

Mr. LEWIS: I feel inclined to have a couple of bob each way on this one. I concur with quite a deal of what the member for Subiaco said, but I also concur with quite a deal of what the member for Mt. Marshall said. I am on the side of the member for Mt. Marshall and of the Minister in their endeavour to give dental therapists the opportunity to utilise to the limit the skills which they have definitely acquired.

Mr. Hutchinson: You are having a quinnella, too.

Mr. LEWIS: At the same time I am concerned with the loose wording of proposed section 50A(3) which states—

(3) For the purposes of this section, it shall be sufficient compliance with the requirement for a dentist to remain reasonably available for consultation, if he, or another dentist specified by him, would be available, within a reasonable time having regard to the distance involved and the type of assistance required, to render assistance to the dental therapist if such assistance is required by her.

The words "within a reasonable time having regard to the distance involved" leave so much to the imagination. It could mean anything at all. A dentist could be 50 miles away and a couple of hours could be involved before he reaches the scene. This could well be the case because of our statutory speed limits and traffic density. This could perhaps be considered "a reasonable time" in view of the distance involved, but it would be quite "unreasonable" for the patient in the dentist's chair and the therapist who would be under a good deal of mental stress if she required some assistance and could not receive it within a reasonable time—or an even shorter time, for that matter.

Unless something can be done about tightening up the wording of proposed subsections (2) and (3) to give some

better definition of what is considered "a reasonable time," I would be inclined to agree with the member for Subiaco.

I appreciate what dental therapists will mean, particularly in country areas where there are few dentists for many people. I think this will be a great opportunity for the girls and certainly this is the whole principle behind the legislation. At the same time, unless we can do something to tighten up these proposed subsections, I incline to the old adage that where one is in some doubt one should proceed a little cautiously.

We should try it out under the terms of the proposed amendment until we know that members of the public have a feeling of confidence. After all, public confidence is the main consideration. It is not what is good for therapists or for dentists, but what is good for members of the public who are to be served.

Unless something can be done to tighten up the provision to which I have referred, I will support the amendment. It is an advance on what we have now, but of course it does not go the full way. If public confidence is established, then the legislation can subsequently be amended to give these girls a greater scope. I would like to see this now, if we can be given some assurance as to what is a reasonable time and that proper supervision will be available if it is required. I wish to see a more precise time defined than the words "a reasonable time having regard to the distance involved."

Mr. MENSAROS: Having read the provisions of the Bill and having listened to the debate, especially in connection with this amendment, I honestly wonder about the Government's preferences of values.

Recently we saw some opposition expressed towards an endeavour on the part of the Clay Brick Manufacturers' Association to organise a course for bricklayers, because there were insufficient bricklayers at the time. The Government complained—doubtless on the advice of the relevant union—that the course would not allow enough time to prepare someone to lay bricks.

Without arguing whether it is or is not enough time, what do these bricklayers do? They go out and, without supervision, are allowed to handle only a small job up to a certain value. The Builders' Registration Act takes care of this. They could not build a house because this would exceed the value of a building which can be built only by a registered builder. The result is they go out and do some bricklaying on a building—perhaps of a commercial, industrial, or domestic nature—under the supervision of a builder; under the direct and everyday supervision of an architect; and under the further supervision of the local authority whose building



inspector is so charged. Nevertheless, the Government says this is not enough training and the apprenticeship needs to be for a period of four to five years.

On this occasion we are talking in terms of human beings and dental structure in a fairly precious part of the human body. The Government claims that a training period of two years is sufficient. In fact, the girls have not been trained for a particular task, as has been stated by several members and not contradicted by the Government.

I have read the letter in the newspaper by Mr. Brian Atkinson to the effect that the students who finished on the 27th of last month were not trained to extract teeth. Nevertheless, the Government maintains that the training is sufficient to enable the girls to do this with only remote—or practically no—supervision. They will merely work under the auspices of the dentist.

This is my only contribution. I cannot understand the preferences and values which the Government adopts.

Mr. DAVIES: I am sorry that I cannot talk about bricklayers. I have not had the experience of the honourable member. I do want to point out that the therapists do a two-year course as against a dentist's five-year course. However, I should imagine it is a more limited and much more intense training than that provided in the instance quoted by the member for Floreat. However, I know nothing about this so I will not debate it.

It saddens me to say this, but I feel I must: All the experts who have been quoted in this part of the debate—the president of the A.D.A., the Dean of the Dental Faculty at the university, and the member for Subiaco—have not visited the clinic to see for themselves what the girls are doing. I believe that is unfortunate. The member for Cottesloe has visited the clinic and I could see his indecision and lack of concern. I feel this is related to his visit to the clinic, and because of his knowledge, or lack of knowledge, he is not quite certain what should be done. He can see benefits in the amendment and also in the Government's proposition. It is most unfortunate that despite personal invitations the dean, the President of the A.D.A., and the member for Subiaco have not been to the clinic. I know the honourable member is a busy man but I believe he would benefit by knowing what is going on at the clinic.

Surely this is not an unreasonable thing to ask. These people are being quoted as experts and yet they have not bothered to inform themselves. Earlier I thanked the members who had visited the clinic because they know what is happening there. Surely this is a matter of logic.

Initially I thought the work of the dental therapists should be restricted to school children. However, after considerable debate with the man in charge of the school, Mr. Graebner, I was quite certain that it would be culpably wrong to restrict the therapists in this way. Adult teeth are emerging before children leave primary school.

Mr. Hutchinson: The complexities do not arise at that stage as they do with adult teeth. The experts will tell you this.

Mr. DAVIES: These girls have been specially trained in this work. Letters have appeared in the Press and there has been correspondence back and forth saying that the therapists would do many more fillings than a dentist in his period of training. If we say the therapists may work on the teeth of people to a certain age and no longer, we will not get the best value from them.

I am not attempting to help the Government; I am attempting to help the private dentists. I do not see why the private dentists wish to reject the therapists and allow them to work only on school children. The Prime Minister yesterday, and the Leader of the Opposition in Federal Parliament the day before, both promised to provide dental treatment for school children. Of course, they will have to use dental therapists to do this.

The Government is not really concerned about the age limit. If it intended to set up dental clinics everywhere and staff them solely with dental therapists it would be concerned. However, the therapists will be used in the school dental service and everyone acknowledges the need for them in this sphere. We are making the therapists available to dentists to work under supervision. The Dental Board will set regulations in regard to supervision, and I am sure these will be acceptable to all parties when we consider the representation on the Dental Board.

I have agreed to a restriction on the number of clinics a dentist can have. I have agreed to a restriction on the manner in which the therapists may be used. I have established an employer-employee relationship, and I believe the therapist should be able to perform simple procedures and perhaps some not so simple procedures on adults.

Mr. Lewis: Are you happy with the proposed subsection?

Mr. DAVIES: I have given an undertaking in regard to subsection (2) which has already been debated. I have agreed to the deletion of proposed subsection (3) on page 19. I apologise for overlooking one aspect of supervision this morning, as I had pasted the amendment to be moved by the member for Subiaco over it in my copy of the Bill. In this instance we have a ruling from the Crown Law Department

that the Dental Board shall set up supervisory regulations. We have already agreed that this can be accomplished by amendment to clause 11 of this Bill which amends section 15 of the Act. In this way the board may set regulations in regard to control.

I do not want to see dental therapists used on the cheap. I believe they are trained to carry out these procedures and it would be criminal not to allow them to do the work. I think only three dental therapists are likely to go into private practice at the present time, and surely these girls would be controllable.

I do not feel I can say very much more. We can gain great benefits from the work of these girls. There are adequate safeguards and the girls have plenty of training in this specialist field. I understand that the dental therapists at the end of their training could be in a better position than dentists.

I would like to refer to a letter I have received from Mr. G. A. Doran who is an instructor in anatomy and clinical teaching. He believes that the girls receive the same teaching as dental students. I will not read the letter, but it is available if anyone wishes to see it.

The simple logic of the matter is that the girls are trained, they are needed, the safeguards are adequate, and I do not believe any dentist will be out of a job. In another five years dentists will welcome dental therapists and we will find there will not be enough girls to go around. I hope the dentists will not rob the school dental service where we propose to use the therapists.

I am prepared to tidy up the clause to read, "the preparation and restoration of cavities in deciduous and permanent teeth by amalgam cement and plastic materials." I do not believe we should place any real restriction on this because I do not think the therapists will work at large on adults.

Dr. DADOUR: I am really amazed. I have heard everything now.

Mr. Davies: You have not seen everything—you have not been to the clinic.

Dr. DADOUR: I have just heard one of the most diabolical utterances I have ever heard in my life.

#### *Withdrawal of Remark*

Mr. DAVIES: The honourable member will have to refrain from using such remarks. I have to object. I ask for the withdrawal of the word "diabolical." There is nothing diabolical about this. Every time the honourable member uses a word I feel he should modify I will ask him to withdraw it.

Mr. Williams: You had better watch your own words.

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): The member for Subiaco will withdraw the remark.

#### *Point of Order*

Dr. DADOUR: On a point of order, I did not say anything about the Minister. I was merely talking about his remarks on the Bill.

The DEPUTY CHAIRMAN: (Mr. A. R. Tonkin): Withdraw the remark "diabolical."

Dr. DADOUR: I withdraw the remark "diabolical."

#### *Committee Resumed*

Dr. DADOUR: This is a play game. Nobody in his right sense would ever believe that a person could be taught in two years all the dentistry which is taught to students in five years. I do not think the Committee has understood what I have been trying to say. Some dental procedures should be undertaken only by fully qualified men. This legislation does not provide sufficient safeguards. It will allow therapists with their partial training to perform acts of dentistry outside their realm. The only issue we should consider is: What is good for the people of Western Australia? I have asked myself that question, and I ask the Committee.

Mr. Hartrey: You must have got a silly answer.

Mr. Williams: He would have got a sillier one from the member from Boulder-Dundas.

Dr. DADOUR: It is very difficult to understand that a grown person does not realise what I am trying to say.

Mr. Hartrey: That depends on you, does it not?

Dr. DADOUR: It is a reflection on me in a way. I think I have been successful in convincing some of the more clairvoyant people in this Chamber, but there are a few who will not listen. I have no intention of trying any further.

I am thinking of the good of the community. As I said earlier, I could teach any idiot in 24 hours to take out an appendix—as long as it is in the right place, it is not inflamed, and no complications occur. It is when complications arise that the practitioner is in trouble.

I should imagine that filling a tooth could be the most simple procedure in dentistry, but on the other hand it could be the most difficult. Recently I went to a dentist because a filling had come loose. The piece was taken out and the dentist proceeded to drill. As he proceeded he found the nerve was exposed and he put in a temporary filling. After two or three weeks the nerve had settled down and the dentist dressed and filled the tooth. It is now as good as gold. It took a fully qualified dentist to know what was wrong.

The dental therapists would not have been able to cope. It is the patient who would suffer and not the dentist.

I ask the Committee to be reasonable and see that the necessary restrictions are written into the legislation. If the therapist is to do operative dentistry, it must be under strict supervision.

Until the legislation contains the necessary restrictions, I cannot go along with it. I have always been taught to preserve life and to do what I can to help people. Therefore, I will not be a party to the passing of this legislation. It is diabolical. If I have to withdraw the remark I will withdraw it.

We are told that these girls are trained, but what will they do in an emergency when the dentist is 40 miles away? The therapist could find she is dealing with a haemophilic. The child would bleed and bleed and the therapist would not know how to stop the haemorrhage. There are many such complications which could lead to trouble. Sometimes a dentist has to do a mandibular block. As I said before, I would not let a therapist stick a needle in my backside let alone my mouth because I do not think she has had sufficient training. I do not think any member of the Committee—and I am sure the dentists in the gallery will agree—realises the anatomy of the area concerned, the interlocking of the bones and tissues, how closely related everything is, and what dangers are involved. Members would need only to see the sequela of an incorrectly performed mandibular block to realise the danger. Some people have neuralgia for the rest of their lives because of this.

A dentist may have to cope with a case of cardiac arrest. He has been taught to cope—he has the underlying knowledge of the physiology and anatomy involved. These girls cannot learn such things in their period of training. If the Government wants the therapists to be able to perform dental procedures on adults, it should ensure that it is only under strict supervision.

Mr. Bateman: From a doctor?

Dr. DADOUR: That is the first point. It is not good enough that the dentist should be reasonably available. It is nowhere near good enough.

Trouble can be experienced with teeth that have been previously filled. As everyone knows, such teeth have to be diagnosed by a dentist. He is obliged to drill a tooth and make his diagnosis as he goes along and this could be a difficult procedure, because reconstruction work may be necessary. It is not good enough that we should release on members of the public dental therapists who have been superficially trained without adequate and

direct supervision by a dentist. I support the amendment moved by the member for Cottesloe.

Sir CHARLES COURT: With the concurrence of the member for Cottesloe I wish to make one or two facts clear so far as the Opposition is concerned. I am concerned about the situation into which the profession has been manoeuvred by this Bill. There is a grave fear of a serious misunderstanding developing or a schism being created among the members of the profession which is quite unnecessary. Had the Bill been introduced in the proper way such a danger would not have arisen.

Mr. Davies: What do you call the proper way?

Sir CHARLES COURT: The Minister made it clear that at a certain point in time when the Bill was being considered he consulted with Mr. Graebner. He did not say he had consulted with members of the profession. This is one of the problems that has arisen. In this Bill we are trying to develop a profession within a profession, which was never intended. Had there been better co-operation and consultation on this matter which concerns the public so much, there would not have been all this trouble.

Let me put it right on the line: We welcome dental therapists. It was the work of the previous Government that made their introduction to the profession possible. Certain undertakings were entered into and certain understandings were agreed upon, but they have been breached. If they had not been breached we would not be in the difficult situation we are in today. We welcome dental therapists and members of the dental profession welcome them, but the method that has been used to introduce this Bill is quite wrong and is a breach of the understanding that we have reached with members of the profession.

We are convinced that if the dental therapists were introduced to the profession in the way they should be, it would only be a matter of time, through experience and practice, that all the things sought will be accepted and become part of the profession, if they are desirable. However, we are having something forced upon us that has caused this schism among members of the profession, and instead of having one profession we shall have two.

We are trying to return to what was a clear understanding and the point from which the profession can evolve with all the goodwill in the world. We must allow the profession to grow within itself and it can only do so if we have goodwill within the profession. The unfortunate situation in which we find ourselves is that we have

to play the role of public protector. We have to come forward not only on behalf of the general public, but also on behalf of the members of the profession, because it so happens that the interests of the profession are synonymous with the interests of the public, as explained by the member for Cottesloe and the member for Subiaco.

I make it clear that so far as the Opposition is concerned we initiated this idea of introducing dental therapists. We welcome it and we want it introduced on the clear understanding that was reached between the previous Government and the members of the profession. The Opposition has been forced into a difficult position; commented on by the member for Moore, and dealt with by the member for Subiaco in forcible terms because of his professional knowledge and natural concern that we should appreciate in the Parliament.

If, through its advisers, the Government insists on accepting the advice of the institution relating to dental therapists, which seems to register more with the Government than does the advice of members of the dental profession, it will mean that the Opposition will have to look at the whole Bill differently and in a less favourable way, by insisting on more supervision. Once we can insist on more supervision, as mentioned by the member for Subiaco, we immediately break down the value of the introduction of dental therapists, because instead of expanding the capacity of the profession to deal with the needs of the community, we will restrict it again.

This is not necessary, and it is most unfortunate that we find ourselves dealing with this situation. The Minister seemed to think that he had a great moment of triumph to be able to say that the Dean of the Dental Faculty did not visit the training clinic.

Mr. Davies: It is a matter of regret, not a matter of triumph.

Sir CHARLES COURT: I throw this right back at him because this shows a serious lack of liaison. If I had been in the position of the people advocating the introduction of dental therapists, my main concern would have been to win the confidence and co-operation of, and to have close liaison with, the senior people within the profession, both on the teaching side and on the practising side.

So I do not know how the comment about the Dean of the Dental Faculty at the university not having visited the training clinic is of any great moment. On the contrary I put it down to a serious lack of liaison. I am impressed by the fact that the dean at the university was prepared to come into the open publicly and say what he did. He must feel very strongly about the situation.

Mr. Davies: It was not published in the paper. He sent a copy to me and to members of the Opposition.

Sir CHARLES COURT: He sent a copy to all members and he made it public except to send a copy to members of Parliament and then mark it confidential.

Mr. Davies: You do not call that making it public.

Sir CHARLES COURT: I do not know of any other way of making it public.

Mr. Davies: He sent me a copy as Minister and he wrote to you as Leader of the Opposition.

Sir CHARLES COURT: When we say he made it public, it was in general circulation; it has been in the paper.

Mr. Davies: When was it in the paper?

Sir CHARLES COURT: To the best of my knowledge it was referred to in the Press, following the first reaction to the Bill. Subsequently I received a copy of his comments as did other members of Parliament. He did not single me out as Leader of the Opposition.

Mr. Davies: There is nothing wrong with it. Do not say it has been made public because a copy has been sent to you.

Sir CHARLES COURT: Of course it was made public. The dean was expressing his concern over the form of the Bill, but not because of dental therapists.

We are only asking that the original deal be implemented. If the Bill was passed by this Chamber and dental therapists entered the profession on the basis the Government now elects and something happened in that an adult was dealt with and some of the consequences the member for Subiaco mentioned occurred—and they could under the present form of supervision provided in the Bill—it will be found that members of this Parliament on a grievance day or on some other occasion, will rise in their seats to condemn the profession. They would not condemn the dental therapists, but the members of the dental profession. That is the nature of "the animal", as we have experienced in our many years in public life.

In 15 or 20 years' time, someone may, without having any knowledge of this debate, seize on any such consequences as being a public scandal and would seek to have some dentist lynched. I hope the Government will see fit to go along with members of the dental profession, who are anxious to co-operate so that we can settle back in an atmosphere of goodwill instead of experiencing this heavy lobbying that is being conducted on behalf of one side. I must admit that any lobbying I have had from members of the dental profession has been quite dignified. They want to see dental therapists enter the dental profession but on a basis where they will evolve

logically in accordance with the pattern that was originally agreed upon as a firm understanding.

If members care to read the writings of Mr. Graebner they will see he was completely in favour of that agreement. The only people who have not been taken into the confidence of the Government on this matter are those who are the profession and make it work. I support the amendment.

Mr. DAVIES: After that stirring speech there are one or two things to which attention should be drawn. I do not know who is creating this schism in the ranks of the profession; if it is anyone it is certainly the Opposition. I ask members to obtain a copy of the speech made by the Leader of the Opposition and go carefully through it and it will be seen that he says nothing about the training the dental therapists receive. The Leader of the Opposition did not say they would be competent to do the work. He did not talk about the number of fillings they would do. The Leader of the Opposition's Government instituted a plan two years ago, but there have been changes since then. If we do not allow the therapists to work in accordance with their training we are the ones who could be shot at. The Leader of the Opposition seeks to restrict the work of dental therapists to less than what they are doing today, and I cannot agree with that.

Sir Charles Court: What you have said is not true.

Mr. DAVIES: The Leader of the Opposition did not mention anything about their length of training. He spoke about their training, but he completely ignored the length and breadth of their training.

Sir Charles Court: I did not have to mention it.

Mr. DAVIES: The reaction we are getting now indicates that this is the point he overlooked. There is no problem about the work they will be able to do. They are sufficiently trained to do that work and should they not be allowed to do the work if they are so trained? This is all we are asking. I did not take any delight in stating that the Dean of the Dental Faculty has not been to the clinic. I do not believe it is my responsibility to ask him to go there. He is the Chairman of the Dental Board. He knew what was going on as did every other person within the profession, because Mr. Graebner asked what he wanted to do and he was trying to convince him to get these things done.

Let us not pretend the members of the profession did not know what was going on. If the dean does not want me to ask him to look at a very vital part of the administration of dentistry it is not my responsibility to ask him, but it took him a day or two to answer a telephone call that

Mr. Graebner made asking him to visit the clinic. When I asked Mr. Halikis to go there he made some rude remark. I will not repeat that to members of the Committee.

It is incumbent upon the people controlling the profession to know what goes on and to see what these girls can do to ensure they are given the right to practise within the bounds of their own training. That is all we want to see, and this is precisely what the Bill seeks. I do not believe any limit should be fixed, and I do not believe girls will be practising on adults for a long time; certainly not as far as the Government is concerned. Regulations controlling dentistry and dental therapy are still under the control of the Dental Board; they are not under the control of the Government. The members of the profession have been conducting their own affairs in the past and they will continue to do so in the future. I repeat, it is up to us to see that these therapists have the right to practise in accordance with their training.

Mr. W. A. MANNING: The Minister has told us he does not believe that therapists will be practising on adults for some time. If that is the case, why should he insist on the expansion of their responsibilities as set out in the Bill?

The Minister also overlooked the fact that a moment ago he stressed that his object was to see that the dental therapists were used to the full extent of their training. If, as the Minister suggests, they can take on these responsibilities after two years, what is the use of our training dentists? Surely the Minister knows there is a vast difference between training a dental therapist and training a dentist.

It is our responsibility to protect the public. If the girls can do what the Minister expects them to do after two years' training, why not let them practise on their own? The implication is that they will be as good as dentists, but, of course, that will not be the case at all.

The Minister has said that the dentists will not over-use the girls, but it would be to the advantage of a dentist, particularly if he had a good therapist, to use her to the limit of her capacity. It would be profitable for him to do so. If such therapists could be used by dentists in this manner, surely their use would not be restricted to the provisions in the Bill, except, of course, to the extent that the dentist would be responsible for the work and any damage that might be done.

The public should get the best possible dental treatment available, and that can only be provided by a dentist himself. If this were not done we would derogate the

value of the dentists; they would be regarded as merely a shade better than the dental therapists.

I have nothing against the dental therapists; I think we all want to see them reach the highest degree of efficiency that is possible, but the question is how far should we go when we relate their qualifications to those of dentists? The Minister should try to reconcile the opinions he has expressed with the facts before us; he should try to give the public as much protection as possible rather than consider any other aspects.

**Dr. DADOUR:** No matter how much the Minister tries to twist this and no matter how much he talks about the Dental School and the School of Dental Therapy and what is being done there, I defy anyone to assert definitely that a filling is good or bad merely by looking at the top of the filling; it is what is underneath that counts.

We know that dental therapists have been taught certain aspects of dentistry and we have come to accept the fact that they can in two years be taught physiology, anatomy, etc., to the extent that they need it.

Our main concern, however, should not be the dental therapists—and there are some mighty pretty girls among them—but the community. We must consider what is best for the people. It does not matter very much to me what Mr. Graebner has said or how often he has changed his mind in the last 10 years. The point is that the girls in question can only receive so much training in the time available.

If it is proposed to let dental therapists loose among the public we might just as well give away our Dental School and save \$2,000,000 which could be used for training dental therapists. This will lower the standard. There are quite a number of aspects involved in the extraction of a tooth. For example, a piece of bone could break off or the gum could be lacerated. I have no doubt that the therapists will be adequately trained, but they are only adequately trained in certain areas of dentistry.

Does the Premier feel that these therapists should go out among the people and teach them the value of fluoridation as part of their training in dental hygiene? The Minister proposes to make them dental hygienists and also allow them to carry out certain work on adults. This is a great deal to expect of girls with only two years' training. It could be all right in a small area but not as set out in the Bill.

While the girls may become proficient in the cutting of holes and preparing amalgam fillings, there are so many things that could go wrong.

As I have said, however, our main consideration should be what is best for the public. We must ask ourselves how well

trained are the dental therapists and how much supervision will they be given? Will they have complete supervision or percursor supervision? If they are to be let loose on the community the therapists must have total supervision.

The girls are not at all happy about many of the things they are asked to do and if a dentist permits his therapist to do this or that it is possible that in the doing of it she could get into trouble.

The question the Minister should answer is whether we are going to restrict these therapists to the areas to which we think they should be restricted. That is the crux of the matter. The Minister must decide whether he wants the whole matter thrown open with total supervision or whether he wants the percursor availability of dentists. These are the points the Minister should answer.

Amendment put and a division taken with the following result.

## Ayes—20

Mr. Blaikie	Mr. O'Connor
Sir David Brand	Mr. O'Neill
Sir Charles Court	Mr. Ridge
Dr. Dadour	Mr. Runciman
Mr. Gayfer	Mr. Rushton
Mr. Hutchinson	Mr. Stephens
Mr. Lewis	Mr. Thompson
Mr. W. A. Manning	Mr. Williams
Mr. Mensaros	Mr. W. G. Young
Mr. Nalder	Mr. I. W. Manning (Teller)

## Noes—22

Mr. Bateman	Mr. Fletcher
Mr. Bertram	Mr. Graham
Mr. Bickerton	Mr. Hartrey
Mr. Brady	Mr. Jamieson
Mr. Brown	Mr. Jones
Mr. Bryce	Mr. Lapham
Mr. Burke	Mr. McPharlin
Mr. Cook	Mr. Sewell
Mr. Davies	Mr. Taylor
Mr. H. D. Evans	Mr. J. I. Tonkin
Mr. T. D. Evans	Mr. Harman (Teller)

## Pairs

Ayes	Noes
Mr. Coyne	Mr. May
Mr. Grayden	Mr. McIver
Mr. R. L. Young	Mr. Moller

Amendment thus negatived.

The **DEPUTY CHAIRMAN** (Mr. A. R. Tonkin): I will leave the Chair until the ringing of the bells which will not be before 7.30 p.m.

*Sitting suspended from 6.15 to 8.13 p.m.*

**Mr. HUTCHINSON:** My next amendment is to delete subparagraph (vi) on page 19 of the Bill. I will move the amendment but I will not try to stone-wall the debate. The amendment is largely consequential upon my amendment to subparagraph (i), with which we have just dealt. To continue to debate the amendment would be of no value at all. I move an amendment—

Page 19, lines 1 to 5—Delete subparagraph (vi).

**Mr. DAVIES:** I oppose the deletion of this subparagraph, particularly in view of the result of the last vote. The subparagraph sets out the material which may

be used and the deletion of the provision would mean that there would be no limit to the material which may be used. I believe the provision should remain in the Bill.

Amendment put and negatived.

Mr. HUTCHINSON: I do not intend to move my next amendment at this juncture. However, I would like to ask the Minister a question or two about paragraph (d).

This paragraph is all-embracing, and anything which is not dealt with in the charter to which we have been referred may be included under the provisions of this paragraph. It reads as follows:—

(d) such other duties as the Board, subject to the approval of the Minister, may from time to time prescribe.

I can see some value in the provision. It provides for the evolution of dental therapists, and the manner in which they will practise their craft under the supervision of dentists. However, the Minister has not agreed to the principal amendment which we desired to have included so I would ask him whether he has any ideas regarding the other duties he may have to adjudicate on, which may be prescribed, so that I can determine whether or not to proceed with my amendment.

Mr. DAVIES: The provisions of paragraph (d) are included because I believe that a new principle will be established. Changes will be necessary, from time to time, and rather than bring each change back to Parliament the persons who should decide whether or not the changes are necessary are the members of the Dental Board. I felt it was eminently fair because of the seven persons on the Dental Board four will be elected by the dentists themselves, two will be appointed by the Governor, and a third person will be elected by the A.M.A. I believe. So there will be an adequate strength of dentists on the board. I am quite happy to leave decisions to that board.

I cannot visualise any change at the present time. I believe the position will be met by the proposed amendments, and I feel certain the members of the Dental Board are the people who should bring down recommendations.

Mr. HUTCHINSON: I will not move my amendment for the deletion of paragraph (d). Instead, I suggest that the Minister give some consideration, among other things, to asking the board to look at subparagraph (ii) of paragraph (c), regarding the extraction by forceps of deciduous teeth under local analgesia.

Mr. DAVIES: I will give an undertaking that I am prepared to have the matter examined to see if anything can be done to meet the objections before the Bill leaves Parliament. The board will

have to make all the regulations under which every one of these services will be carried out.

Mr. HUTCHINSON: My next amendment is consequential on a previous amendment to which the Minister has already agreed. I move an amendment—

Page 19, line 11—Insert after the word "direction" the words "and control".

Amendment put and passed.

Mr. MENSAROS: This clause deals with the supervision and direction by the dentists. I was fortunate enough to be able to obtain some information during the tea suspension, and I think it is worth while placing that information on record.

As the Minister follows the Labor Party policy, I have a piece of paper which sets out what the latest conference of the Federal Labor Party decided in respect of dental health. The member for Moore wanted to know how the supervision was defined. For his benefit and the benefit of the Committee I will read the decision to which I have referred.

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): Are you speaking generally on clause 34?

Mr. MENSAROS: Yes. That clause contains the provisions in regard to supervision.

Mr. Davies: From what are you quoting?

Mr. MENSAROS: I am quoting from *The Courier-Mail* of the 21st June, 1971. The report of the resolution of the Labor Party conference reads—

The Conference adopted as Labor policy a proposal that a Federal Labor Government would establish an \$85 million scheme for dental clinics in schools throughout Australia.

The scheme would cost approximately \$45 million a year to run.

Details of the scheme are as follows:—

The establishment in all States of colleges of advanced education for the training of dental therapists.

The therapists would receive two years training in the control of dental disease by treatment and preventative measures such as diet and hygiene.

The therapists would work with school dental officers.

Now comes the provision regarding supervision—

The scheme would begin in all primary schools and be extended to pre-schools and secondary schools. Each child would be examined initially by a dentist. He would authorise a written

treatment plan to be performed by the therapists. The dentist would see the child at no more than two yearly intervals.

Some members expressed doubts regarding the direct supervision. It is spelt out here very clearly as Labor Party policy that the supervision would amount to the dentist seeing the patient at no more than two-yearly intervals.

The member for Subiaco and the member for Cottesloe expressed fears regarding this supervision. The Minister might say this is a slightly different proposition and that we are dealing with therapists who will also be used by private dentists outside the scheme which the Labor Party has promised to introduce. The main principles of the supervision were laid down at the Labor Party conference. Any fears regarding the consequences of this provision are well founded.

Dr. DADOUR: I ask for your guidance, Mr. Deputy Chairman. Shall I now move the insertion of new section 50B?

Mr. LEWIS: Before we reach that, I take it we are still dealing with clause 34?

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): Yes, but new section 50B is still clause 34.

Mr. LEWIS: That will come after proposed new subsection (3), and I want to speak to subsection (3). I move an amendment—

Page 19, lines 21 to 23—Delete the passage “, within a reasonable time having regard to the distance involved and the type of assistance required,”.

The subclause will then read—

(3) For the purposes of this section, it shall be sufficient compliance with the requirement for a dentist to remain reasonably available for consultation, if he, or another dentist specified by him, would be available to render assistance to the dental therapist if such assistance is required by her.

Mr. W. A. MANNING: I wish to support this amendment because I feel the requirements of the patient have nothing to do with how far the dentist is from the surgery at the time he is wanted. He must be available in order that he shall be there in the event of an emergency. If he is 100 miles away, we must allow a great deal of time for him to get there, which is useless. The passage which the member for Moore seeks to delete is detrimental and of no value to the Bill.

Mr. DAVIES: I shall be happy to delete this passage. Its deletion will make it harder for the private dentist who will employ a therapist, but if that is what is required I will agree to do it.

I repeat that the matter of supervision will be decided by the Dental Board under section 15 of the Dentists Act. The board may take these aspects into consideration, and if I accept the amendment I must leave the matter to the board.

With regard to the quotation read by the previous speaker, there is a rule in this Chamber that when one quotes a newspaper report in a debate one must be able to vouch for its accuracy. The member for Floreat was quoting from *The Courier-Mail*, which I have not had an opportunity to read; but I know what is in the Labor Party platform, and it contains nothing regarding an inspection every two years. I refer the honourable member to pages 20 and 39 of the Platform, Constitution, and Rules of the Australian Labor Party, approved at the conference held in Launceston in 1971, which was the last conference. That is my Bible as far as policy goes—not *The Courier-Mail*. The platform of the Australian Labor Party is at variance with what is in *The Courier-Mail*. A copy of the platform is available in the library for public consumption, and I understand there is also a copy at the Liberal Party headquarters.

I refer to a recent statement of the Federal Leader of the Opposition (Mr. Gough Whitlam). In concluding the Labor Party's policy on dental health he said—

The Federal Vice-President of the Australian Dental Association, Dr. W. D. Heffron, has hailed this proposal as “a very important first step in preventative dentistry.”

Once again, there is no mention of seeing patients every two years. I will not ask for the accuracy of the newspaper report to be vouched for, but I draw the attention of the Chamber to the printed platform of the Australian Labor Party. The nonsense mentioned was a red herring.

Sir David Brand: That talks about socialism.

Amendment put and passed.

Dr. DADOUR: I move an amendment—

Page 19, after line 25—Add a new section 50B as follows:—

50B. (1) For the purpose of this section “clinic” means any premises under the control of a dentist wherein the dentist employs the services of dental therapists on a regular basis.

(2) No dentist shall operate more than two clinics.

The Minister gave an undertaking that he would look into this matter. Has he had time to do so yet?

Mr. Hutchinson: He said, “Subsequently.”

Dr. DADOUR: As I said earlier, the object of my amendment is to cover the position of a dentist who may have a number of surgeries in the metropolitan area



and who may employ a number of therapists. Such a dentist would be unable to provide the necessary supervision. The purpose of the amendment is not to limit the number of therapists he may employ, but to limit the number of establishments he may operate. The amendment is not in any way intended to affect country dentists. A dentist in the country probably would travel to three or four different areas, and would take his staff and equipment with him. He would visit a different area each day, and would not be affected by the amendment. Has the Minister any comment to make?

Mr. DAVIES: I said this morning I would accept the amendment and that I would get the Crown Law Department to consider it and try to reword it to cover the position mentioned by the member for Subiaco and the member for Cottesloe. I have not yet been able to see the Crown Law Department. It is no good taking part of a Bill back to the department; I must take the complete Bill so that the officers can view the whole concept. Whilst I am prepared to accept the amendment, I want members opposite to realise that once again they are placing a restriction on dentists.

Dr. DADOUR: This is not a matter of placing a restriction on dentists. As I have been trying to get across to the Minister all day, my whole purpose is to provide protection for the public. I have tried to put the public first throughout the debate.

A further point upon which I would like to elaborate is that the Minister said it was a shame the professor of dentistry I mentioned had not visited the therapists' school in West Perth.

Mr. Davies: That has nothing to do with the amendment.

Dr. DADOUR: He has visited it, but when he got there no therapists were present. However, he has assured me that he has visited centres in New Zealand, London, throughout Great Britain, and in Tasmania. He knows the type of work carried out by therapists and he is aware of the curriculum. He has not been neglectful.

I thank the Minister for his acceptance of the amendment. I am pleased that he will have the Crown Law Department look at it because I feel that it may need a little tidying up.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 35: Section 51A added—

Mr. HUTCHINSON: Clauses 35 to 38 deal with the proposed dental charges committee. Members will appreciate that this matter was debated exhaustively when we discussed clause 5 and sought to delete the definition of "Committee." Therefore, I do not propose to debate these clauses at any length, except to say that

a sharp division exists between the political views and philosophies of the Labor Government and we on this side of the Chamber, with regard to the establishment of price control mechanisms.

Mr. Hartrey: There was a sharp division on the 20th February last year when the people voted.

Mr. HUTCHINSON: The honourable member does not deny what I have said. We on this side of the Chamber are philosophically opposed to price control. We are opposed to the establishment of a dental charges committee because, as I have previously stated, the Chairman of the Counselling Committee of the A.D.A. has said that the matter is effectively controlled by the profession itself. I oppose the clause.

Dr. DADOUR: I, too, oppose the clauses mentioned by the member for Cottesloe. Our philosophies differ in this respect. I can understand why those on the other side of the Chamber want price control, but I cannot understand why they do not seem to want the public to be protected. I am wholeheartedly against the principle of price control.

I thank the Minister and members on the other side for putting offside such a wonderful profession as the dental profession, because its members will be a tower of strength to members on this side in the future. Probably this provision will be knocked on the head in another place. That is all it deserves because it has been proved that dentists are able to keep their prices to a reasonable limit.

The Minister has not yet answered my question regarding the number of complaints he has received in the last six months and in the last 12 months with reference to overcharging. I want to know how many of those complaints are still pending, and what he has done about them.

Mr. DAVIES: I refer the member for Subiaco to the remarks I made this morning. I will not repeat what I have already said on a number of occasions. I have not been able to help any of the complainants because no machinery is available. I am not looking for votes in this matter; I am looking to provide relief for the suffering public.

Mr. Hutchinson: You could refer them to the Counselling Committee.

Mr. DAVIES: I have, but I still receive complaints. For four years running the Dental Board has brought to the notice of the public the fact that something should be done in this regard. Similar committees work successfully elsewhere, and there is a demonstrated need for one in this State. The public deserve it. Dentists will still control their own profession.

Dr. DADOUR: The Minister still has not told me how many complaints he has received in the last six and 12 months which

have not yet been cleared up. If he supplies the information it will indicate to us whether or not there is a need for the provision. So far the Minister has not established any need for it.

Mr. DAVIES: I have no intention of giving these statistics. I have plenty of evidence in the files in front of me and in my office. Also, many verbal complaints have been received at my office. If the mind of the honourable member is such that he requires statistics in order to be convinced, I am sorry I cannot oblige him.

Dr. DADOUR: For the last time—

Mr. Bickerton: Give it a go; you have been on about it for 12 hours.

Dr. DADOUR: I will have my say, regardless of what the Minister for Housing likes. The Minister for Health has just performed the best piece of dodging work I have ever heard. I realise that the Government has an obsession about introducing some form of price fixation.

Clause put and passed.

Clauses 36 to 40 put and passed.

Clause 41: Section 61 amended—

Mr. HUTCHINSON: I intend to oppose this clause.

Mr. Davies: I will agree with you, so you can sit down.

Mr. HUTCHINSON: The clause is largely consequential upon previous clauses. It inserts the words, "or dental therapist" in section 61 of the Act. That section applies only to the premises used by a dentist. It has no relation to the premises used by a dental therapist, because such premises must be the premises of a dentist. I am glad the Minister has agreed to delete the clause.

Mr. DAVIES: In the spirit of sweet co-operation that has existed throughout the entire debate, I am happy to agree to the proposition.

Clause put and negatived.

Title put and passed.

### *Report*

Bill reported, with amendments, and the report adopted.

## **PERTH REGIONAL RAILWAY BILL**

### *Conference Managers' Report*

MR. JAMIESON (Belmont—Minister for Works) [8.46 p.m.]: I have to report the result of the conference of managers on the Perth Regional Railway Bill, which reached the following agreement:—

Conference agreed to proposed amendment No. 2 of the Legislative Council which reads —

Clause 5, page 3, line 18—To add a new subclause (2) as follows—

(2) Before discontinuance in accordance with section 3 of the scheduled railway and

before commencement of construction of any part of the Perth Regional Railway referred to in subsection (1) of this section, the Minister shall obtain the approval of Parliament to a report on the results of the engineering and economic studies applicable to that part, such report to be based upon a comprehensive feasibility study and plan relating to the works proposed to be prepared by the competent independent authority.

It is proposed to accept the second amendment, subject to an additional new clause which reads as follows:—

### **New Clause 6.**

Notwithstanding the provisions of subsection (2) of section five of this Act that portion of the scheduled railway as is situated between a point 11 miles 9 chains and a point 12 miles 9 chains from the commencement of that railway may on a date to be proclaimed be temporarily closed as a result of traffic or engineering problems which may arise from time to time or for the purposes of this Act.

In effect that allows us to manipulate a little bit with traffic problems which may arise as a result of the one-way pair of road systems—the Barrack Street and the William Street systems—and the problems we might experience if the Horseshoe Bridge, which has become older than most members of this Chamber, does not last for its expected life.

There are several other problems associated with the new bus terminal in this location; and it may require access and alternative roads to be constructed to enable the buses travelling to and from this terminal to be controlled effectively.

The original proposal of the Legislative Council, without the proviso, is somewhat restrictive to say the least. The conference of managers agreed on reflection that it would be desirable to agree to the new clause so that action can be taken in cases of necessity.

I move—

That the report be adopted.

Question put and passed, and a message accordingly returned to the Council.

## **WORKERS' COMPENSATION ACT AMENDMENT BILL**

### *Second Reading*

Debate resumed from the 7th November.

MR. WILLIAMS (Bunbury) [8.50 p.m.]: This Bill to amend the Workers' Compensation Act, and the Act itself, are complicated pieces of legislation to say the least. At the outset I wish to point out that it is very difficult to obtain a complete and

up-to-date copy of the Act. I was very fortunate in getting the copy I have, but even this one is incomplete because it does not include the two amendments made in 1970.

It was only through the good offices of the Assistant Clerk of Records and the messengers that I was able to obtain a copy from the Workers' Compensation Board. This is a photostat copy prepared by the messengers. I am not criticising the staff of the House for this. In his second reading speech the Minister told us there is to be a complete review of the Act. Let us hope that in the future there will be a complete copy of the Act available in this House when amending Bills are introduced.

This is a very complex piece of legislation. My knowledge of it is certainly not complete, and later some people might avail themselves of that opportunity to take a shot at me. However, I am prepared to take a chance in saying what I want to say.

Since 1947 the Act has been amended on numerous occasions. From verbiage of the provisions in the Act it seems to have been amended by numerous draftsmen who used different terms. This complicates the matter even further. It is very difficult to follow this legislation in the form in which it has been presented to us, because the Bill contains a great number of ideologies. This breaks some new ground in workers' compensation, and I believe that to some extent it strays from the original concept and comes within the realm of social welfare.

Mr. Taylor: Will you explain these ideologies later on?

Mr. WILLIAMS: Yes. I will have something to say about them later on. This is a matter which was mentioned in the Premier's policy speech before this Government came into office, but it has taken the Government 18 months to prepare the Bill and introduce it; and it has introduced it in the last two weeks of the present session. However, I do not know that for sure.

The Bill could have been introduced at an earlier date, so as to provide more time to Opposition members to make a proper study of it. I have circulated to the Clerk, the Minister, and several members copies of a number of amendments which I propose to move in the Committee stage.

The Minister has asked for an explanation of the ideology aspect. It is interesting to note that on the 28th March, 1972, the Deputy Leader of the Opposition asked a question of the Minister for Labour. It is as follows:—

- (1) Has a committee representative of Government, management and labour, similar to that set up by the previous Government, been

appointed to examine and propose amendments to the Workers' Compensation Act foreshadowed in the Governor's Speech?

(2) If not, why not?

(3) If so, would he detail the composition of the committee?

The Minister replied—

- (1) Yes—a committee known as the Minister for Labour Advisory Committee has been appointed to advise the Minister on all such matters within the general area of industrial relations.

The matter of workers' compensation is one of these aspects.

(2) Answered by (1).

- (3) The composition of the Minister for Labour Advisory Committee is as follows:—

Mr. J. W. Coleman, Secretary, Trades and Labor Council.

Mr. F. S. Cross, Director, Employers Federation Inc.

Mr. H. A. Jones, Secretary for Labour.

Yesterday I asked a question without notice of the Minister for Labour on this matter. The first part of my question was—

- (1) When was the committee known as the Minister for Labour Advisory Committee appointed and when was the first meeting held?

The Minister replied—

- (1) The committee known as the Minister for Labour Advisory Committee had an initial meeting on the 30th November, 1971. The first formal meeting was held on the 17th February, 1972.

The Minister went on to advise me that there had been three formal meetings. The third part of my question was—

- (3) At how many of these meetings was workers' compensation seriously considered and discussed and what recommendations were made?

Bearing in mind the question which the Deputy Leader of the Opposition asked earlier this year it is amazing to note the reply of the Minister to my question in the following terms:—

- (3) The committee was advised of the Government's legislative programme for 1972, particularly those matters referred to in the Premier's election policy speech and in which the Workers' Compensation Act amendment was specified. The particular Act was not seriously considered at these meetings except that members were advised that amendments being prepared were interim only

pending full-scale investigation and research into a new Workers' Compensation Act.

From the answer which the Minister gave to the question asked by the Deputy Leader of the Opposition earlier this year I would have thought he would put the proposed amendments before the committee, but obviously he has not.

It is interesting to note who did look into the proposed amendments. The seventh part of the question I asked yesterday was—

- (7) Were representatives of (a) labour, (b) management, (c) insurers, (d) Workers' Compensation Board consulted before or after the drafting of the Bill?  
If so, which of them?

I also asked the Minister at the same time by whom were the contents of the Bill suggested. The reply of the Minister to the sixth and seventh parts of my question was as follows:—

- (6) The Workers' Compensation Board, the Australian Labor Party Parliamentary Industrial Committee, and written views presented by the Trades and Labor Council.  
(7) The Trades and Labor Council was consulted in respect of its written submissions. The Workers' Compensation Board was responsible for drawing up the recommendations to the Parliamentary Counsel.

The answer of the Minister amazed me. As an interim measure the Bill will cause a great deal of confusion in the industry and among the insurers. Seeing that the Minister has appointed a committee made up of representatives of labour, management, and insurers I would have thought that he would have advised the people who would initially foot the bill and asked for their suggestions and comments. He has not done that, and this is typical of the actions of the present Government.

The Government might ask: What is the use of putting these matters up to those parties, because the insurers would no doubt oppose any extra charges? I think it is common courtesy for the parties to be advised that certain amendments are proposed in a Bill affecting them. This at least gives them some opportunity to make the necessary preparations within their businesses.

During this session of Parliament we have had examples of Bills being presented—such as the Noise Abatement Bill—where the parties or industries involved were not consulted in any way in regard to the drafting of the legislation. It would be of considerable help to industry and to the Government if the amendments were placed before the parties involved, so that they can be examined and commented on. It is up to the Government to

decide whether it wants comments from industry; and it has the right to accept or reject the views presented. It is the right of the Government to do that, but it is also common courtesy to place these matters before the industries or the sections of the community involved.

Perhaps this is another example of pressure being brought to bear by some outside bodies. In this case it is the Trades and Labor Council pressing the Government to take some action.

Mr. Taylor: Because they got two, three, or four of their amendments out of 38?

Mr. WILLIAMS: I do not care how many they got. I know that the member for Collie today asked a question relating to the number of propositions the T.L.C. had submitted, how many had been accepted, and how many had been rejected. I do not care if only one was accepted. It is the principle I am discussing.

Mr. Taylor: That constitutes pressure?

Mr. WILLIAMS: I imagine so. I know that the member for Collie is also a member of the industrial committee of the Australian Labor Party, and this is his right. It is natural he would submit such a question.

Mr. Taylor: The committee is composed of members of both Houses.

Mr. WILLIAMS: I realise that, but the Trades and Labor Council is pushing from the outside too.

Mr. Jones: This is an election promise of the Premier.

Mr. WILLIAMS: Why then has the Government taken so long to introduce such an important piece of legislation—18 months after the election and less than what we hope will be only two weeks before the end of the session? The Government has waited until this time to introduce this complex piece of legislation which the tariff companies believe will add something like 67 per cent. to the premiums; and they consider this is a conservative estimate.

Mr. Hartrey: I bet it is too.

Mr. WILLIAMS: It could be even more than that. This kind of provision is a rape of industry. Consequently I have on the notice paper some amendments to which I hope the Minister will give consideration in the course of the Committee debate. As far as I am concerned this will be a Committee Bill because many matters must be discussed in detail and they involve the difference in the attitudes of the Government and of the Opposition to workers' compensation.

I think it must be remembered that industry initially will foot the bill, but eventually some of the public will foot the bill. I am not saying industry will pass on

the whole of the cost because we know and the Government knows—probably the Government knows better than we do—some of the problems industry in this State is facing in competing with overseas and Eastern States tenderers. The provisions in this Bill will add to the costs. Industry does not necessarily pass all these costs on to the consumers.

Mr. Hartrey: The Eastern States provide more generous compensation than this State does!

Mr. WILLIAMS: But this is an added cost to our people. What the Eastern States do in this particular field because of the political ideologies in their Parliaments—whether they be the colour of those on this side of the House or the Labor Party colour—is their business.

We have a system in this State under which fixed amounts of compensation are paid, such as for death and maximum payments, which the Minister intends to raise from \$12,208 to \$15,000. We must remember that these fixed amounts in this State are automatically adjusted by basic wage rises. As members know the basic wage is set by the Industrial Commission. When dealing with a wage adjustment the commission takes into consideration the cost-of-living index and submissions placed before it by management and labour. This is the whole purpose of the commission when setting a wage. It receives the views of both sides and anyone else whom it considers it should listen to before it makes an adjustment. I believe that under our system we keep up with the inflationary trend of the basic wage structure.

Mr. Hartrey: We must do a bit more than that.

Mr. WILLIAMS: I do not think so. The Minister and members will notice that some of the amendments I propose to move in Committee are designed to establish the principle in which we believe; that is, that these fixed amounts which are adjusted by the normal basic wage rises are right and proper in this State. However the Minister will bring about inflation under the proposals in the Bill. This is what we believe. I do not expect the members of the Government to agree with this for one moment.

Mr. Hartrey: They have never yet given full compensation for loss of wages.

Mr. WILLIAMS: That is right, and that should be remembered. Under the Bill compensation is something—

Mr. Hartrey: To replace a man's loss of wages.

Mr. WILLIAMS: Not necessarily the whole wage. That has not been the case until recently, but I will deal with that later if the member for Boulder-Dundas will hold his horses for a minute.

Some new ground is being broken under the Bill. I referred earlier to the Noise Abatement Bill, but in the legislation before us in clause 10 is a provision that loss of hearing be a compensable disease.

Mr. Hartrey: Why not that if loss of sight is?

Mr. WILLIAMS: I will say more in Committee about loss of hearing. The Bill also allows for an acting chairman to be appointed and for the present chairman to be made a District Court judge.

Mr. T. D. Evans: Not to be made a District Court judge.

Mr. WILLIAMS: Or to be given the same status.

Mr. T. D. Evans: There is a substantial difference.

Mr. WILLIAMS: This is one of the points I would like the Minister to clarify in his reply to the second reading debate. Will the chairman be a District Court judge or will he be given the same status?

Mr. Taylor: The legislation says he will be given the status.

Mr. O'Neil: What about your proposal to amend the District Court of Western Australia Act as you mentioned in your speech?

Mr. Taylor: No, because he is not a District Court judge.

Mr. WILLIAMS: The interjections have clarified that point, so I ask the Minister now whether the acting chairman will be required to possess the same qualifications as the chairman does under section 25(4) of the Act. I believe he should have the same qualifications as the chairman. The Minister is making an amendment so that the chairman must have eight years' experience as a legal practitioner.

Mr. Hartrey: At least, yes.

Mr. WILLIAMS: At present the chairman must have seven year's experience. I believe the acting chairman should have the same qualifications in order to take over as chairman.

I referred earlier to the limits for certain payments. We hope to establish the principle that the payments here are in keeping with normal wage rises. To give an example of this, I refer members to the bottom of page 4 of the Bill. In paragraph (d) the Minister seeks to substitute for the words "ten thousand eight hundred and eighty-one" the words "fifteen thousand." On the 21st November, 1969, the limit was set at \$10,881. On the 23rd September, 1970, it was adjusted to \$11,000 with wage rises. On the 26th October, 1970, it was adjusted to \$11,604; on the 26th October, 1971, it was adjusted to \$11,906; and on the 26th June, this year, it was adjusted to \$12,208. We believe these amounts were adjusted in keeping with the normal inflationary trends.

Mr. Jones: They are not in line with the other States.

Mr. WILLIAMS: That does not worry me. The other States from time to time have been using these figures to make themselves popular with certain sections by jacking up the amounts.

Mr. Jones: Irrespective of the political colour of the State Governments, generally the rates are higher than our payments.

Mr. WILLIAMS: This does not matter to me.

Mr. T. D. Evans: It does to the injured worker or his dependants.

Mr. WILLIAMS: They vary from time to time.

Mr. T. D. Evans: We are behind in this State now.

Mr. WILLIAMS: Getting back to the Minister's second reading speech, I mentioned that tariff companies believe the provisions in the Bill will result in an increase of about 67 per cent. in premium rates. It could be even higher than that. In his second reading speech the Minister said that what is required is a complete revision of the whole Act and a fresh approach when advantage could be taken of the experience of legislation in other States and other countries.

What I suggest to the Minister is that he leave the Bill. Why the rush to get it through when next year he intends to carry out a complete rewrite of the Act? Why not leave it until then? If the Bill is passed people will have to get themselves organised and adjust all their payments or premiums; and then in 1973, if the Minister is as good as his word, they will have to go through the whole process again, which would be a complete and utter waste of time. I believe the Minister should leave the Bill until next year and then if he wishes to do so he could include its provisions in the rewrite of the Act.

Sir David Brand: There will be no rewriting, I guarantee.

Mr. WILLIAMS: This is quite possibly on the cards.

Mr. Taylor: If you do not agree there will be a rewrite, why not agree to some of the amendments now? You cannot have it both ways.

Mr. WILLIAMS: Why does the Minister not agree to some of ours? Actually I believe the Minister will rewrite the Act.

Mr. Taylor: Thanks.

Mr. WILLIAMS: I sincerely hope he does; and I hope he will leave this Bill until next year and include its provisions in the rewrite. The Minister said that probably one of the most important provisions was the one designed to raise the level of an injured worker's wage to his average weekly earnings.

Mr. Hartrey: Correct.

Mr. T. D. Evans: What do you think about that?

Mr. WILLIAMS: I will tell the Minister in a moment if he will be patient. The Minister said—

Although such benefits are not provided in other Australian workers' compensation legislation the concept is not uncommon in Australia.

Then he went on to say—

To illustrate this point, over the last six months all workers in the building industry in Western Australia and all State Government employees have received 90 per cent. of their normal award rates which will increase to 100 per cent. on the 1st February, 1972. These workers have now joined those who already receive this benefit, such as all Commonwealth employees and employees of such large companies as Hamersley Iron Pty. Ltd.

The Minister further said that no limit will be placed on this because he is taking it off completely. Might I point out to him that those fields he quoted in his speech—namely, State Government employees, the building industry, Commonwealth employees, and those with Hamersley Iron—all have a limit of 26 weeks in their agreements on 100 per cent. make-up of wages. Why is it necessary to abolish the limit under the Bill? I will have more to say about average weekly earnings later on, particularly in Committee.

The Minister spent some time trying to convince us with quotations from reports from various parts of the world that the giving of 100 per cent. of the normal weekly wage to employees does not breed malingers or encourage abuse of the system.

The SPEAKER: Order! There is too much audible conversation.

Mr. WILLIAMS: I believe we will always have a certain number of malingers in our community, but a provision like this under which a person can claim and receive the whole of his average weekly earnings as compensation will be no incentive for him to go back to work. What I propose to move is an amendment to provide that the compensation be the normal wage—that is, the basic award wage—excluding various allowances.

Mr. Taylor: You are suggesting it should be the basic award wage?

Mr. WILLIAMS: Yes; the award wage excluding all allowances. I also propose that it be based on 35 hours because we do not go along with the principle of the full 100 per cent. We believe the worker should be paid the equivalent of 35 hours of his weekly wage.

Mr. Taylor: That is seven-eighths.

Mr. WILLIAMS: Roughly, yes.

Mr. Taylor: You intrigue me. Your amendments do not indicate this one way or the other.

Mr. WILLIAMS: I think they will. The sheet of amendments sent across to the Minister states 40 hours.

Mr. Taylor: Yes.

Mr. WILLIAMS: At the Committee stage I will move that it be 35 hours instead of 40.

Mr. Taylor: It does not imply that you agree a worker should receive a full wage. In fact it is the reverse.

Mr. WILLIAMS: We will argue that in Committee. The Minister tried to convince us that the full average weekly earnings would be the right amount for an employee to receive as compensation benefits and he said that this would not breed malingerers. He said—

The short survey we have been able to make has left us satisfied that the issue of malingering is one of minimal proportions . . .

Had the Minister carried out a short survey I think it would be proper to give us the benefit of that survey. He said nothing about it apart from mentioning the position in certain overseas countries, including New Zealand.

Mr. Taylor: I said what has been done overseas.

Mr. WILLIAMS: I thought the Minister would have carried out a survey and given us factual figures of assessment.

Mr. Taylor: Western Australians are not worse than people in other places.

Mr. WILLIAMS: These bald statements do not convince me or other members of the Opposition.

Mr. Jones: Should we not look at the experience of other countries where changes have been made? Is that unreasonable?

Mr. WILLIAMS: No, it is not unreasonable. However, members of the Opposition do not believe that 100 per cent. of the worker's average weekly wage should be paid in compensation. This is where we part company, because obviously members opposite do believe this.

Mr. Hartrey: What is compensation being paid for if it is not for loss of earnings?

Mr. WILLIAMS: We must take into consideration the fact that a worker is not productive at the time. The employer pays the premiums which cost a considerable amount depending on the type of industry. If a worker is not paid the average weekly wage, it would be some incentive for him to return to work and, possibly, for him to put the screws onto

his doctor by saying, "Get me back to work, because I want to receive my full wage."

Mr. Hartrey: That happens now in my experience.

Mr. WILLIAMS: In my experience there are one or two cases where it has happened.

The Minister said he will take the limit from these particular payments for workers' compensation. I believe we have the right system at the present time. The previous Government wrote into the Workers' Compensation Act that the board has the power, in certain cases, to extend these payments when it thinks it is necessary and an appeal is made by the employee to the board. I believe this discretion should be left with the board which will sort out malingerers from the genuine cases.

Mr. Hartrey: There are not any malingerers.

Mr. WILLIAMS: The board has proven itself capable of doing this.

I have dealt with the provision of the chairman being given the status, as we are now told, of a District Court judge.

The SPEAKER: Order! There is still far too much conversation.

Mr. WILLIAMS: Doubtless the Minister has a copy of the Act with him and I would like him to check a particular section, because I think the wrong line numbers are stated in the Bill. I refer to paragraph (e) of clause 8 on page 12 of the Bill which reads—

(e) by substituting for the passage beginning with the word "incapacity", in line three of paragraph (c) of clause 1 and continuing to immediately before the words "The total liability", in line sixty-five of that paragraph a passage as follows—

The Act I have is incomplete. I have Act No. 18 of 1970, which is a loose copy. However, in 1970, a number of lines were added to paragraph (c) of clause 1 of the first schedule. In counting the lines, I believe that line 65 may not be the right one. I have warned the Minister of this so that he may check it out between now and the Committee stage when he can give us some indication on this point.

Mr. Taylor: You let me know about this earlier.

Mr. WILLIAMS: Yes, but I thought I would bring it to the Minister's notice once again in case he had forgotten.

Percentage-wise, the increases in payments to be made under this legislation are all over the place. The Minister has suggested that one of the limits be taken from \$12,208 to \$15,000, which is roughly an increase of 22.8 per cent. In another

place in the Bill he has varied the increase to 9.9 per cent. In some other provisions, particularly those concerning children, the variation is as great as 130 per cent. Certainly these percentages seem to be all over the place. If it is the Minister's intention to lift them I think he should be consistent as far as the increased percentages are concerned. Obviously, he has not been consistent. Someone has thought of a figure or looked at a conspectus from the Eastern States and said, "That is not a bad one."

Mr. Taylor: They are not spread all over the place.

Mr. WILLIAMS: I have covered all I want to say at this stage of the second reading. My knowledge of this Bill is not complete. The Deputy Leader of the Opposition, who was the Minister for Labour in the previous Government, has a far greater knowledge than I, and, doubtless, he will add a few words to the debate. As far as members on this side of the House are concerned, we oppose the second reading of the Bill. The Minister has said it is a stop-gap measure. I hope he will withdraw the Bill, have it rewritten, and reintroduce it next year. In this way, many people would be saved a great deal of trouble and expense in chasing up the amendments and making adjustments to premiums. I strongly oppose the measure.

MR. O'NEIL (East Melville—Deputy Leader of the Opposition) [9.22 p.m.]: I trust the House will bear with me because of the condition of my voice. I have not been back in the State very long and I brought with me a cold from the Eastern States.

Mr. Davies: Did the Deputy Leader of the Opposition say "cholera"?

Mr. T. D. Evans: The Deputy Leader of the Opposition could do with workers' compensation.

Mr. O'NEIL: I was rather disappointed to find a Bill, as comprehensive as this, introduced in the dying hours of this session.

Mr. T. D. Evans: It is not dying.

Mr. O'NEIL: Maybe I am. It is true, as the member for Bunbury said, that much earlier this year I questioned the Minister as to whether he intended to set up a committee similar to that which was established by the previous Government for the purpose of reviewing the provisions of the Workers' Compensation Act.

Most members in the Chamber will recall that in 1969, or thereabouts, a special committee, after deliberating for a period in excess of 12 months, recommended to the Government of which I happened to be the Minister for Labour, that major amendments should be made to the Workers' Compensation Act.

The committee to which I refer consisted of representatives of the Workers' Compensation Board, of management, of labour, of Government, of State Insurance, and of private insurers. It was, in fact, an extremely comprehensive committee so that all people affected by variations and alterations in the Workers' Compensation Act would have a voice.

In fact, when the amendments were brought forward, with one minor exception, they consisted entirely of the recommendations of that committee. Not one of the committee's recommendations was abandoned by the Government. The Opposition of the day, which happens to be the Government of this day, made moves to have this particular committee created a permanent body and for provision for this to be incorporated in the Statute of the day. At least, it made recommendations to that effect.

It is more than passing strange that, when I asked the Minister much earlier this year whether he intended to create such a committee, he said, "No." Instead there was to be a Minister for Labour Advisory Committee to consist of the Under-Secretary for Labour—as I think he is now called—the Secretary of the Trades and Labor Council, and the Director of the Employers Federation. These three people were to be representative of Government, management, and labour, and one of their functions would be to review urgent amendments to the Workers' Compensation Act.

From questions asked yesterday by the member for Bunbury and the answers given by the Minister it is perfectly clear that the committee has not, in fact, given consideration to any amendments to the Workers' Compensation Act. All the amendments in the Bill before the House have emanated from the Industrial Committee of the Parliamentary Labor Party, from the Trades and Labor Council and, in respect of certain administrative procedures in the measure, I presume from the Workers' Compensation Board.

I ask the Minister now—and he can reply later—whether these amendments were submitted for consideration by insurers and employers. I do not think I need to wait for the answer, because I am quite certain it is "No."

The measure before us has been referred to by the Minister as a stop-gap measure pending a massive review of the legislation which is to commence next year. I do not believe this is the way to proceed with the preparation of legislation. The Government is attempting to include in the Act everything which has been demanded by the Trades and Labor Council and the Australian Labor Party. It will then say to a committee of review, "Have a look at this; sort it out; and make the wording simpler, because we now have all the principles we want embodied in the legislation." That is what is happening.



It is for this reason—and not because the Opposition believes that workers' compensation should not be kept under constant consideration—that we will oppose the second reading of the Bill. We suggest to the Minister that he should fulfil the Premier's undertaking in respect of workers' compensation. This was to have an adequate, fully-representative committee review the legislation. The Minister cannot deny that the measure before us is the product of the deliberations of the Trades and Labor Council and the Australian Labor Party; it is not the product of deliberations of industry and Government.

Mr. Taylor: The Labor Party is the Government.

Mr. O'NEIL: I am talking about the Australian Labor Party.

Mr. Taylor: All the members of the committee, to whom I referred in my answer, are members of the two Chambers.

Mr. O'NEIL: I will accept that statement. In any case, I still believe this is a tripartite arrangement and the Minister has left out the industrial section—the employer section—of the industry when giving consideration to these matters.

The Minister's speech appears to be rather lengthy. It consists of some 26 half-pages, 17 of which are so much emotive gobbledygook. The other nine refer briefly to the provisions in an extremely complex Act. Of the nine pages which refer to this complex Act, if the Minister cares to check his speech carefully he will see that some of his statements as to what the legislation purports to do are incorrect. I will quote two of them a little later as I go through his speech in more detail. The fact is that what the Minister stated in his speech notes is not precisely the same as the provisions in the amending Bill.

Of course, it is not the first time this has happened. The Minister referred to the fact that this Act has appeared on the Statute book in substantially its present form since 1947. Of course, the Workers' Compensation Act was originally introduced—

Mr. Taylor: In 1912.

Mr. O'NEIL: —in 1912, and it has been amended very considerably. Members of the Government, when in Opposition, were frequently critical of the fact that we, in Western Australia, had allowed our workers' compensation legislation to fall behind the legislation in the other States. The fact is, of course, during the 10 years from 1959 to 1969, during the term of the Liberal-Country Party Government, this Act came before Parliament for amendment on no fewer than 12 occasions. This is an average of more than once a year.

Mr. T. D. Evans: But for what purpose?

Mr. O'NEIL: The Bill has been amended many times.

Mr. T. D. Evans: For what purpose?

Mr. O'NEIL: I am glad the Attorney-General has reminded me he is in the Chamber because I will indicate once again that he is not aware of the provisions—not of this amending Bill but as outlined by the Minister in his speech with respect to the Chairman of the Workers' Compensation Board. The Minister said that the Chairman of the Workers' Compensation Board will be made a District Court judge.

Mr. T. D. Evans: I said there was a substantial difference.

Mr. O'NEIL: Let me refer the Attorney-General to the Minister's speech.

Mr. T. D. Evans: Read the Bill.

Mr. O'NEIL: It is not in the Bill. The Minister said—

I would also mention that it is proposed to amend the District Court of Western Australia Act to provide that the Chairman of the Workers' Compensation Board be made a District Court judge...

I will now ask the Attorney-General does he deny that the Government will amend the District Court of Western Australia Act to make the Chairman of the Workers' Compensation Board a District Court judge?

Mr. T. D. Evans: Read the Bill and you will get the answer.

Mr. O'NEIL: It is not in the Bill. Of course, it is not in the Bill. The Bill says he will have the status of a District Court judge, and his salary, leave, etc., will be the same. However, I repeat the comments made by the Minister during his second reading speech—

I would also mention that it is proposed to amend the District Court of Western Australia Act to provide that the Chairman of the Workers' Compensation Board be made a District Court judge...

Does the Government intend to do this? No answer, came the stern reply!

Mr. T. D. Evans: Ask the Minister.

Mr. O'NEIL: I am asking the Attorney-General.

Mr. T. D. Evans: This is the Minister's Bill.

Mr. O'NEIL: Who will amend the District Court of Western Australia Act?

Mr. T. D. Evans: I am not going to.

Mr. O'NEIL: The Attorney-General does not intend to make the Chairman of the Workers' Compensation Board a District Court judge?

Mr. T. D. Evans: Read the Bill—it tells you what the Government's intention is.

Mr. O'NEIL: Is not this the Government's intention, as expressed by the Minister?

Mr. T. D. Evans: No, the Bill.

Mr. O'NEIL: What about the Minister's speech? I would like an assurance from the House that either the Minister's remarks are correct or incorrect.

Mr. Graham: Wait for the Minister's reply.

Mr. T. D. Evans: What the Bill says is right.

Mr. Hartrey: The Minister's speech is not the subject before the House. That is the proposed Act to amend the Workers' Compensation Act.

Mr. O'NEIL: I gather from that comment that the Government has no intention of making the Chairman of the Workers' Compensation Board a District Court judge.

Mr. Hartrey: That is what the Bill says.

Mr. O'NEIL: I think the member for Boulder-Dundas would get his front bench into less trouble if he said less.

The Minister in charge of the Bill is responsible for his own speech in which he quite clearly and unequivocally stated it is the Government's intention to amend the District Court of Western Australia Act so that the Chairman of the Workers' Compensation Board is made a District Court judge.

Mr. Hartrey: This is not a Bill to ratify the Minister's speech.

Mr. O'NEIL: What about the Minister?

Mr. Taylor: The Minister will make a comment when he gets up. It is patently obvious what has happened. I will explain it to the House when I reply to the Bill.

Mr. O'NEIL: The Minister will have to apologise for giving the House incorrect information.

Mr. Taylor: That is right.

Mr. O'NEIL: We have now been advised that the Minister's speech is incorrect. This is one instance where the Minister has made an inaccurate statement not only in the general preliminary remarks to a Bill but also in stating what purports to be the purpose of the Bill.

Mr. J. T. Tonkin: I think the purpose of the Bill is plain enough.

Mr. O'NEIL: Oh, yes, I am not objecting in that regard. We have looked at the Bill and the Bill says that the Chairman of the Workers' Compensation Board shall be given the status, salary, leave, and general conditions of a District Court judge. However, we are concerned because there is provision in the Bill to allow someone to act in his stead. We want to know whether the person who acts in his place when the chairman of the board is away on sick leave or holidays will be a

District Court judge, or whether he will be a person with the same qualifications as the chairman.

The Minister referred to this and said that the proposition to create the Workers' Compensation Board as a court under the District Court of Western Australia Act was put forward by the previous Minister, and the creation of the chairman of the board as a District Court judge was the proposal of the previous Minister. This is true, but as the Minister also said, the proposal was not proceeded with. The Minister implies, and in fact states, that the Government would like to carry out what I believed—when I was Minister—to be the right thing in respect of the Workers' Compensation Board.

It is already a court of record, of course, but it was desired to give it the true status of a court and have it presided over by a District Court judge. This would assist considerably in providing temporary relief for the chairman of the board because at the moment there can be no deputy.

The other two members of the board are representative, one of management and one of labour. If either of these gentlemen were appointed as acting chairman of the board, he would have to be replaced by a deputy and the board would be out of balance.

Mr. T. D. Evans: Would the Deputy Leader of the Opposition indicate why he did not proceed with the plan he has outlined?

Mr. O'NEIL: I presume that the Attorney-General is a member of the Cabinet?

Mr. T. D. Evans: Yes, but I have not read this particular file.

Mr. O'NEIL: I am sure the Attorney-General has put forward certain propositions which have not been accepted. I am not always right—maybe the Attorney-General is.

Mr. T. D. Evans: You have answered me.

Mr. O'NEIL: Many propositions put forward by Ministers do not receive the general consent of Cabinet.

Mr. T. D. Evans: You have answered me.

Mr. O'NEIL: In his second reading speech to this Bill, the Minister implied that he had achieved what I had been unable to achieve. However, I find now that this is not so.

Mr. Taylor: Maybe I found the same trouble.

Mr. O'NEIL: That could be so, but the Minister should check his speech more carefully before he addresses the House.

The Minister referred to the fact that the philosophy of compensation has changed considerably. The basic philosophy in respect of workers' compensation is compensation for loss of earning capacity due to an injury sustained during a man's avocation. That is a simple and basic philosophy, but a long time ago and continuing from time to time we have had intrusions of other aspects of compensable defects which have found their way into Workers' Compensation Acts in many States and many countries.

I believe that when the Minister reviews the situation he should do what I found almost impossible to do—separate the real issues of compensation for injuries caused at work which reduce a man's earning capacity and those injuries caused at work which, in fact, do not reduce the man's earning capacity but are a social and a serious social disability. I believe these two matters should be separate. In some States—and I think one of these is New South Wales—this is so. There is compensation for industrial accidents *per se* which compensates a man for loss of earning capacity, and there is a sphere of compensation for those injuries which occur and which do not reduce the man's earning capacity but reduce his capacity for enjoying a full and complete life.

I will give an example of this, although it is probably not the best example. Pneumoconiosis is one such compensable disease rather than an injury. It is difficult to assess, of course, to what extent pneumoconiosis limits a man's earning capacity. A man may have pneumoconiosis and earn as much money as if he did not.

Mr. Hartrey: If he wants to die, yes.

Mr. O'NEIL: I agree. I said this is probably not the best example. Pneumoconiosis is a progressive disease and its effects are felt more severely as the disease develops. A man suffering from this disease will get progressively worse even if he leaves the industry.

One of the difficulties experienced with workers' compensation is in respect of loss of hearing through industrial noise. I understand that some Workers' Compensation Acts provide only for compensation for loss of hearing on the worker's retirement. His inability to enjoy normal social amenities is assessed and compensation is awarded on that basis. However, in many cases, his loss of hearing does not reduce his income-earning capacity in the industry which occasioned the complaint.

Mr. Hartrey: Yes it does. It makes him a danger to his workmates when he cannot hear.

Mr. O'NEIL: I agree, but the point I am attempting to make is that a change of philosophy has intruded into the basic philosophy of workers' compensation—what we may call social disabling diseases

are now compensable. The line of distinction between an affected earning capacity and a social incapacity is extremely difficult to define. In my view it ought to be within the wit of man to separate these two. The worker must still be covered with workers' compensation, but we must determine a method to establish the degree of loss of social capacity.

One of the problems in respect of determining compensation for hearing loss is the difficulty to determine the man's hearing capacity prior to entering the industry. If the board is asked to compensate a man for a 50 per cent. loss of hearing it must know what his capacity for hearing was before he started work. This would involve every man being tested before he commences work in a factory. He would then be retested in a certain time to determine if he has any hearing loss. The percentage loss would then have to be related to something else in order to make an award.

The Noise Abatement Bill, which I presume left this Chamber while I was away and is now in another place, provides for the establishment of a technical committee to create and state certain acceptable noise levels.

Mr. Hartrey: Loss of a man's hearing has always been regarded as compensable if it renders him unfit for work in which his deafness might endanger his workmates.

Mr. O'NEIL: This is so. As I say, it is not really a change of philosophy. It is really an intrusion of different principles in respect of workers' compensation. If members will think about this, they will realise that decisions in this matter are extremely difficult.

A worker who suffers loss of hearing because of what I would call a contact accident—a hit over the back of the head with a piece of machinery—will be compensated for any hearing loss incurred as a result of the accident. However, if a worker's hearing loss is due to excessive industrial noise, it is very difficult to lay down standards of compensation. The percentage loss must be measured, and to do this we must know his hearing capacity before he entered the industry. When we have determined the loss of hearing, we must equate some measure of compensation for that loss. If, as the honourable member mentioned, the loss of hearing affects his earning capacity, and possibly even endangers some of his workmates, he will be compensated.

Men working in very noisy industries—and I have seen this system operating in sawmills—use hand signals instead of their voices. By this means they indicate the width or length of a piece of timber.

I am not being callous about this; I am attempting to be pseudo-scientific. Loss of hearing to a man constantly employed on

the twinsaws in a timber mill would not affect his earning capacity at all, but it would certainly affect the extent to which he enjoys life.

Mr. Hartrey: That is so.

Mr. O'NEIL: It may well be that this is the type of case I mentioned previously where the man receives compensation on retirement for loss of the capacity to enjoy life. These are some of the many problems which arise.

Among the Minister's notes was the comment that the community should pay compensation for the loss of capacity of a worker within the community.

Mr. Taylor: As it does now.

Mr. O'NEIL: Yes, as it does now. Of course, the argument is that the insurer pays and that in turn the employer pays by way of premium and then he, in turn, because of an increase in his operating costs, lifts the price of his product. So, finally, it is the community that always pays. We often hear the expression that it is the woman who always pays and that she represents the better part of our community. So we have to accept that any increase in compensation—I almost said benefits, but I do not agree that compensation is, in fact, a benefit—must, of course, by a process of “passing the buck,” ultimately fall on the shoulders of the ordinary citizen and taxpayer to pay. If the taxpayer is prepared to accept that, that is quite all right, but there will be complaints made along the line as section after section of industry passes the costs on. There will always be the request that they should be absorbed somewhere along the line, but this appears to happen very rarely.

I made an interjection in reference to some of the people who have made some inquiries as to an increase or otherwise of malingering if the benefits of the Workers' Compensation Act were increased to 100 per cent. of the weekly earnings. I mentioned that some perceptive damsel had proved this to be so. The Minister then said that a lady by the name of Freda Young, a student of the British social service, had considered this question and came down with a certain decision. How does the Minister know she was a perceptive student?

Mr. Taylor: That was the actual quote taken from a report by the New Zealand Commission. It was a long quote which included quotes from various reports from Canada and the United Kingdom. I am referring to the words used by Mr. Justice Connabear.

Mr. O'NEIL: I mentioned that the first part of the reference to full compensation is a lot of gobbledegook, and to prove my words I will now quote from page 5 of the Minister's speech notes. At the top of

page 5 there is a continuation of a question that the Minister posed and he then goes on to say—

Our answer is that if such a person should become the chance victim of socially acceptable activity it would be wrong to leave him to make drastic adjustments in his standard of living merely to pay lip service to egalitarian doctrines unneeded by any economic consideration.

As an exercise in English, I ask the Minister to paraphrase the expression and tell me what that means. As far as I am concerned it is just a lot of gobbledegook. There may be some misprints in it which, if corrected, would make it intelligible, but I cannot understand what it means. However, I quoted that to introduce a little levity to a situation which is far from humorous.

If the Minister ultimately determines that he will proceed with the Bill, I think we will be covering the great majority of these matters in Committee, so I propose to refer only to those questions where I believe the Minister's speech does not tally with the provisions of the amending Bill. For example, when referring to the matter of annual and long service leave he said—

The addition of section 12C will allow for the continuation of the accrual of long service and annual leave entitlement during any period of incapacity.

On the face of it that statement looks reasonably correct and fair. It is a fact that at the moment when a worker is on leave his period of leave is counted when calculating his next leave period. In other words, if a worker goes on one month's leave on the 1st January, he is entitled to his next one month's leave commencing on the 1st January of the following year, so whilst he is on leave he is accruing his next period of annual leave. So on the face of it this compares reasonably accurately with what the Minister said. However, the addition of section 12C does much more than that. In fact, it will create a situation where the worker receives double pay if he happens to be on compensation over a leave period. Also, if the worker happened to be on compensation and he applies for leave he would get double pay.

I am wondering whether this is what the Minister intended. It could be that a man is on compensation for a fortnight, so he says to his boss, “I will take a fortnight of my annual leave whilst I am on compensation,” and if he does so he will get double pay. The same will apply with the provisions contained in section 12D which relates to ordinary statutory holidays. There is some provision in awards that already caters for this. The Bill really provides something quite different from what the Minister has said in his speech

notes; namely, that the addition of the new section simply allows the leave to be taken during the period whilst a worker is on compensation.

Mr. Hartrey: What happens if a man breaks his leg?

Mr. O'NEIL: I do not know. I am only pointing out that what the Minister says in his speech notes does not tally with the provisions in the Bill. So the Minister may care to check that point.

Another provision in the Bill deals with the weekly payments made to a worker for total or partial incapacity. This is to be found in proposed new section 12A set out in clause 6 of the Bill. The Minister refers to the employer having to provide suitable employment for a partially incapacitated worker. In his speech notes the Minister said—

This is to make provision for the employer to provide suitable re-employment opportunity, if available, which should hopefully reduce part of the misunderstandings that flow from the current provision.

I do not know why the Minister added the words, "if available," because if he looks at the Bill there is no provision that the worker will be provided with light duties, "if available." It says quite categorically that the employer should put a man on light duties and, if he does not, the man will be regarded as being totally incapacitated and will receive full compensation.

Mr. Hartrey: Do you object to that?

Mr. O'NEIL: No, but what I am pointing out is that the Minister's notes do not conform to what is in the Bill.

Mr. Hartrey: Yes they do.

Mr. O'Connor: The member for Boulder-Dundas should help the Minister prepare his notes again.

Mr. O'NEIL: I did suggest that the member for Boulder-Dundas should keep out of this argument, but he is the only one who knows anything about workers' compensation. I am merely pointing out the inconsistency between the Minister's speech notes and the provisions in the Bill.

The Minister's statement that the Government intends to amend the District Court of Western Australia Act in order to make the chairman of the board a District Court judge is a shocker. This makes it all the more difficult to examine the legislation introduced by the Government, but this is what happens. I admit this Bill was introduced last Tuesday week when I was not present. The first time I saw it was yesterday morning, and I have had only a limited period of time to examine it.

If we cannot rely on what the Minister's speech notes say about the Bill it makes the measure all the more difficult to understand.

Mr. Hartrey: You have to read the Bill in association with the notes.

Mr. O'NEIL: I have tried to do that, but it is extremely difficult to read the Bill. The parent Act is not available. The copy I have in my hand happens to be a photostat copy which I obtained from the Clerks. We also have two amendments that were made in 1970 and we have not had time to incorporate them in the parent legislation. The staff of the Parliament has done an excellent job in making these photostat copies of the Act available to us, because 95 pages had to be copied and provided in sufficient numbers to enable members to study the Act. With the Bill being introduced at this late stage and with relatively little or no time to study it in conjunction with the parent Act, it is no wonder it is difficult to understand.

It astounds me that copies of the Act are not available to members, because this legislation is used a great deal by many people. However, it may well be that having received word that the Minister intends to introduce a completely new Act, the Government decided it would not reprint the existing legislation. However, I am wondering whether we will in fact see a new Workers' Compensation Act next year.

The Minister has already advised us that he proposes to move some amendments to add some additional injuries or handicaps for which compensation may be paid. These appear on page 25 of his speech notes. Perhaps someone much older than we are will have to determine what percentage of compensation will be payable to workers of different ages for injuries which occasion permanent loss of capacity to engage in sexual intercourse. We hope that the member for Boulder-Dundas may be at that age that would probably raise our hopes for some years to come.

As I have mentioned, this Bill is essentially a Committee measure. We propose to oppose the second reading of the Bill, not because we do not believe there is a warrant for a continuing review of worker's compensation provisions, but because we are of the opinion that we cannot agree to these amendments at the request of one side of industry concerned with workers' compensation at a point where the Minister has announced that the legislation will be completely reviewed. Also, in face of the fact that he told us earlier this year that a special committee had been set up to advise him on the matter, I would point out that we have been told that that committee did not consider the Workers' Compensation Act at all.

For these reasons we on this side of the House will oppose the second reading, and if the Bill is read a second time we intend to amend it substantially during the Committee stage.

**MR. JONES** (Collie) [9.57 p.m.]: The attitude adopted by the two members who have already spoken is of no surprise to me.

**Mr. O'Neil**: You must have written that bit before I spoke.

**Mr. JONES**: Did I interject whilst the Deputy Leader of the Opposition was speaking? During the course of the submissions put forward by those two members I did not hear them say much in favour of the Bill. The Bill was criticised and, in fact, the action taken by the Government at this stage was also criticised.

I agree completely with the amendments contained in the Bill. For some reason, the Deputy Leader of the Opposition has certain reservations in regard to it, and it is quite clear that the member for Bunbury is not happy with many passages in the legislation because we have had prior notice of his intention to move 31 amendments to the Bill at another stage.

**Mr. Williams**: Many of which will be consequential.

**Mr. JONES**: I view the position in the same light as I saw it in 1970. If members will refer to the speech I made on Tuesday, the 17th April, 1970, they will see that many amendments contained in this legislation were debated by me at that time. Due to my industrial experience I found that the Workers' Compensation Act of Western Australia—and this is still the situation even in the short time I have been a member of Parliament—is nowhere near in line with similar legislation in other parts of the Commonwealth. Of course, with reference to my speech, it was argued that this was the point of view I held at that point of time.

In line with his policy speech, the Premier has now introduced consequential amendments to the Act. He promised these amendments would be introduced on the Labor Party becoming the Government. This point has not been raised by previous speakers, but if we look at the position perhaps we could ask ourselves: How do workers in this State compare with their counterparts in other States in regard to workers' compensation benefits? Following this, should we care to make a study of the situation it would be found that we are well behind the other States of the Commonwealth and this has been the position for some years.

I hold the view that compensation should be a national and not a State issue. We have the situation where taxation is a Commonwealth issue, and I subscribe to the principle that workers' compensation, superannuation, and many other benefits which apply to workers should be looked at on a national instead of a State basis. There is good reason for this because in many instances the wage-fixing tribunals depend largely on Federal determinations for the fixing of wages. That is why I adopt this attitude.

When the Minister introduced the Bill he clearly indicated that a survey had been carried out in the United States by the Department of Health. The results of that survey showed that we were well behind the other States of Australia. It is clearly shown that New South Wales, Tasmania, Queensland, and South Australia enjoy far greater benefits than do the workers in Western Australia. Our workers have lagged behind for some time, so is it any wonder that the Labor Government has taken the initiative in an attempt to improve the standard of the workers, and bring it onto the same plane or the same basis as that enjoyed by workers throughout the rest of Australia? I do not think any Labor Government could be blamed for taking such positive action.

As an example, I will quote the instance of two workers working side by side, with one on the South Australian side of the border and one on the Western Australian side. The stupidity of the situation is that both workers could be doing the same work but the worker on the South Australian side of the border would enjoy far greater benefits, so far as workers' compensation is concerned, than the worker on the Western Australian side. I applaud the Government for its initiative in attempting to bring about increased benefits for the Western Australian workers, to which they are entitled.

**Mr. Williams**: Not to the extent of the State having to pay 100 per cent. compensation.

**Mr. JONES**: I suggest the member for Bunbury check the records so that he will find out how wrong he is. Action has been taken in the other States.

**Mr. Williams**: It is not shown in the conspectus, which was only recently made available.

**Mr. JONES**: Maybe. The member for Bunbury indicated that make-ups are already working in some States of the Commonwealth, in some Commonwealth departments, and in some companies. We have a system of make-up but I support the principle of an average wage. There is ample evidence available to demonstrate that average wages should be introduced.

I think the anomaly is clearly indicated in the industry from which I came. I will refer just briefly to the position in the coalmining industry where we have many examples. No doubt the member for Boulder-Dundas has witnessed similar situations to those which I will outline. I refer to the case of a man working underground where there could be a fall of earth. He could receive a blow from a piece of coal falling from the roof of the mine, and be out of work for a period of up to 12 months. His injury would not be his fault, and perhaps it could be argued

that it was not the fault of the company for which he worked. However, the mere fact that the worker was injured whilst carrying out his normal occupation means that he is penalised under the present provisions of the Act. It is unreasonable to suggest that that man and his family should have to exist on approximately half his normal wage.

Members of this House live to a certain standard and if I were to suggest to them that they try to live on half their salary, I suggest there would be considerable opposition. However, we expect the workers in Western Australia to be able to survive while living at a far lower level than normal. I think that is completely unjust.

Numerous examples could be quoted. I could get away from coalmining and mention the case of a road worker who could be burnt by tar as a result of a pipe bursting. That worker and his family would be penalised and that is completely unjust. The legislation now before us will remove those anomalies and give the workers some justice to which they are entitled.

The member for Bunbury mentioned the effects of the proposed amendments. However, it will be recalled that when the Minister introduced the Bill he indicated that history showed that where this type of legislation had been introduced in other parts of the world the number of persons receiving workers' compensation did not increase.

Mr. Williams: The quotes mentioned by the Minister were mainly supposition.

Mr. JONES: The Minister was able to supply the information from an authoritative source and related the experience gained in other parts of the world where this particular policy has been applied.

Mr. Williams: But that authoritative source was based on supposition.

Mr. JONES: The member for Bunbury has already had his say and he can now think what he likes. So far as I am concerned this is the situation as I see it. It will be appreciated that I whole-heartedly support this legislation. As I have said, I do not think that any member in this Chamber would like to have to survive on half his salary if he were injured and put on compensation. If I were to call for a show of hands I know that such a suggestion would not be supported. However, we—the legislators of Western Australia—expect our workers to survive on half their wages when they are injured, and that is completely unjust. The provision to increase workers' compensation is justified, for the reasons I have outlined.

During his second reading speech the member for Bunbury indicated that he opposed the lifting of the maximum sum payable to \$15,000. He did not give any reasons.

Mr. Williams: I did.

Mr. JONES: Pardon me; he did not make any comparisons with regard to what is going on in other States. If we examine the situation we find that a sum of \$15,000 is payable in South Australia.

Mr. Williams: No, it is not; it is \$12,000.

Mr. JONES: I suggest the member for Bunbury check the records.

Mr. Williams: The member for Collie should look at page 44 of the conspectus. He is referring to the maximum.

Mr. JONES: I suggest the member for Bunbury should check the records. An amendment to the Commonwealth Act will provide for compensation of \$14,500. That is ample evidence for me. The Minister is attempting to bring the payments available to workers in this State into line with the payments which are paid in the other States of the Commonwealth. I cannot see why there should be any strong opposition to this amendment.

Mr. Taylor: In South Australia the payment is \$15,000, or a maximum of six years' wages.

Mr. Williams: And in other cases, it is \$12,000.

Mr. JONES: I was very pleased to see the inclusion of the disability of industrial deafness. The Deputy Leader of the Opposition indicated that this would present some problems. Of course, problems must be paramount these days, but I do not think they are insurmountable. The Deputy Leader of the Opposition indicated that a worker, on being employed, would have to submit to a test so that his level of hearing could be ascertained. However, there are so many instances of boiler-makers' deafness and deafness in the mining industry—and in factories—that there is need for the insertion of this provision in the Act. Many men have suffered industrial deafness in the past but they have not been compensated.

I was also very pleased to see a provision for the payment of compensation for disfigurement. At the present time compensation is not paid for disfigurement unless it interferes with one's way of life. If one is an artist, or in a similar type of calling, there is provision for payment. However, the average worker in the coalmining industry or the goldmining industry is not covered. A miner could suffer disfigurement to his face because of a misfire, but he would have to carry the scars with him for the rest of his life and receive no payment of compensation. This is an excellent amendment. The other matters referred to by the Deputy Leader of the Opposition will be applauded by the trade union movement.

The allowance for damage to a worker's clothing is another proposal which the member for Bunbury opposes. I cannot understand his attitude to this matter.

Surely if a worker is injured and his clothing is damaged it is reasonable to expect that his clothing should be replaced. That is logical. When a man is injured and his clothing is damaged it is reasonable that replacement should be made. Of course, workers' tools are lost. I think we have had examples of where tradesmen have been injured and their tools have been lost, and compensation has not been paid for the tools. I fail to understand why the member for Bunbury should express opposition to the amendment. He has already indicated that he intends to move for the deletion of this provision from the Bill.

The definition of travelling from place of residence, for coverage by compensation, will be extended to provide for men who live in camps. The extension of the definition will overcome some of the anomalies which have been experienced by members of the trade union movement for some time.

In the case of hernia, restrictions apply to the payment of compensation. It is intended, through the provisions of the Bill, to cover all forms of hernia, but I have noticed that this provision might suffer another fate because it does not meet with the wishes of the member for Bunbury.

I understand that Western Australia is the only State which applies restrictive qualifications so far as hernia disabilities are concerned. That information was supplied to me after a searching inquiry. I understand that restrictions do not apply in relation to hernia in any other State in the Commonwealth. If such a situation exists in the other States, why cannot the workers in this State enjoy the same conditions?

I notice that it is also intended to alter the definition of "wife," especially in relation to the *de facto* provision. As I pointed out in 1970, we have the anomalous situation where the Commonwealth will recognise a *de facto* relationship and pay compensation provided the relationship can be established whereas the same provision does not apply under the Workers' Compensation Act.

Mr. O'Neil: Those provisions are in the Act at the moment.

Mr. JONES: It is intended to extend the definition in relation to a *de facto* wife, and this will also meet with the general blessing of the trade union movement.

I think the member for Bunbury mentioned the clergy, and referred to the Church of England. Apparently that is his calling and that church is to receive his blessing.

Mr. Williams: No it is not; I am a Presbyterian. However, the Church of England requested the provision.

Mr. JONES: It is intended to extend the Act to cover the clergy of the Church of England. I do not think the members of the clergy sustain many injuries but at least compensation will be available.

Mr. Williams: If riots are to take place in churches they may need it!

Mr. JONES: The Deputy Leader of the Opposition referred to the need for some clarification of long service leave and annual leave whilst on compensation. I believe that some awards already contain this provision. I know that the coalmining awards have a period of four months during which workers are still eligible for leave.

A point was taken by the Deputy Leader of the Opposition that the speech delivered by the Minister differed from the requirements of the Bill. Here, again, we have the principle where a man is injured not as a result of his own fault. Why should he be denied his entitlement to long service leave? While receiving compensation he is still in the employ of the company concerned although he is paid from another source. His employment is not terminated. I fail to see any reason why his entitlement to long service leave and annual leave should not carry on. If his services are terminated that is a horse of a different colour but whilst the man is still on compensation, and still on the books of the company, he should be eligible for long service leave and annual leave entitlement. There is a very good reason for suggesting that benefits should be payable whilst a worker is in this position. The same applies to public holidays. I believe this is already in operation in other States of the Commonwealth, and all we are doing is following the pattern set by other States where the conditions are much better than those prevailing in Western Australia.

Mr. Williams: Is the Government always going to follow other States in its legislation?

Mr. JONES: Someone must make the break. Why not Western Australia? Would the member for Bunbury not be proud to be able to say Western Australia has the best Workers' Compensation Act? Whilst we are suggesting some new provisions in this Bill, in the main we are only asking that the payments to workers in this State be brought up to the standard enjoyed by their counterparts in other States. I have given very close attention to the Bill. If the honourable member does likewise, he will find that is what we are doing. It is true we are introducing some new principles but as regards many of the amendments all we are doing is seeking to lift the standards of workers in Western Australia to those enjoyed by their counterparts in other parts of Australia.

Mr. Williams: What if the companies increased their prices because of costs?



Mr. JONES: Having been an industrial advocate before I came here, I know that is always the cry of the employers. In my 17 years' experience as an industrial advocate, I do not remember once going into court when the employers' advocate did not put forward the proposition that the companies did not have the ability to pay. That situation will continue after our time.

Mr. Williams: And you ask for twice as much as you expect to get.

Mr. JONES: I did not act in that way. I asked for an amount which I thought we might have a reasonable chance to obtain.

It will be appreciated that I applaud the Bill. I will make further submissions during the Committee stage. I am concerned about all the amendments contemplated by the member for Bunbury but, irrespective of the views of members on the other side of the House, what we are mainly attempting to do through this legislation is give the workers of Western Australia the same conditions whilst on compensation as their counterparts in the other States of the Commonwealth enjoy.

Debate adjourned, on motion by Mr. Hartrey.

*House adjourned at 10.18 p.m.*

## Legislative Council

Thursday, the 16th November, 1972

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

### QUESTIONS (4): WITHOUT NOTICE

#### 1. FIRE BRIGADES BOARD

##### *Contributions*

The Hon. A. F. GRIFFITH, to the Chief Secretary:

During yesterday's sitting of the Council I drew the attention of the Chief Secretary to an incorrect Press report of the proceedings in this Chamber in relation to the fire brigades Bill.

I asked the Chief Secretary whether he had seen the report, and whether he had taken any action to correct the impression which was given. I also asked that if he had not taken any action, would he do so.

The Chief Secretary answered me by saying that he had read the report; that he would re-read it; and make up his mind on the action he would take.

Would he acquaint me, please, with the action he intends to take?

The Hon. R. H. C. STUBBS replied: I have again read the report which appeared in *The West Australian*. The way I read it I cannot see any harm in it. May I repeat: I cannot see any harm in it. It reads as follows:—

The State Government faces a revenue loss of about \$680,000 because of rebuffs to Budget proposals.

The article continues—

The Legislative Council last night amended a Budget Bill which sought to reduce the Government's contributions to the operation of the W.A. Fire Brigades Board.

The report continues—

Earlier this month the Government reversed a decision to increase by half of one per cent., the turnover tax for on-course bookmakers.

The reversal was influenced by strong representations from bookmakers and racing and trotting bodies. The increase would have yielded the Government an extra \$500,000 a year.

Well, that did not happen in the Legislative Council.

The Hon. A. F. Griffith: So the report was incorrect?

The Hon. R. H. C. STUBBS: It depends on the way it is read, in my opinion.

The Hon. N. McNeill: Was the Fire Brigades Act Amendment Bill a budgetary Bill?

The Hon. R. H. C. STUBBS: I am replying to Mr. Griffith, as I see the situation, not as the member opposite tries to make me see it. Therefore, I think the part about the loss of \$180,000 is correct. The other part refers to the reversal of the Government's decision to go on with the bookmakers' tax. That was not pulled out by the Legislative Council; it was action taken by the Government. I still cannot see anything wrong with it, and I do not intend to take any action.

#### 2. FIRE BRIGADES BOARD

##### *Contributions*

The Hon. A. F. GRIFFITH, to the Chief Secretary:

Would I be correct in assuming, as a result of the reply given to my last question, that the Chief Secretary does not mind incorrect reporting in the Press, particularly when it favours the Government?