ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL (No. 2)

Report

Report of Committee adopted.

RACECOURSE DEVELOPMENT BILL

Report

Report of Committee adopted.

PARLIAMENTARY COMMISSIONER ACT AMENDMENT BILL

Second Reading

Debate resumed from the 15th September.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [5.20 p.m.]: The Opposition has no wish to oppose this Bill. When the ombudsman is mentioned, however, we have always to consider how we can achieve the objective of jurisdiction over the Police Force.

However, this is perahps a matter for the Opposition to decide when it is sitting on the opposite side of the House. Possibly then it will be able to achieve its objective. I repeat we have no objection to the Bill as it stands.

THE HON. N. McNEILL (Lower West—Minister for Justice) [5.21 p.m.]: I wish to acknowledge the support the Opposition has given to the second reading of this Bill.

In commenting on the remark made by the Hon. Grace Vaughan in relation to the Police Force, I would remind her and the House that on the occasion when this matter was previously debated it was the Minister for Police of the day in this House (Mr Dolan) who, in fact, crossed the floor to vote against the decision.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 5.24 p.m.

Legislative Assembly

Tuesday, the 21st September, 1976

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

QUESTIONS (13): ON NOTICE

1. TRAFFIC

Lake Grace-Lake King Road: Widening

Mr GREWAR, to the Minister for Traffic:

(1) Have there been recent vehicle counts made on Lake Grace-Lake King road?

(2) Could he provide these figures?

(3) What traffic densities are necessary for the bitumen strip to be widened from 12 feet to 20 feet?

(4) If the traffic densities do not warrant widening the entire length of this road immediately, could consideration be given in the current financial year to widening at least the crest sections where visibility is limited?

Mr O'CONNOR replied:

(1) The latest counts were taken in February, 1971.

(2) Traffic density varied from 158 near Lake King to 220 near Lake Grace. There is a permanent count station located between Dumbleyung and Lake Grace and from data obtained from this station it is estimated that there has been no increase in traffic on the Lake Grace-Lake King section since 1971.

(3) The present traffic using the road meets the warrants for widening of the seal to a 2-lane pavement. However, other factors such as the condition of the seal and shoulders, the topography and alignment of the road and, most importantly, the availability of funds also influence a decision regarding priority for the work.

(4) In view of other very pressing demands for scarce road funds it is not possible to make funds available to widen crests during this financial year. A detailed investigation to assess the need for widening will be undertaken and consideration given to funding the work next year.

2. INDUSTRIAL DEVELOPMENT

Steel Mills: Nuclear Power

Mr A. R. TONKIN, to the Minister for Industrial Development:

(1) Is he aware of a report in the *Australian* of 25th June which alleged that CRA and Hamersley Holdings Ltd. are in favour of using nuclear power in mini steel mills?

(2) Is the technology available for such an operation?

(3) Is it the Government's policy that such an operation would be acceptable in Western Australia?

Mr MENSAROS replied:

(1) Yes, I read the report. However, it would be incorrect to misconstrue the report and to conclude that CRA and Hamersley Iron are in favour of using nuclear power in mini steel mills. Use of nuclear energy and mini steel mills are not necessarily connected.

(2) Mini steel mills use orthodox technology of electric furnaces. Use of nuclear energy for reduction of iron ore is being developed overseas.

(3) This is a hypothetical question at present. The Government will study the matter when technology is developed to a stage where use of nuclear energy for production of metallised agglomerates or steel is a viable development option.

3. ENVIRONMENTAL PROTECTION
Steel Mills: Nuclear Power

Mr A. R. TONKIN, to the Minister for Conservation and the Environment:

Is it the policy of the Government that the use of nuclear power in mini power mills (as referred to in the *Australian* of 25th June) is environmentally acceptable and safe?

Mr P. V. JONES replied:

I assume that the member is referring to mini steel mills since that was the term used in the newspaper referred to. The Government has not formulated a policy on the use of nuclear power in mini steel mills, since the two are not necessarily related.

4. ENVIRONMENTAL PROTECTION
South-West Study: Stirling Associates

Mr A. R. TONKIN, to the Minister for Industrial Development:

(1) Has Stirling Associates been commissioned to study the south-west?

(2) If so—

(a) what are the terms of reference of the study;

(b) what is its cost;

(c) when is the final report expected?

(3) Will the text of the report be released to the public?

(4) By what process was this particular firm selected for this task?

Mr MENSAROS replied:

(1) Stirling Associates has been commissioned not by the Government but by the South West Regional Development Committee to undertake a preparatory study.

(2) (a) In general terms the preparatory study is aimed at determining the nature of land use conflicts and the effectiveness of the present administrative mechanisms.

(b) $3 000.

(c) In about three months.

(3) The South West Regional Development Committee has yet to consider this matter, which is its decision and the Government is not interfering with the committee's initiatives and decision making.

(4) The South West Regional Development Committee made the selection.

5. CARINE AND KWINANA TECHNICAL SCHOOLS
Construction and Enrolments

Mr TAYLOR, to the Minister representing the Minister for Education:

With respect to the proposed Carine Technical School:

(1) When was the decision made to proceed with its construction?

(2) What is the suggested cost of the first stage?

(3) What fund allocation has been made for the 1977-78 financial year?

(4) Is it intended to begin construction prior to beginning construction of—

(a) the Kwinana Technical School;

(b) the Boulder (or Kalgoorlie) Technical School?

(5) What are his department's estimates of those students likely to be catered for if—

(a) the Carine;

(b) Kwinana,

technical schools were available for enrolments at the beginning of the 1977 school year?

Mr GRAYDEN replied:

(1) Tenders have not yet been called for this project and a construction date cannot be given.

(2) $4.5 million.

(3) $100 000 will be allocated in the 1977-78 financial year to complete the planning of the new school. Until such time as a contract is let it is not possible to indicate the expenditure on the construction work.

(4) (a) Yes.

(b) Not known. This matter is subject to advice by the WA Post-Secondary Education Commission.

(5) (a) Initially 1 500-2 000.

(b) Initially 1 000-1 500.

6. SCHOOL AT SPEARWOOD

Establishment

Mr TAYLOR, to the Minister representing the Minister for Education:

Has the Minister's department established by estimate the year that the Norton Road, Spearwood, school is likely to be commenced?

Mr GRAYDEN replied:

No definite year of establishment has been projected for a school to be constructed on the primary school site in Newton Street, Spearwood.

7. CARINE AND KWINANA TECHNICAL SCHOOLS

Allocation of Funds

Mr TAYLOR, to the Minister representing the Minister for Education:

In the light of the Minister's advice that $400 000 plus would be allocated this financial year towards the construction of the Carine Technical School, would the Minister advise whether a technical school is still listed in the 1976-77 State Loan Fund programme for the Kwinana area?

Mr GRAYDEN replied:

The matter has been deferred.

8. WOOL

Shearing

Mr GREWAR, to the Minister for Agriculture:

(1) Have there been any controlled experiments in Australia or New Zealand comparing the efficiency of wide combs against standard combs on shearing handpieces?

(2) If "Yes" then—

(a) was it found that sheep could be shorn faster;

(b) was there a greater incidence of shearing cuts;

(c) what are reasons for objecting to the use of wide combs;

(d) would higher shearing tallies make any significant difference to the cost of shearing?

(3) If experiments have not been conducted could he arrange for a full investigation?

Mr OLD replied:

(1) As far as I have been able to ascertain no such experiments have been carried out.

(2) Not applicable.

(3) I will refer the matter to the Australian Wool Corporation in view of its responsibility and activity in wool harvesting research.

9. TOURISM

Eyre Highway: Effect of Sealing

Mr BLAIKIE, to the Minister for Tourism:

(1) Would he advise of any costs involved in promoting tourism in Western Australia associated with sealing of the Eyre Highway?

(2) (a) Has his department made any projection of anticipated tourist increase consequent upon the above; and

(b) if so, would he indicate?

Mr RIDGE replied:

(1) Approximately $150 000.

(2) (a) and (b) It is not possible to accurately forecast the flow-on benefits from the promotional programme but it is already evident that there is a significantly increased movement of tourists across the Eyre Highway and that this trend will continue.

10. ROSS MEMORIAL HOSPITAL

Admissions

Mr DAVIES, to the Minister representing the Minister for Health:

Referring to question 37 of 11th August, 1976 regarding Ross Memorial Hospital:

(1) Have any patients yet been admitted?

(2) If so, how many?

(3) If not, when is it expected admittances will be made?

(4) Has any decision been taken regarding a likely change of name for the hospital?

(5) If so, what is proposed?

Mr RIDGE replied:

(1) Yes.

(2) and (3) 5 admitted on the 9th September, 1976.
2 admitted on the 13th September, 1976.
14 to be admitted ex Swanbourne Hospital on the 20th and 27th September, 1976.
A further 8 from the community will be admitted.

(4) Yes.

(5) "Boston" Hostel.

11. HEALTH

Family Planning Association

Mr DAVIES, to the Minister representing the Minister for Health:

Referring to question 21 of 11th August, 1976 regarding the Family Planning Association, can the Minister advise further regarding the future of the organisation and, if so, what action has been taken, if any, to ensure the association does not have to limit the service and facilities currently provided?

Mr RIDGE replied:

The Family Planning Association is still awaiting advice from Commonwealth authorities as to future funding. I am seeking early advice as to the Commonwealth's intentions.

12. ROSS MEMORIAL HOSPITAL

Alterations and Additions

Mr DAVIES, to the Minister representing the Minister for Health:

What was the cost of—

(a) alterations;

(b) additions;

(c) adjustments, etc.,

to the Ross Memorial Hospital in order to make it suitable for accommodating patients from the Mental Deficiency Division of the Mental Health Services?

Mr RIDGE replied:

(a) $44 895.

(b) and (c) Nil.

13. RAILWAYS

Perth-Fremantle Service: Discontinuance

Mr SKIDMORE, to the Minister for Transport:

(1) Has a report been prepared by either the Railways Department or others for presentation to the Minister for Transport that gives consideration to the discontinuance of the passenger service between Perth and Fremantle?

(2) If "Yes" will he table the report, or, alternatively, make the report available to me?

Mr O'CONNOR replied:

(1) Yes.

(2) The Wilbur Smith and Associates report has already been tabled and the current submissions based on this report have not yet been examined by Cabinet.

QUESTIONS (8): WITHOUT NOTICE

1. CRIMINAL INJURIES

Compensation

Mr BERTRAM, to the Minister representing the Attorney-General:

(1) What other States provide by Statute compensation for criminal injuries?

(2) What is the highest allowable award in each State and when was that amount fixed in each State?

(3) How many payments have been made in each year in Western Australia under the said Act, and in each case what was the amount paid?

Mr O'NEIL replied:

The Attorney-General has asked me to thank the honourable member for adequate notice of the question the answer to which is as follows—

(1) New South Wales, Victoria, South Australia, and Queensland.

(2)

New South Wales	$4 000	1974
Victoria	$3 000	1972
South Australia	$2 000	1974
Queensland	$2 000	1968

(3)

Year	No.	Amount
1970–71	Nil	
1971–72	Nil	
1972–73	3	$2 000, $750, $250
1973–74	1	$120
1974–75	7	$150, $1 250, $600, $2 000, $1 000, $2 000, $1 500.
1975–76	19	$600, $300, $150, $150. $250, $300, $300, $2 000, $1 306.50, $300, $2 000, $5 000, $2 000, $450, $300, $2 000, $1 000, $300, $100.
1976–77 (to date)	2	$2 000, $600.

2. SCENIC DRIVE

Darling Scarp

Mr THOMPSON, to the Minister for Transport:

(1) Did he see the article on page 12 of *The Sunday Times* of the 19th September, 1976, wherein it was reported that a scenic drive along the Darling Scarp estimated to cost $2.5 million may be developed to coincide with the 150th anniversary of Western Australia?

(2) Does the Government plan to build this scenic drive, and if so, when?

Mr O'CONNOR replied:

I thank the honourable member for notice of the question the answer to which is as follows—

(1) Yes.

(2) No.

3. FISHERIES
Mussel Farm

Mr BARNETT, to the Minister for Fisheries and Wildlife:

(1) Is the Minister aware of the proposal to site a mussel farm in Warnbro Sound and the general feeling of disquiet amongst the people of the area who obviously do not want the proposal to go ahead?

(2) (a) When he is making a decision on the matter, will he give serious consideration to the objections raised by residents?

(b) When can a decision be expected?

Mr P. V. JONES replied:

(1) and (2) Yes. I expect a decision will be announced probably next week.

4. PARLIAMENTARY COMMISSIONER ACT
Application of Rules

Mr BERTRAM, to the Premier:

Concerning Order of the Day No. 8 on today's notice paper, which has to do with a motion in connection with the Parliamentary Commissioner, is he now able to supply me with the authorities listed by the Parliamentary Commissioner which are not included in the motion?

Sir CHARLES COURT replied:

The honourable member raised this question last Thursday and I promised to have some inquiries made. I did intend, at the appropriate time, to give more expansive information to the House; but the immediate answer to his query is that the two additional authorities which were in the original list of the Parliamentary Commissioner were the SEC and the RTA. When these matters were considered by the Crown Law Department it advised it was not necessary to include either of the authorities in the list because of the provisions in the Act.

5. APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)
Date of Introduction

Mr JAMIESON, to the Premier:

In view of the notices he gave earlier this afternoon, is it now his intention to introduce the Budget before next week's recess?

Sir CHARLES COURT replied:

No. It was just that I wanted to ensure we had the items on the notice paper in good time so that we could deal with them on Tuesday, the 5th October, and the procedure for which I wish to discuss with the Leader of the Opposition if I may some time between now and Thursday.

6. TELFER GOLDMINING PROJECT
Industrial Dispute

Mr SIBSON, to the Minister for Labour and Industry:

(1) Was a meeting of workers held at the Telfer project yesterday?

(2) If so, what was the outcome?

(3) Are there any other developments of consequence in respect of the dispute?

Mr GRAYDEN replied:

(1) and (2) Mr C. Butcher, Organiser for the AWU, arrived on site yesterday and spoke to all AWU members. He called a meeting of the AWU members and this meeting passed the following resolutions—

(a) to keep working;

(b) that they deplored the actions of the TLC;

(c) they wished the union to cease disruption of work.

(3) The Confederation of WA Industry has made an offer to get Mr Cook, Secretary, TLC, up to the Telfer goldmining site and an aircraft is on standby for this purpose.

The workers on site are incensed that their own unions have labelled them as "scabs". The men take the view that all of the workers previously on site resigned their positions at the end of June and the job deteriorated into a very run-down situation. When the men, who are all union members, recently applied for jobs at the site, the unions involved—in particular the AMWU —did not tell the men that in accepting work they would then be classed as scab labour.

7. LAND AT WAGERUP
Acquisition for Alumina Refinery

Mr MAY, to the Premier:

Will he indicate when the Government was first made aware of Alcoa of Australia's intention to acquire land in the Wagerup district for the purpose of setting up a third alumina refinery?

Sir CHARLES COURT replied:

Alcoa had, on a number of occasions, over a considerable period, discussed with me and the

Minister for Industrial Development, the company's desire to acquire land in due course ahead of actual need for a third refinery, if it is to achieve its full potential under the agreement ratified by Parliament.

The specific question of Wagerup land—although discussed previously in a general way with a number of alternatives to ensure that development would be oriented to the Port of Bunbury—was not mentioned officially on a firm basis of proposed acquisition until the 12th September, 1976, and after Alcoa had decided on its own initiative that this was the preferred location.

For reasons stated above, the Government had assumed that Alcoa was the most likely option seeker—action it was entitled to take on its own initiative, subject, of course, to the Government's overriding responsibilities under the agreement ratified by Parliament, in the event of the company seeking to expand into a third refinery in any new location.

8. TELFER GOLDMINING PROJECT

Industrial Dispute

Mr HARMAN, to the Minister for Labour and Industry:

With reference to the answer he just gave to the House, will he advise the source or sources of the information he supplied?

Mr GRAYDEN replied:

As far as I am concerned, the information has come from a number of sources and I ask the honourable member to put the question on the notice paper.

Mr Harman: The Confederation of Western Australian Industry.

BILLS (3): INTRODUCTION AND FIRST READING

1. Legislative Review and Advisory Committee Bill.

Bill introduced, on motion by Sir Charles Court (Premier), and read a first time.

2. Country Areas Water Supply Act Amendment Bill.

Bill introduced, on motion by Mr O'Neil (Minister for Water Supplies), and read a first time.

3. Local Government Act Amendment Bill (No. 5).

Bill introduced, on motion by Mr Rushton (Minister for Local Government), and read a first time.

WILDLIFE CONSERVATION ACT AMENDMENT BILL

Second Reading

MR P. V. JONES (Narrogin—Minister for Fisheries and Wildlife) [4.54 p.m.]: I move—

That the Bill be now read a second time.

The main purposes of this Bill are, firstly, the better to protect and conserve our wildflowers and other plants and, secondly, to bring together the administration of flora and fauna conservation in the Department of Fisheries and Wildlife.

Members will recall that Act No. 67 of 1975 amended the Fauna Conservation Act to retitle it as the Wildlife Conservation Act, and paved the way for this amalgamation of the laws relating to the protection and conservation of both the flora and the fauna.

In accordance with the policy of the Government and with practices accepted as essential in the other Australian States, this Bill provides for—

the protection of wildflowers and other plant species in designated regions throughout the State for the aesthetic appreciation and the enjoyment of residents and tourists as well as for scientific purposes;

the preservation of rare species; and the conservation of those wild plant resources utilised by the nurseries, and in the fresh cut flowers and dry floral art trades as well as in the chemical industry.

The provisions relating to the protection of rare species provide for the discovery of a rare species on private land, however unlikely this may be, and the Minister may prevent landholders from destroying the plants involved. However, the Bill further provides for the payment of compensation appropriate to each case in that eventuality.

The clauses of the Bill which provide for nominated species to be declared "protected" have been drafted to be as flexible as practicable. For instance, it will be possible to declare as protected—

all species, in all or specified nature reserves and national parks;

specified communities of plants of outstanding scientific value; and

specified species throughout the State, or in a part or parts of the State.

It will also be possible to remove such protection either partly or wholly.

The clauses relative to commercially exploited flora have been drafted with the following objectives in mind—

that we must encourage the growing and propagation of all species of native plants including, under some supervision, some of the rare species;

that landholders have a right to clear their land and to sell its produce;

the need for statistical data, so that we can better understand the value and ramifications of the exploitation of plants from the wild; and

to achieve the foregoing with the minimum interference to enterprise; but

nevertheless, to be able to take action where unscrupulous exploitation occurs which may threaten either the resource itself or the future of those responsibly exploiting it; and

the Crown itself, through its undertakings and departments, must be seen to act as responsibly as it requires the people and industry to act.

Provision is also being made to credit licence fees, and any royalties collected from the exploitation of protected plants on Crown land, to the Wildlife Trust Fund, so that funds will be immediately available for the payment of compensation, where necessary, or for the purchase of land if the landholder prefers to sell. These amendments will, in accordance with the wishes of all Western Australians, provide for the better protection and conservation of our floral heritage.

Members interested in obtaining details of our unique flora might well refer to the 1975 *Western Australian Year Book* or to *Wildflowers of Western Australia* by C. A. Gardner. From the former it will be seen that there are about 6 500 species of indigenous flowering plants and a great many of them are restricted entirely to Western Australia. There are also many which do not flower but which are still important. Of the flowering plants, only a relatively small number—46—are rare and endangered, but many more are threatened and require constant monitoring and protection; 321 are known only from the original specimens collected.

In the words of one authority, the late C. A. Gardner—

> There are few places in the world which are so renowned . . . for a wealth of wildflowers as Western Australia . . . The splendours of colour, and the diversity of tint and shade have made this flora world famous . . . The noteworthy divergencies in Australian flora, have always excited the attention of botanists, but that interest has been most specifically centred on the plants of the south west, for this area is the oldest part of the Australian land mass and, in a broad sense, the cradle of Australian plant life.

This is the natural resource and asset that the Bill sets out the better to protect and conserve.

I commend the Bill to the House.

Debate adjourned for one week, on motion by Mr A. R. Tonkin.

ARTIFICIAL BREEDING OF STOCK ACT AMENDMENT BILL

Second Reading

MR OLD (Katanning—Minister for Agriculture) [5.00 p.m.]: I move—

> That the Bill be now read a second time.

The principal Act dates back to 1965 being a sequel to the commencement of the initial artificial breeding scheme in Western Australia. This was operated by the Department of Agriculture at Wokalup Research Station. Semen was collected daily and made available through a number of subcentres, and by 1966 the number of cows inseminated had amounted to more than 17 000—14 per cent of the then dairy cow population. A decision was then taken to form an Artificial Breeding Board to take over the service from the department, the board coming into existence in November 1966.

By this time the deep freezing technique for semen which extended its life indefinitely, had been perfected, and semen from production proven bulls became available from the Eastern States. By contrast, due to the small cattle population in Western Australia, it was very difficult to prove bulls on the basis of their progeny. The board subsequently disbanded the bull centre and has since functioned by importing semen and providing an insemination service.

The Bill now before the House has as its basic aim the updating of the provisions of the Act in relation to changing circumstances and current technology in artificial breeding.

Whereas the terms of the current legislation have the major aim of ensuring that semen utilised is not affected with disease, the proposed legislation seeks to provide a basis to protect livestock owners who use semen and/or ova, by ensuring that the semen or ova to which they seek access has met acceptable criteria not only in freedom from disease, but also in relation to production standards and freedom from inherited defects.

This is an important concept as members will appreciate, since artificial insemination, using bulls of known superior production merit, provides the best means of achieving rapid genetic gains to the industry.

The Bill provides for certain new definitions and, by defining "artificial insemination" separately from "artificial breeding", a clearer understanding of the two operations is achieved.

Definitions are also set out for persons who inseminate stock; that is, "authorised inseminator" and "herdsman inseminator". The latter, in practice, will means a person who has obtained basic training to inseminate stock; whereas the former will include persons who, by virtue of more intensive and on-going experience, are permitted to inseminate stock generally.

Members will note however that the Bill protects the rights of owners who desire to inseminate their own stock. No inhibition is placed on an owner who wishes to inseminate his own stock, either with semen produced from animals on the property or with semen obtained from licensed premises, nor is an owner required to obtain any certificate of competency to carry out such inseminations.

Because of the technique in recent years of the custom collection of semen, a definiton of "custom collector of semen" is set out, and such a person will be required to show his competency before he is able to be certified as such.

An important definition is that of "owner". This goes beyond the usual concept of "owner" in that it includes not more than four persons who may own a particular animal. The intention of this is to limit the general use of semen from such an animal where no evidence is available of its production background.

The proposed legislation will not affect the business operations of any person or company now holding a limited licence under the provisions of the Act; nor are the amendments designed in any way to have this effect. Similarly, persons who have undertaken a recognised and reputable course of training in artificial insemination methods will be able, on application, to obtain certificates of competency either as a "herdsman inseminator" or "authorised inseminator".

I would also stress that the obligation placed on me, as the responsible Minister, to have regard to production standards would not mean that arbitrary action would be taken to place a restriction or embargo on the use of semen or ova which do not currently have background production data. The intention would be, however, to make persons who desire to market semen or ova on an unrestricted basis, aware that they would be required to initiate steps to obtain such data by means of approved recording mechanisms.

The Bill provides the necessary framework to enable long-term programmes to be implemented, in collaboration with breeders, to identify stock of superior production merit—the use of whose semen or ova will ensure the maximum possible genetic improvement in the livestock industry of Western Australia.

I commend the Bill to the House.

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

BILLS (2): MESSAGES

Appropriations

Messages from the Governor received and read recommending appropriations for the purposes of the following Bills—

1. Wildlife Conservation Act Amendment Bill.
2. Artificial Breeding of Stock Act Amendment Bill.

CRIMINAL INJURIES (COMPENSATION) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 9th September.

MR BERTRAM (Mt. Hawthorn) [5.06 p.m.]: The Minister's second reading speech in support of this Bill is to be found at page 2366 of *Hansard* of the 9th September; and it is a Bill which the Opposition supports. However, the Opposition seeks to take the opportunity to make some comments about criminal injuries compensation, and also concerning the work and recommendations of the Law Reform Commission.

The position is that the matter of criminal injuries compensation was referred to the Law Reform Commission of Western Australia sometime in 1975, and the commission's report was published on the 28th October, 1975. We are now almost a year later doing something legislatively about the recommendations of the commission, and the legislation will not become operative until the Bill has been assented to by the Governor. I do not know precisely when that will be.

There are at least two observations to be made here: Firstly, there seems to have been an inordinate delay from the time the Law Reform Commission completed and submitted its report until the legislative stage in the Parliament at the moment; and, secondly, quite a few significant recommendations of the Law Reform Commission in respect of this question have not been adopted and did not find a place in this measure. The Minister acknowledged that latter fact in his speech, but as I recall gave no justification for it.

Mr O'Neil: I beg to differ. You had better read the speech again.

Mr BERTRAM: That may be so.

Mr O'Neil: There is no delay in respect of the time and expense needed to institute a separate tribunal to measure the quantum, but it allows the judge hearing the case to do it on the spot.

Mr BERTRAM: In his speech the Minister said—

> The Government will not, at this stage, act on the recommendation that a special tribunal should be created to deal with claims under the Act, but has decided, instead, that the courts before which the particular criminal is convicted should continue to adjudicate on claims. This should avoid a certain duplication of effort and, also, some expense.

That is some sort of explanation, but not really what could be termed an adequate explanation.

Mr O'Neil: It is a matter of opinion.

Mr BERTRAM: Yes, but the Law Reform Commission is composed of experts, and it went into this matter in considerable depth. It would not have brought down its recommendations lightly. I am one of those who think on the evidence before us at this stage that there are some other reasons that the Government is not following this particular recommendation of the commission.

Mr O'Neil: What do you consider are the reasons?

Mr BERTRAM: There are some other unexpressed reasons, which we may come to later on.

Mr O'Neil: I doubt that.

Mr BERTRAM: A further recommendation of the commission was rejected, and I quote as follows from the Minister's speech—

> It has also been decided not to accept the commission's recommendation that claims be met from revenue, with the State having a right of recovery from the offender. Instead, the present system is to continue, whereby the claimant must seek, initially, to enforce the order of the court made against the criminal, with the State becoming liable only where such procedure proves fruitless.

Mr O'Neil: It accepts ultimate responsibility, though, doesn't it?

Mr BERTRAM: Yes, but here we have evidence of what I have already said; namely, no attempt is made to explain why the Law Reform Commission's recommendation about payments being made straight from Consolidated Revenue in the first instance has not been adopted. If we are to have a Law Reform Commission—as we have, and which I think we most certainly should continue to have—the policy of all Governments and the expectation of this Parliament should be that in so far as it is at all reasonable and feasible, the recommendations of that commission should be adopted.

Mr O'Neil: I am glad you said that, because it is precisely what we have done. In so far as it is reasonable and practicable, they have been adopted.

Mr BERTRAM: We will see if the Minister agrees happily with the next verse: If we do not follow that policy, the Parliament should be told in some detail precisely why the policy has been departed from.

Mr O'Neil: I think most members of the House would not need an explanation regarding the second one. I will give you an explanation when I reply, because it seems you are the only one who doesn't know.

Mr BERTRAM: There is no question that the Government, not the Parliament, should have the final say. However I should think that as a matter of ordinary prudence, efficiency, and courtesy to the Parliament and also to the Law Reform Commission, where the commission's recommendations are put aside and there is an alleged reason for so doing, at least the Parliament and the commission should be told about it. I submit in this case that has not happened.

The work of the Law Reform Commission is very important, and from the point of view of the Opposition the greater the output of that commission the better. The Opposition does not want the commission to become a sort of burial ground as appears to have happened, for example, in respect of the question of cautions, which we have debated here on a number of occasions.

When the Government, by reason of ineptitude or for some other reason good or bad, decides it does not want to do something for a certain time, or at all, and siphons off an issue to the Law Reform Commission when there is no real cause to take that action, the Law Reform Commission is not playing a useful and constructive role.

If the ordinary advice from the Crown Law Department could be expected to be along the lines that all the Government needed to do to restore the position was to introduce a small amendment, the Government should be prepared to do just that, and not start the whole merry-go-round of setting up committees to produce working papers, and so on. The Government should be prepared to shoulder its responsibilities. It is here for the purpose of governing and, unlike previous Labor Governments, this Government has the power to govern by virtue of the fact that it has a majority in both this House and the upper House—something the Labor Party never has been able to achieve. It should be prepared to make decisions, even though they may be only very small decisions.

A classic case in this respect is the cautions case, where the law became greatly upset on the 3rd April, 1975; yet we still have not amended the Act to restore the position to that which we thought obtained prior to April, 1975. In the meantime, of course, the matter has gone before the Law Reform Commission which from the Opposition's viewpoint is quite unnecessary. We believe that the law should have been corrected first; then, if it was thought absolutely essential to obtain the opinion of the Law Reform Commission, that opinion could be sought. The Law Reform Commission should not be regarded by this Government or any future Government as anything resembling a burial ground or a place where things

could be sent when there is some desire—justified or otherwise—to put them into limbo.

Because there has been some delay on this question, and because I believe people are going to be hurt as a result of this delay, I would very much like to see the application of this Bill made retrospective to, say, the beginning of this year. That would be an extraordinarily generous and sensible gesture on the part of the Government. If we had been perfect, we would have changed this provision on the day of the report; namely, the 28th October, 1975; but of course, we know that was not possible.

But why should people who are injured and have suffered loss be penalised merely because the wheels of legislation have not turned as quickly as perhaps they should? Even if the wheels had turned fairly quickly, some time would have been lost. As it is, over one year has been lost to date, and the Bill has not yet passed through this Parliament. Therefore, it would be a very fair gesture to make the Bill retrospective to the 1st January, 1976. When we consider that the State's Budget is approaching $2 billion, it can be seen that the amount of money involved would be less than petty cash from the coffers of the State.

The Government shortly is to go before the people and inform them of its virtues, its humanitarian considerations and its concern for the people, and one way to demonstrate the truth of these claims would be to make this Bill retrospective. The Government then would be able to say, "It is true that we acted somewhat unusually in this case, but nonetheless it demonstrated our concern for people rather than dollars and materialistic things."

As I have said, the overwhelming probability is that the retrospectivity provision is not likely to cost a great deal of money. If members look at the answer the Minister gave today to a question without notice they will find that when the Act first became law in the financial year 1970-71, not a single payout was made. Again, in the year 1971-72 no claims were made in respect of this legislation. In the year 1972-73, the figure was $3 000, while in 1973-74, it was $120.

It is true that this figure increased in the year 1975-76; so, incidently, has the crime rate. But even in the year 1975-76, only 19 claims were lodged, which exceeded the total number of claims for the four preceding years. Therefore, 1975-76 probably was an unusual year. Even with that increased number of claims, the total paid out was not very great, and I do not think it is asking very much of the Government to give consideration to making the provisions of this Bill retrospective at least to some extent.

Whatever date is chosen for the Bill to become law, I would suggest it will be only a stab in the dark, and one might just as rightly stab at the 1st January, 1976, as at the date of assent, which may be the 10th October or November, 1976. There is nothing particularly mystical about the date of assent; therefore, the 1st January, 1976, is as good a date as any. This is humanitarian legislation and it would be in keeping with the spirit of the legislation if the Government were to accede to my request.

It should be remembered, also, that quite a few people have been paid the maximum figure of $2 000 when, had the maximum been the $7 500 now proposed, they may well have received that amount. So, there are still people in very real jeopardy of being saddled with a payment of only $2 000 at a time when this Parliament, by means of this Bill, acknowledges that the figure is inadequate.

This Bill also proposes to remove the distinction between damages flowing from a simple offence and those flowing from an indictable offence so that whereas previously in respect of a simple offence the maximum was $300, while a maximum of $2 000 applied to indictable offences, in the future when the legislation becomes law, a maximum of $7 500 will apply, irrespective of whether it is in consequence of a simple offence or an indictable offence having been perpetrated.

Another good feature of this Bill is the provision that where a person offended against has died, certain other persons will be able to claim compensation; I do not think this has been the case to date. Consideration still is being given to the classification of people who may benefit. Incidently, those people to be so classified do not include the people who were recently included in amendments to the Administration Act, or in the Inheritance (Family and Dependants Provision) Act; namely, the people in a de facto situation, or the illegitimate children of such relationships. However, the Government states that something is being done concerning those people, and I can only express the hope that they will be included very quickly.

Again, I believe the Minister has put that particular question before the Law Reform Commission. I do not know whether that was really essential; the Parliamentary Draftsman may well have been able to cope with the matter. I am a little inclined to think the Parliamentary Draftsman should have put something into this Bill to meet that situation. At any event, it is not included and people in de facto situations for the time being will not be covered by the legislation.

The proposed maximum of $7 500 appears to be the highest figure applying in Australia today. It is noted however that the Queensland maximum of $2 000 apparently has remained at that figure since 1968, while the Victorian maximum of $3 000 has been unchanged since 1972; therefore they are hardly comparable to

the position in this State. However, overall, compared with the other States $7 500 is a fairly sensible figure. I hope the Government keeps a very close watch on this figure. I believe it is most undesirable to allow the maximum to fall behind in terms of monetary value due to the effects of inflation, because it creates hardship in the community, and we should be doing our best in this place to see that type of hardship does not occur.

MR O'NEIL (East Melville—Minister for Works) [5.26 p.m.]: I thank the honourable member for his general support of the Bill. I gathered from what he did not say that there are a number of things in the Bill with which he thoroughly agrees; at any rate, he did not mention them. He was critical of the fact that the Government was quite open and specific in stating that two matters recommended by the Law Reform Commission would not be accepted at this stage, and that no reasonable explanation has been given.

It is a fact that, in the first case, we disagreed that a special tribunal should be set up to assess the quantum of damages which would be paid to a victim, preferring at the moment to leave it to the determination of the judge who in fact hears all the circumstances of the case and makes a determination as to the guilt of the accused party. It seems to us to be quite reasonable and rational that that person would be well able to carry out a judgment expeditiously in the light of the information available at the time, and that to establish a special tribunal simply to look at the question of damages at some later stage would delay the granting of compensation and involve all parties in additional expense. As the honourable member mentioned, the number of claims made in 1975-76 was only 19, and even that number far exceeded the claims in previous years, and it seemed rather ludicrous to establish a special committee to assess and award damages.

A very quick check of the figures I gave by way of answer to a question without notice today indicates that only some 32 awards have been made to date under this legislation—19 of them last financial year —and that only seven of the 32 claimants received the maximum payment of $2 000. Further, it is my understanding that only two or three received the maximum payment of $2 000 during the last financial year, although that figure may be subject to correction. I will come to the matter of retrospectivity a little later because an analysis of those figures reveals at least one of the reasons restrospectivity is not warranted.

Of those 32 awards, some six were to the amount of $300, which presently is the maximum payable in regard to minor offences. The honourable member neglected to remind the House that under this Bill, the maximum for both minor and indictable offences will be $7 500, and that the differentiation is to be removed.

Mr Bertram: I did mention that.

Mr O'NEIL: I thank the member for Mt. Hawthorn for his correction. I believe the second reading speech clearly indicated the reason it was not considered necessary or advisable to set up a special tribunal purely to adjudge the quantum of damages which can be paid. That can best be done by the judge who is hearing the case at the time and who knows all about it.

I also mentioned that it had been decided not to accept the commission's recommendation that the claims be met firstly from revenue, the State having the right to recover. Perhaps in this case there could be a relatively minor delay, but it has always been my view that if a judgment is given in favour of a person, it is the responsibility of that person to take the first action for recovery of the award. Members should realise that we are dealing with civil actions. We are not dealing with the Crown v. John Doe; we are dealing with actions involving one person against another.

The State remains as a sort of lender of last resort. If there is difficulty and if the person who is awarded the damages cannot claim them for a number of reasons—I mentioned the cases of death and when the perpetrator of a crime absconds and cannot be contacted—then and only then does the State accept the ultimate responsibility for paying damages.

With regard to retrospectivity, it is not the usual thing to grant the retrospective application of a law which involves the paying out of moneys. Whether that is a good thing or a bad thing I do not think is a point to argue here. The honourable member suggested that we take the operation of this Bill back to the middle of the last financial year which would take it into a year for which this Parliament has appropriated money for budgets, for supply, and so on. It appears to me that there is some technical difficulty in this matter anyway.

It also strikes me that there is an assumption on the part of the member that in the, say, three or four cases since January in which the maximum sum was awarded the judge may have awarded a higher amount if the provisions of this Bill had been available to him. We do not really know that because in only seven out of 32 cases has the maximum of $2 000 been awarded. The retrospective application of this Bill would mean a rehearing of actions for damages. I think there are some technical problems in respect of retrospectivity, and certainly the honourable member gave credit to the Government for having increased the maximum sum to $7 500 for all types of criminal injuries.

The nonourable member mentioned the other cases which the Law Reform Commission certainly examined in respect of the payment of damages to estates, and such matters. I think that shows the value of referring such cases to a body such as the Law Reform Commission because with its experience, knowledge and gathering together of information we have certainly done a lot more in this Bill than simply lifting the maximum from $2 000 to $7 500. I believe this was one matter which was well referred to the Law Reform Commission so that it could examine all the other aspects.

The two issues in respect of which the Government has not implemented the recommendations of the Law Reform Commission in my view are not warranted at this stage. I do not think the honourable member raised any other matters.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

As to Third Reading

MR O'NEIL (East Melville—Minister for Works) [5.35 p.m.]: I move—

That leave be granted to proceed forthwith to the third reading.

Question put and passed; leave granted.

Third Reading

Bill read a third time, on motion by Mr O'Neil (Minister for Works), and transmitted to the Council.

BETTING CONTROL ACT AMENDMENT BILL

Second Reading

Debate resumed from the 16th September.

MR McIVER (Avon) [5.37 p.m.]: This piece of legislation will be welcomed by all who are connected with greyhounds, by the greyhound industry and, in particular, by the Greyhound Racing Control Board which has been pressing for bookmakers for a considerable time. It is most unfortunate that the Government has procrastinated in relation to this Bill for as long as it has. It stands further condemned because in another place in 1973 clauses of a Bill which would have allowed bookmakers into the industry were defeated. A perusal of *Hansard* for 1973 will substantiate that matter.

However it is very pleasing to note that the Government has seen the errors of its ways and has now seen fit to introduce this very important piece of legislation.

Greyhound racing is more than a sport; it is a very important industry. I am sure the introduction of bookmakers will do much to encourage the sport at the central headquarters in Cannington, and will also encourage country centres to have their own greyhound racing tracks which in turn will induce a lot of money into the economies of such areas.

If we stopped to consider the amount of turnover from greyhound racing in other States, I am sure members of this Chamber would be very surprised. For example, in Tasmania the total dividends from greyhound racing exceeded the combined dividends from trotting and racing in that State. In New South Wales greyhound racing dividends exceeded those for trotting by millions of dollars. No doubt many trotting enthusiasts in Western Australia fear that greyhounds will take over also in Western Australia.

Mr Shalders: They will if the country clubs are strangled.

Mr McIVER: I am sure it will do much good in the electorate of the honourable member. I understand that planning for the introduction of the sport is well in hand, and I wish those who are responsible well in their efforts.

In view of the fact that legislation was introduced in this House recently dealing with racing, opportunity should have been taken on that occasion to go the whole way by introducing a Bill to cover all aspects, although I appreciate the importance of the Bill before us. However, it seems that by this method we are dealing with racing piecemeal. We should introduce legislation to cover all aspects of racing, as Victoria has done in passing legislation which embraces everything appertaining to racing.

In Western Australia we find that the Minister for Police handles some matters connected with betting, while the Chief Secretary handles the matters relating to racing proper. It seems that the administration of racing is divided. We will be able to achieve uniformity only when we introduce an Act to cover all racing, similar to the Victorian Act.

Let me refer to the Bill itself. Firstly, it will allow the Betting Control Board to become a separate body from the Totalisator Agency Board. Secondly it will permit bookmakers to operate at greyhound race meetings, and this is an important innovation. Thirdly, it will permit bookmakers to bet on races held on other courses on the same day, under special circumstances; and, of course, this will be advantageous to them.

I have some queries which I wish to put before the Minister. I think it is important that we upgrade the existing regulations, as many sections of the Act will be outdated when the Bill before us is proclaimed. Until then the existing regulations will apply, but it is most important that they be overhauled and brought up to date. I ask the Minister whether that will be done.

Another query I wish to put before the Minister is this: Will the bookmakers be allowed to accept place bets and concession bets? Nowhere in the Bill are these forms of betting specified; it merely refers to the operation of bookmakers at greyhound race meetings. The position appears to be rather ambiguous, and the provisions in the Bill cover a wide field. I think these two forms of betting should be defined.

Another query I wish to raise relates to substitute bookmakers. There appears to be no provision in the Bill to enable such bookmakers to be appointed. In this respect I refer specifically to section 87A of the Racing Act of Victoria which permits substitute bookmakers to be appointed. I understand that bookmakers sometimes go on holidays, for which they have to strive to pay for!

Mr O'Connor: Sometimes they are given a permanent holiday!

Mr McIVER: What is to be the position of substitute bookmakers? Another query I wish to raise relates to the appointment of course agents to represent bookmakers. I am open to correction, but I think that a bookmaker and his agent can go only a certain distance from their stands; this is designed to prevent them from placing bets with other bookmakers. I suggest that this matter should be looked at.

In the Committee stage I shall raise several other points, although I have put forward the main ones. I await with interest the comments of the Minister in reply to the points I have raised. I trust the Bill will receive a speedy passage through both Houses. It is important that bookmakers should be permitted to operate on greyhound racing as soon as possible. The Government has outlayed thousands of dollars in assisting greyhound racing, and no doubt the Treasury is anxious to recoup some of the money it has outlayed.

Once bookmakers are in operation at greyhound race meetings, I feel certain that Eastern States interest to acquire land in country areas for greyhound racing will be stimulated. This will become a minor industry in country areas, and it may be the means of offsetting the downturn in some other industry in the area which is not economically stable.

In conclusion I should point out that in the years to come we might find that the modern facilities established at Cannington Central will compare favourably with those at the Fagla track, which is the principal greyhound racing track in Florida, USA. This is recognised as one of the finest greyhound racing tracks in the world. Given adequate support and the opportunity, I am quite sure Cannington Central will become a Fagla of Western Australia.

It is with pleasure that I support the Bill.

MR O'CONNOR (Mt. Lawley—Minister for Police) [5.47 p.m.]: I thank the member for Avon for his general support of the Bill. He has raised a few queries which I shall endeavour to answer. I feel that what the Government has done is to keep up with the changing times, by amending the parent Act.

I agree with the honourable member that the Bill will benefit the greyhound racing industry, and give it the opportunity to prove whether or not it can survive under present-day conditions. Furthermore, the opportunity will be given to the industry to expand its activities to other regions.

The member for Avon has referred to the Racing Act of Victoria. I agree there is merit in examining it. At the moment certain sections of the Western Australian Act are administered by the Chief Secretary, and other sections by myself as Minister for Police.

There is concern by bookmakers and others involved in bookmaking that the Betting Control Board should be separated from the Totalisator Agency Board, because in many cases the bookmakers look at the TAB as a body in opposition to themselves. When the bookmakers see that an opposition group is controlling them they believe they do not receive fair treatment from it.

For that reason, as proposed in the Bill before us, the placing of the control of bookmakers under the Betting Control Board will give an indication to the bookmakers that we intend to give them as fair a go as possible, and allow them to operate in competition, to some degree, with the TAB.

The honourable member felt that the existing regulations should be upgraded in view of the changing times and changing attitudes. I will refer this matter to the Chief Secretary who is in control of racing. Personally I have not been through the regulations recently, but I will refer the matter to the Chief Secretary.

Mr McIver: Some of them will be redundant with the passage of this Bill.

Mr O'CONNOR: The Chief Secretary probably has the matter in hand.

Mr McIver: If you look at the Act you will see what I mean.

Mr O'CONNOR: I shall refer this matter to the Chief Secretary and in due course give the honourable member a reply, as I gave him in respect of a query he raised on a Bill last Thursday.

The honourable member has asked whether or not place and concession betting will be offered by bookmakers operating at greyhound race meetings. I would say "Yes". Under the regulations

now applying to the bookmakers at trotting and racing meetings there are concessions on place betting, but this is not provided in the Act. It is done by regulation and is left to the control of the board. This is as it should be because the board should decide how many bookmakers are required at the various stages, whether concession, place and win betting, or straightout betting. At both the races and trots this has worked satisfactorily as I think the honourable member would agree. The only time we feel there are too many bookmakers is when we back a horse and have a loss. But generally speaking the situation is controlled very well and should be left in the hands of the board. I am sure the honourable member will agree that in this way sanity will prevail.

There are, on the board, representatives of racing, trotting, and greyhound interests and also a representative of the TAB and of the Treasurer. I am certain that if anything occurred at the greyhound racing which was unsatisfactory to the general public the representative would ensure that changes were made.

While we can always find fault with everything in life, I believe the trotting and racing bookmaking has been handled well and I am sure greyhound bookmaking will be handled in exactly the same way and that therefore concession and place betting will apply.

The honourable member referred to substitute bookmakers. Normally the particular group involved—I will refer to greyhounds because this is what we are considering at the moment—will put on a certain number of bookmakers. At this stage no-one is sure how many will be necessary in order that the system might operate properly at the greyhound races. I think initially the number will be 10 or less. Also a list will be available of those who have applied and the names will be in order of seniority. If one bookmaker is sick one of the others will operate. If the number initially put on is inadequate to cover the requirements, again those responsible will have an opportunity to bring others in. It is something in regard to which we are working in the dark a little, but we have enough latitude to ensure that the convenience and facilities are adequate.

Generally speaking the Bill has the support not only of the House, but also of the people of Western Australia. It will give the bookmakers an opportunity to ascertain whether they can survive any better, and also to expand. I thank the honourable member for his support of the Bill and I hope I have answered his questions adequately. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr O'Connor (Minister for Police) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 2 amended—

Mr T. D. EVANS: This clause is designed to repeal subsections (2) and (3) of section 2. These subsections refer to licensed premises, but so also do sections 11 and 13 and no attempt has been made to interfere with those later sections.

Some time ago I asked the Minister for information, but I am still waiting for it. In the meantime, as a result of the effluxion of time the situation about which I was inquiring has been resolved. I was referring to the difficulty experienced at Leonora, but apparently it was decided the TAB should not operate there. I thought the provisions of the Bill would make it possible for the TAB to grant an off-course bookmaker's licence at Leonora. I asked the Minister whether he would name the centres where such premises were operating under the Act as distinct from the TAB. However, as I have said, the situation has been resolved by the effluxion of time.

I would like an assurance from the Minister that the repeal of subsections (2) and (3) is in no way intended to wipe out or phase out the possibility from time to time of the board granting an off-course bookmaker's licence when a TAB agency is not a feasible proposition.

Mr O'CONNOR: I can give the honourable member an assurance that there is no thought along the lines he suggested. The TAB has been trying to legalise some of the things which are at present being done illegally. For instance, the honourable member will know that the Tattersalls Club operates sometimes not strictly in accordance with the law. The TAB believes—and I believe—that at premises like that the situation should be legalised and controlled to a degree rather than that we should tolerate something which should not exist. I give the honourable member the assurance he seeks.

Clause put and passed.

Clause 5: Section 4 amended—

Mr T. D. EVANS: The Minister referred to the settling which takes place at the Tattersalls Club. He did not indicate whether he was referring to the club in Perth or the one at Kalgoorlie. However, I make the point, on the reconstruction of the board referred to in clause 5, that the Betting Control Act was enacted in 1954 to enable for the first time the licensing and setting up of registered bookmakers in Western Australia both on course and off course. Prior to that date on-course bookmakers throughout Western Australia operated by the force of custom rather than by the force of law. I may be wrong,

but I believe that today the popular Calcuttas, run on premises away from racecourses, usually on the night before big races, are also sanctioned by custom rather than by law. It could well be that settling would take place off the racecourses, this also being sanctioned by custom rather than law.

The point I wish to make is that when the Act was amended in 1960 with the advent of the TAB legislation, the Government of the day made an error of judgment and to some extent, but to a much lesser extent—I give the Minister credit for that—the Government is perpetuating the error. For example, in 1960 the board established under the Act was altered. Not only were the personnel changed, but also the definition of "board" was changed so that the personnel who constituted the TAB became, for the purposes of the Act, the Betting Control Board.

I still believe there is a blatant conflict of interests. The Totalisator Agency Board primarily is concerned with the operations of betting through a totalisator which, in fact, is in competition with betting through the medium of bookmakers. The one board of directors was, in fact, directing the operations of both the competitors.

I am not here to advocate the interests of bookmakers, but it is felt—and the opinion has been expressed many times since 1960—that there is a distinct disadvantage when the board which controls the operations of the Totalisator Agency Board throughout Western Australia also controls the bookmakers.

So, I believe an error of judgment was created in 1960 by the Government of the day when the same people were made responsible for the granting of licences pursuant to the legislation. The name of the controlling board changed, but the personnel remained the same. I submit that the interests at heart, of the members concerned, would remain the same.

The definition of the board will change with the passage of this legislation, and no longer will the members of the Totalisator Agency Board be the total complement of the Betting Control Board. However, three persons from the Totalisator Agency Board will comprise part of the Betting Control Board. One member who will exercise some influence will be the secretary. Two other members will be the Chairman and the Manager of the TAB. They will be *ex officio* members, and the other three members will represent the three distinct racing sports. The secretary of the board will be the Secretary of the TAB and, again, I believe there will be a conflict of interests.

I believe the member for Avon made the point that Western Australian racing patronage would be better served if we had one sole governing piece of legislation regulating the control of racing whether by horses—ridden or driven—or the running of greyhound dogs.

In the short term, before reaching the stage of having one piece of legislation—and I daresay we would then need to have a Minister for racing the same as Queensland and Tasmania have—I believe the Government should have vested in the Greyhound Racing Control Board full authority for the licensing of bookmakers for that sport. In that case there would have been no suggestion of conflict between the TAB and the greyhound racing bookmakers.

At a later date the Government of the day could have looked at the legislation governing racing, and vested in a statutory body created under the terms of that legislation the power to license bookmakers to operate at race meetings. Likewise, a statutory body could have been set up to control trotting, and to that statutory body could have been given the responsibility to license trotting bookmakers.

The respective clubs then would have been the Western Australian Turf Club, the Western Australian Trotting Association, and the Greyhound Racing Control Board. Those clubs would have the power to issue permits for bookmakers to be licensed by the statutory bodies.

If that approach had been adopted there could have been no suggestion of a conflict of interests. Whilst I make that criticism, I commend the Government for at least minimising the opportunity for a conflict of interests by setting up the new board. The new board will not include the entire membership of the Totalisator Agency Board although, as I have said, three members of the new board will have as their main concern—and naturally so—the interests of the totalisator. Having said that, I take this opportunity to say that I am pleased to see this legislation before the Chamber.

Mr O'CONNOR: I thank the member for Kalgoorlie for his comments. We all agree that both the TAB and bookmakers have their part to play in horse racing, trotting, and greyhound racing. The honourable member commented that the Greyhound Racing Control Board should totally control bookmakers in that particular field. He put up a good case for a general racing body. However, there is merit also in having on the new board three people involved with horse racing, trotting, and greyhound racing. They will know, generally, the individuals who will make applications for licences to operate at the various places.

If we have these people working together well—and I certainly hope we do—a person who applies for a bookmaker's licence for greyhounds, for instance, might be known by someone connected with horse racing to be undesirable because of certain things he has previously done in the field. Therefore there might be some merit in their being combined and working together because most of the people involved in this type of sport get to know

each other rather well. This legislation is certainly much better than any we have had previously and I think it will work out very well.

Clause put and passed.

Clause 6 put and passed.

Clause 7: Section 6 added—

Mr McIVER: Subsection (7) of the proposed new section 6 deals with fees. The fees are not specified in the Bill. Will they be the same as those for the TAB members of the board? What are the actual fees?

Mr O'CONNOR: The fees will be as determined by the board. They are usually made standard right throughout.

Mr McIver: Will they be the same fees as paid to the TAB members of the board?

Mr O'CONNOR: Not necessarily. The board might decide otherwise. The allowances differ according to the time involved in full-day or half-day meetings.

Clause put and passed.

Clauses 8 to 12 put and passed.

Clause 13: Section 12 amended—

Mr McIVER: I want clarification of the proposed new subsection (2a) of section 12, dealing with special circumstances. I would like the Minister to outline the kind of special circumstances envisaged in relation to bookmakers operating at two racecourses on the same day.

Mr O'CONNOR: We found when checking through the legislation that it had been possible in the past for Williams and Pinjarra, for instance, to run dual meetings on one day and to allow individual bookmakers to operate at both of them. This provision in the Bill enables the Betting Control Board to permit dual betting in special circumstances such as this. We do not want it to apply generally but in situations which would not warrant two sets of bookmakers attending meetings in neighbouring towns.

Clause put and passed.

Clauses 14 to 20 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

As to Third Reading

MR O'CONNOR (Mt. Lawley—Minister for Police) [6.12 p.m.]: I move—

That leave be granted to proceed forthwith to the third reading.

Question put and passed; leave granted.

Third Reading

Bill read a third time, on motion by Mr O'Connor (Minister for Police), and transmitted to the Council.

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Ridge (Minister for Lands), read a first time.

Sitting suspended from 6.14 to 7.30 p.m.

Second Reading

MR RIDGE (Kimberley—Minister for Lands) [7.30 p.m.]: I move—

That the Bill be now read a second time.

The Bill before the House seeks amendments to the Adoption of Children Act, 1896-1973.

The proposed amendments are the result of discussions on adoption law by the Australian Council of Social Welfare Ministers and the Standing Committee of Attorneys-General. The proposals are intended to bring the Western Australian adoption legislation into line with the most socially advanced legislation in other States.

The draft legislation was tabled at the last meeting of the administrators of social welfare in Darwin and was unanimously approved as a basis for uniform amendments to the legislation of all the States and Territories of the Commonwealth.

The major proposals in the Bill are as follows: the Bill continues the policy of removing all references to illegitimacy from existing legislation. The proposal is that the phrase, "an illegitimate person", should be deleted from the legislation and replaced by the phrase "a person whose parents were not married to each other at the time of his birth or subsequently". This phrase is particularly appropriate because it excludes persons who have been legitimated by the subsequent marriage of their parents and it emphasises the condition of the parents rather than placing a stigma on the child.

Concern has been expressed that parents of children who marry or remarry and wish their children to be adopted into their new family have to adopt the children jointly with their new spouse. It is proposed that in circumstances of this kind the new spouse alone should be able to make the application for adoption. If this proposal is accepted it should end complaints by people who in the past have had to adopt their own child.

Under the provisions of the Adoption of Children Act at present it is possible for a person to consent to adoption in favour of a relative, and when such a consent has been given it is valid only if the child is placed with that relative for adoption.

It is proposed that the unmarried mother of a child who wishes to nominate the father as the person by whom the child

must be adopted should be able to do so. At present the term "relative" includes the child's grandparents, brothers, sisters, uncles, or aunts, but does not include the father unless the parents are married.

A further proposal is designed to prevent the Christian names of children over the age of 12 who are adopted from being changed without their consent.

Finally the proposals create two new offences. It is proposed that it should be an offence to use undue influence to induce a person to revoke an adoption consent and it is also proposed that it should be an offence to receive the possession, custody, or control of a child for the purposes of adoption without the consent of the Director of the Department for Community Welfare.

Debate adjourned, on motion by Mr Davies.

PAINTERS' REGISTRATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 9th September.

MR McIVER (Avon) [7.35 p.m.]: The purpose of the Bill before the House is to amend the Painters' Registration Act. The amendment will place beyond doubt the fact that two categories of painting are exempt from the provisions of the Act. The categories are protective coatings of steel or other material which does not form part of the dwelling, and signwriting. These categories of painting have caused a problem for quite a while and the Bill sets out to clarify the matter.

The Painters and Decorators' Union is not happy with the amendments in the Bill. I have here a short note from the union setting out its objections, and with your permission, Mr Deputy Speaker, I would like to have the objections recorded in *Hansard*.

The DEPUTY SPEAKER: Yes.

Mr McIVER: The statement sets out the principal objections of the union to the amendments, and I believe it is self-explanatory. The union has emphasised to me that the proposal contained in the Bill will tend to compound the present problem. The statement reads—

> The amendments will tend to confuse the situation of Abrasive cleaning and protective coating further.
>
> This field of work is covered by and large, by a small number of contractors who specialise in what is commonly called in the Painting Industry, as Industrial Painting.
>
> They carry out contracts, or have carried out contracts on most of the major projects in W.A. over the past years, and they do in fact also carry out major maintenance contracts on these projects once they commence operations.
>
> If they carry out a maintenance contract on a steel complex operations within the metropolitan area as defined, or they apply subsequent coating to the protective coating they have already applied, they must under the act, be registered with the Painters Registration Board.
>
> However, they can apply a protective coating after abrasive blasting and mechanical cleaning, with impugnity, but can't apply the second or any additional coat without being registered. When in actual fact the most important application of all is the first coating.
>
> The minister in the first full paragraph on Page 2 of his second reading speech notes, states the present practice of having people covered by the act who apply the protective coating after abrasive blast cleaning is ridiculous, because the act does not cover the treatment of steel which is only a component of a building being processed in a open yard, doesn't mean the act shouldn't cover steel untreated when it forms part of the building.
>
> Consumer protection legislation should have the widest possible coverage to small and large alike and no exemption should apply because they don't want registration inspectors interfering with them.
>
> The argument for dropping Sign-Writing is quite ridiculous. These specialists do, for about 75% of their time, carry out work for the small business men, such as the corner store or Fish and Chip proprietors. Big business do not command all of the Signwriters time. This amendment will deny protection of the act to those small business people who once having a sign done that does not measure up to proper standards, must at his own cost, have the sign re done or take Legal action by way of Civil Court claim.

As I have said, the union feels that the Bill before the House will confuse the issue rather than clarify it. I have my own reservations about the measure, and, as a layman, I feel I should pass on to the Government the objections expressed by those connected directly with the industry.

I note that these contractors carry out abrasive and mechanical cleaning of steel followed by painting with protective paint, and I agree with what the union said because the preparation and the primer coat of paint on any building, whether it be of weatherboard, steel, or anything else, are

very important. Therefore I wonder whether in essence we are doing what the Bill intends to do.

However, I do not feel there is any need to labour the point. The letter of explanation from the union covers the matter quite clearly, and subject to the reservations expressed in it, I support the measure.

MR O'NEIL (East Melville—Minister for Works) [7.41 p.m.]: I thank the member for his support of this small Bill. I recall in 1961 when we were in Government a Bill to establish the Painters' Registration Board was introduced by a member of the Opposition, none other than the man who was recently the Chairman of the Licensing Court (the Hon. H. E. Graham). The then Minister for Works who took the adjournment of the debate on behalf of the Government was the present Speaker, and I recall very vividly the debate that took place in the Chamber at that time.

The Bill was designed as a piece of consumer protection legislation, even though way back then we did not have such things as a Consumer Protection Act or a Bureau of Consumer Affairs. The idea was to ensure that people who have their homes painted would be protected against shoddy workmanship on the part of persons unqualified in the trade of house painting. There was never any consideration given to other matters.

This Bill, as the member for Avon has appreciated, simply exempts from the provisions of the Painters' Registration Act those industrial painters who in essence do their work in factories or in workyards rather than on buildings; that is, the preparation of steel which will become part of some major construction outside the area in which they carry out their work.

I concede there is no need to protect the ordinary householder from the activities of those people. They are contractors who do work for major construction companies, and those companies have the wherewithal to protect themselves against shoddy workmanship. So, quite frankly, I cannot agree with the views of the Painters' Union in this respect. This is quite a different process from that which applies to painting a dwelling, whether internally or externally, and I suppose the same argument applies to signwriting.

The union expressed the view that unless signwriters are registered and protection is offered to the people who commission their services, there could be some disadvantage to those people. I do not know what is the price of a sign, but probably it is fairly reasonable. Certainly it would not compare in any way with the cost of painting a house internally and externally; I know the latter is substantial because I had my place done fairly recently.

Mr Davies: What did it cost?

Mr O'NEIL: I will tell the member later when he is holding on to something!

Mr McIver: I bet you had it painted in "Railways" colours!

Mr O'NEIL: Whilst I appreciate the attitude of the union in this matter, I agree with the member for Avon that certainly this is not consumer protection legislation as we know it. Most of these signs are painted for business people who are over 21 years of age and who ought to be able to make their own judgment as to whether or not they get a good job done.

The original Act introduced by Mr Graham in 1961 was specifically for the protection of home owners against shoddy workmanship on the part of people who did not know much about the painting trade.

I thank the member for Avon for his support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

As to Third Reading

MR O'NEIL (East Melville—Minister for Works) [7.46 p.m.]: I move—

> That leave be granted to proceed forthwith to the third reading.

Question put and passed; leave granted.

Third Reading

Bill read a third time, on motion by Mr O'Neil (Minister for Works), and transmitted to the Council.

TRANSPORT COMMISSION ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 16th September.

MR McIVER (Avon) [7.49 p.m.]: This Bill deals with several amendments which experience has shown to be necessary or desirable in order to facilitate the administration of the Transport Commission Act. The Act is in three parts, and deals with the licensing of omnibuses, commercial goods vehicles, and aircraft. The Bill tidies up the Act and gives the Commissioner of Transport more control in respect of those areas.

The Bill also contains amendments which we have already discussed when similar amendments were made to the Taxi-cars (Co-ordination and Control) Act and the Road Maintenance (Contribution) Act, and there is no need for me to reiterate what has been said previously.

To refresh the minds of members, I point out that these amendments deal with the extension of the time in which a person, who has been previously convicted of an offence under this Act, may submit written evidence to the court.

One of the most important aspects of this Bill is the provision which removes responsibility from the driver and places it on the owner of the vehicle. An anomaly exists in the present legislation which provides a loophole to these people, enabling them to evade their responsibilities. Let us take the example of a driver transporting a consignment of timber from the south-west to a point in the metropolitan area. All he is told is that he will be met at, say, the Guildford Post Office. When he is stopped and questioned by a Transport Commission officer, he does not know the actual destination of the timber; all he knows is that he is to drive to the Guildford Post Office. This is an ambiguous situation and permits owners who breach the Act to get off scot free. The legislation seeks to remedy that situation by giving the Transport Commission additional powers in this area. To date, far too many of these people have been able to escape the law.

The Opposition also welcomes the provision relating to aircraft. At present, the Transport Commission has very limited powers in this area. The Bill seeks to tidy up certain aspects of the charter trade. It could be that a charter operator is picking the eyes out of the trade by insisting that his personnel carry only adults on charter flights, and refusing to accept children as passengers. In addition, once provided with this control, the Transport Commission will be able to examine other aspects of charter flights on which queries have been raised in the Press recently. The Opposition believes this to be a very good piece of legislation and wholeheartedly supports it.

MR O'CONNOR (Mt. Lawley—Minister for Transport) [7.54 p.m.]: I thank the member for Avon and the Opposition for their general support of the Bill. As the honourable member pointed out, the Bill seeks to place certain responsibilities on the shoulders of those who should bear them, and will relieve drivers of some of these problems. In addition, it seeks to give the commissioner control over certain aspects of aircraft operations. The legislation is in the public interest, and will be of great advantage to the community in the long run.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

As to Third Reading

MR O'CONNOR (Mt. Lawley—Minister for Transport) [7.56 p.m.]: I move—

That leave be granted to proceed forthwith to the third reading.

Question put and passed; leave granted.

Third Reading

Bill read a third time, on motion by Mr O'Connor (Minister for Transport), and transmitted to the Council.

ACTS AMENDMENT (JURISDICTION OF COURTS) BILL

Second Reading

Debate resumed from the 16th September.

MR BERTRAM (Mt. Hawthorn) [7.57 p.m.]: This is a short Bill, similar to ones we have had here from time to time in the past. It seeks to rearrange the jurisdiction in the Supreme Court, the District Court, and the Local Court. In his second reading speech, the Minister amongst other things pointed out that the work load of the Supreme Court has varied as a result of certain provisions contained in the Road Traffic Authority Act, and by the establishment of the Family Law Court; also, it is expected that the jurisdiction of the Supreme Court will be affected by proposed amendments to the Commonwealth Judiciary Act, which will mean a transfer of significant areas of jurisdiction from the High Court to the State Supreme Court.

At the moment, the Local Court jurisdiction in matters generally is set at $1 000 and, in matters relating to land, at $1 600. The intention is to increase the monetary limit to $3 000 and $5 000 respectively.

In the District Court, the jurisdiction generally is $10 000 and, in matters relating to land, $5 000. The intention of the legislation is to double those amounts to $20 000 and $10 000 respectively. A special committee has investigated the actual amounts to be fixed. It has come up with the suggested figures which are now incorporated in the Bill. The Opposition has no argument at all with them and in all the circumstances supports the measure.

MR O'NEIL (East Melville—Minister for Works) [8.00 p.m.]: It gives me a great deal of pleasure to thank the honourable member for supporting the Bill in its entirety.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

As to Third Reading

MR O'NEIL (East Melville—Minister for Works) [8.01 p.m.]: I move—

That leave be granted to proceed forthwith to the third reading.

Question put and passed; leave granted.

Third Reading

Bill read a third time, on motion by Mr O'Neil (Minister for Works), and passed.

IRRIGATION (DUNHAM RIVER) AGREEMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th September.

MR H. D. EVANS (Warren) [8.03 p.m.]: I suppose it is doubtful whether we will ever see more graphic illustrations of a prophecy being borne out and a criticism vindicated than the provisions found in this Bill. The intention of this amending legislation is to allow rather drastic changes to be made to the agreement between the Dunham River development company—that is, Goddard of Australia Pty. Ltd.—and the State Government. Apart from anything else, that is a most unfortunate circumstance, but I feel it is as well to look at what transpired and the comments that were made at the time the original agreement was entered into.

The Dunham River property was originally one of the Durack properties which was taken up in the 1880s. It was named after Father Dunham of Roma in Queensland from whence the Duracks came. The area is almost a million acres—960 000 acres to be precise—and although it is not particularly good country in terms of the Kimberley, it is fairly typical of the rangelands and is in a fortunate geographic position, being handy to Wyndham.

Its history is of considerable significance. It is associated with the story of the Kimberley and is steeped in the history of the area. It saw not only some of the hardships which the pioneers endured but also some of the rather terrible happenings which are recounted in Mary Durack's book *Kings in Grass Castles*.

Many tragedies occurred on that property and some of the most startling episodes with Aborigines occurred there, for it was there in 1901 that Gerry Durack was killed on the verandah of the home. It was there also that Patsy Durack was shot in the head by an Aboriginal stockman and subsequently escaped.

The Durack properties were associated not only with the history of the Kimberley area and the development of the cattle industry, but it was also on the Argyle property of the Duracks in 1928 that a former Premier of this State, the Hon. F. J. S. Wise, introduced cotton and a number of other crops and also established sorghum for the first time. To a very large extent the State is indebted to the efforts of Mr Wise.

To return to the Dunham River situation, the property was in the hands of the last of the Duracks, Doug Davidson, whose mother was a Durack. Against advice from friends he sold the property to an American syndicate—the Chase syndicate. We have heard of that syndicate in connection with other areas in Western Australia. The syndicate did a fair amount of boring. It tested the Dunham area to a large degree and finally was successful in selling the property to another American syndicate—the Goddard syndicate.

The sale was on the basis of nearly one million acres and about 13 500 head of cattle, which was fairly indicative of the type of management that has been traditional in that area and is about the sum total of what a property of that size would stand. It had been managed in that way for a considerable number of years.

As it turns out, the agreement contained in the original Act could have been consummated without ever coming into the Parliament. Stage 1 could have been completely developed and then the Bill could have made its appearance before this House. That would have had a number of advantages; it would have meant that the first stage would have been proven before the subsequent and final commitment to the second stage was made. We now see from the original circumstances that the company was allowed to go ahead with development works and a capital cost before the agreement ever made its appearance in Parliament.

It is a bad principle that an agreement should have been initiated without ever having been referred to Parliament. As we trace through the Act's unfortunate history we see that is precisely what happened.

It is probably fair comment to say that this agreement was entered into and introduced in the climate of the time, which was conducive to the expansion of land in very many areas in the same sort of way—a way that was not sufficiently cautious in many regards. We have seen in the more southern areas where the wisdom of the one million acres release per year have been brought home subsequently as being drought stricken. There was a period of optimism and neglect of caution.

We see that also at Esperance—although the situation there has changed, and development has been successful to a very large degree—and there were serious fears that this venture would also sink into oblivion. That had been the case as far as the Camballin project was concerned.

Perhaps it would be right for me to make the point that the previous Premier might recall his apprehension of the results that were occasioned at Kamballin, and at the time of the Dunham River agreement the Ord settlement had already entered into a difficult stage. It was probably true to say that the accusations of haste by the then Opposition were perfectly correct at the time, although they were disregarded.

The original proposal was that 10 properties of not less than 1 000 irrigated acres each represented development in the first stage, and attached to each property was an area of rangeland. This rangeland was to extend over something like 100 000 acres.

The whole difficulty was that the Government of the day had already proceeded with the project, without obtaining any evaluation on a number of points. When the Bill was brought before the House the company had already started work. As the agreement appeared, there was no supporting document, there was no analysis of soil types, and there was no research of the contours of the area. That was the sort of basis upon which this Parliament was asked to make a judgment, and to enter into a binding agreement with an overseas company.

The criticism of the Opposition at the time was that insufficient research had been undertaken along these lines to merit the Bill being proceeded with in the Legislative Assembly. It was also pointed out that the same result could have been achieved by the application of particular sections of certain pieces of legislation by the Minister, in particular the Land Act and the Rights in Water and Irrigation Act. Those sections could have been invoked, and stage 1 could have been proceeded with quite readily.

It was only when stage 2 had been reached that the extension of the company would have necessitated entering into a formal agreement with this Parliament; but the approval of the Governor-in-Executive-Council would have achieved just about that.

The previous Premier, who was then Leader of the Opposition, upbraided the Government for the haste in which it introduced the measure to the House. I can still recall quite clearly his attitude at the time, and the fairly strong words he used. He referred to a measure of that kind; and to the magnitude and the implications that it contained. He said it was brought before Parliament and debated within 36 hours of the very scanty information being made available. That was the genesis of this agreement. It probably had some bearing upon the situation which is now before us, and which we have to review.

The then Leader of the Opposition was fearful of the legislation, because it could turn out to be a failure. He cautioned that very little progress should be made, and he suggested that stage 1 only should be embarked upon, because as he saw the position in the light of his experience with the Camballin project—it was he who had been induced to enter into an agreement on the Camballin project which had cost this State many thousands of dollars—there was very good cause to view the situation with some apprehension.

So, the then Leader of the Opposition made the point that an undesirable attitude towards northern development could finally result. I am afraid this is probably true of the position today when there are increased fears of an additional failure. It must therefore dim optimism, and this is a natural and human reaction. The then Leader of the Opposition said it would have the opposite effect on northern development to the effect that was desired. They were fairly prophetic words, when we view the situation which exists at the present time.

As I have indicated, the whole area had been a pastoral lease; and it was known at the time that although the Ord River was in fairly close proximity and there was intense farming under way, there was already a period of difficulty confronting the original settlers and there should be—as happened in the period of testing at the Ord—a testing period at the Dunham River. It was not indicated in any way how 1 000 acres of irrigated pasture would be a viable unit, and how the rangeland of 100 000 acres was sufficient to produce breeders to be brought down to the irrigated pastures for fattening. In any case how would rangeland-reared cattle react when introduced to exotic pastures? It was not known how the cattle would react when they were placed on irrigated pastures having been reared under harsh rangeland conditions, and fed a supplementary ration to form a diet to which they were unused. That was the sort of problem which arose, and the sort of necessary research which should have been undertaken. Although at the present time the Queensland stylo has made a very good showing in the area it cannot be said to be the complete answer. I would point out it is not an exaggeration to suggest at the present time that the research undertaken is still insufficient to enable the entire project to be considered as a viable proposition.

If I recall the situation correctly, at the time the now Minister for Lands, in whose electorate this particular project happens to be located, was fairly moderate in his views. He expressed the point of view that some aspects of pastoral industry management were antiquated, and the Dunham River project could well serve as a living illustration of what was required

and what could be achieved in the area. He saw the venture as being very worth while and, at the time, said—

> I see the smile on the face of the Leader of the Opposition and perhaps I am a bit hopeful.

Regrettably this was so.

On the notice paper for tomorrow I have placed a series of questions which I believe must be answered before we can get the whole situation into perspective. As I said, the planning left quite a deal to be desired, and one of the first things I ascertained about the entire project was that the catchment area which supplied the dam, based on the average rainfall figures, was not sufficient to irrigate the whole area proposed; and this has been proved so. The suggested amendments to the agreement as they are proposed acknowledge that there is not a sufficient supply of water necessary to adhere to and make good the initial intentions of the agreement.

Such aspects as the availability of water, the lack of soil type research, the absence of contouring—all of which the deliberators in the Parliament had to contend with —the total absence of the economic aspects, and on what basis it was expected a farm in that area could be viable, were not touched on and still have not been. These aspects must be covered tonight.

As I said, I have placed some questions on the notice paper, but I regret that I am 24 hours away from knowing the answers. However, the Minister for Agriculture may be able to enlighten the House. One of the questions as I recall it asked what the Government considered constitutes a viable property on the Dunham River. I also asked about the acreage, the size of back-up rangeland available to it, and an indication of what crops should and must be grown to meet the criteria for eligibility.

Another question I asked concerned the amount that Goddard of Australia Pty. Ltd. has spent in developing and maintaining the Dunham River. We need to know the total sum expended as it will probably give us an idea of the amount the company will have to charge to recoup its expenditure on this particular project. It will also give us an opportunity to evaluate the situation and make a comparison and judgment on the cost that will have to be charged by the company and whether the company can ever be recompensed from the type of farming venture which has been suggested.

We also need to know the involvement of the State; that is, the level of expenditure and the manner in which it has assisted the venture. I am not implying that I am critical of the ensuing programme which must be followed up. I recollect being a willing party to the adjustment of some of the conditions to assist the company as much as was possible at the time. That would be the attitude of any Government once a project of this kind had been initiated and commenced.

However, there are some aspects about which I feel some deep concern and about which I will look to the Minister for some reassurance.

Concerning the terms of adjustment under the amending legislation before us, there are eight specific points, and it is as well for us to look at each of these. The recommendations, reflected in the executed agreement set out as a schedule to the Bill, and sought to be ratified by the Bill, are—

> (1) authorise the sale by Goddard of Australia Pty. Ltd. of five of the 10 farms—farms 1, 3, 4, 5, and 6;

Authorised to whom, and under what conditions? If the company has now run into difficulties and is considering that the project is not practical, to whom will the farms be sold? Will they be sold in a way which will ensure there is a viable farming proposition for the purchaser? If 1 000 acres with 100 000 acres of rangeland behind them are not sufficient it could be that some unseen purchaser, even from another company, under a prospectus will be sold a property of this kind and, as the unsuspecting purchaser will have no knowledge of the distances and costs involved, he could have his fingers well and truly burnt.

We must be advised whether there will be any stipulation or any specific requirement by the Government on the part of the company in connection with the sale and whether the sales will be vetted. Will the Minister for Lands have to approve of each sale, and will there be any safeguard for the purchaser? If it is to be a situation of "let the buyer beware" I do not think it is good enough for an agreement to which the Government is a party.

The second recommendation reads—

> (2) provide for the amendment of the boundaries of farm 8;

I have no doubt that some good practical reason exists for this. Not being able to recall the specific geographical circumstances I cannot say. The third recommendation reads—

> (3) provide for the issue of Crown grants for farms 7 and 8;

I take it that on the basis of this particular recommendation, farms 7 and 8 will not be able to conform with the requirements for the development of stage 1 and, because of that, they are to be treated as Crown grants. I would imagine that must be the situation and that again there is probably good reason for it.

The fourth recommendation reads—

> (4) provide for the retention for the time being by Goddard of Australia Pty. Ltd. of farms 7 and 8, but with the right to lease for any term not exceeding three years;

So, while there is provision for the issue of Crown grants on farms 7 and 8 they are currently to be retained by Goddard of Australia with that company having the right to lease them for a period not exceeding three years. It is possible that, once again, this is a realistic and practical requirement.

Recommendation 5 reads—

(5) allow for the surrender to the Crown of existing leases over farms 2, 9, and 10 to the intent that alternative leases be issued enabling the land to be utilised solely for dry land holding areas for stock;

Three of these farms will be earmarked as dry farm leases only.

Recommendation 6 reads —

(6) contemplate acceptance of responsibility for the control and management of Arthur Creek dam, the drainage channels, the water distribution system, and farms 2, 9, and 10 being passed to Arthur Creek Irrigation Company Pty. Ltd., the shareholders of which would comprise the respective registered proprietors for the time being of farms 1, 3, 4, 5, 6, 7, and 8;

So it appears there will be a syndicate of the owners of those farms, under Government supervision, guidance and direction, to control the irrigation requirements and the administration of the irrigation set-up. This is probably the only practical way it can be done. It would be too much just to expect a group of farmers in an irrigation project of this kind—and quite apart from having to worry about the economics of farming—to have to administer the irrigation waters in their entirety.

It is probably very necessary for there to be Government surveillance of the overall situation. If it achieves nothing else, it will no doubt avoid a number of abrasive situations which could arise when water is in short supply and there is a demand for it by a number of farmers. That would be axiomatic in other parts of the State. It is just as well the Government has become involved to that extent.

The eighth recommendation of the committee is that the variation in the agreement should recognise the fact that phase 2 of the development will not proceed. That, in fact, is the further 24 000 acres which were to be served from the dam on the Dunham River proper, the current development being on Arthur Creek.

Those are the requirements sought from this House by the company. In his explanatory notes the Minister made the statement that because of the insufficiency of water supplies—which, in effect, means the pilot area cannot be developed in total —the company now seeks to halt further development, to finalise the pilot phase—phase 1—and relinquish any rights it may have under the agreement to develop the larger area which is phase 2. It would appear the company is stating it is unable to proceed with the proposition it had entered into with the previous Government.

I think I have mentioned the salient questions which have arisen. While a situation of grave difficulty has been created, we cannot accept the responsibility for creating further difficulties for other farmers who are likely to move into the area.

The economics of the beef industry have necessitated a change in thinking, to a very large degree, and a different approach to farming by very many people. This applies not only in the Kimberley district, but right throughout the entire State. The prognostications of the beef market are not very clear at this time and if the experts are to be believed at all the short-term prospects for the beef industry are not very bright.

There is no doubt that in the long term, having regard to the overpopulation situation of the world today and the shortage of protein foods which is inflicted on more than half of the world's population, that ultimately Australia will play an important role in providing food for those hungry people. The Kimberley, possibly more than any other part of the State, will be involved to that degree.

In the meantime, there are a great number of difficulties which have to be ironed out, and the proposition now before us is one of them. As I said at the commencement of my remarks, there has never been such a graphic illustration of a prophecy being brought home. The suggestions, the advice, and the admonitions of caution advanced by the then Leader of the Opposition, and by people such as the Hon. F. J. S. Wise, were disregarded. The Government entered into the agreement with haste, pushed it through this House, and allowed the venture to proceed in its entirety without requiring an additional testing period which was well and truly suggested because of the situation which had arisen at the Ord River—where the opportunities probably were far firmer and greater—and the consequences of the Camballin venture.

So the Government does have to accept a great deal of the responsibility—I would say, the entire responsibility—for the situation which has been created. I have raised a number of pertinent questions at this juncture and I hope the Minister, in his reply, will be able to give some explanations and an account of the factual situation as it exists.

MR RIDGE (Kimberley—Minister for Lands) [8.35 p.m.]: I would be the first person to admit that certain predictions

were made by the Opposition when the Irrigation (Dunham River) Agreement Bill was introduced, and nobody could be more disappointed than I am over the necessity for the Bill now before the House. As the Deputy Leader of the Opposition has said, I had a few words to say when the Bill was originally introduced and I certainly was not opposed to the measure.

Mr H. D. Evans: You were quite moderate, and understandably fair.

Mr RIDGE: It is probable that a certain amount of caution was necessary, but on the other hand I believe—and I cannot answer the question as to the exact amount of money which has been poured into this project but I estimate it is in the order of a couple of million dollars because of the dam structure and the work which has been undertaken so far—we are fortunate to have the facilities which have been provided by the people who went into the project. We probably could not provide those facilities at anywhere near the same cost today. I believe the project at Dunham River will come into its own, the same as will the Camballin venture. As such, they will play a major part in the economy of an area which will be a great food bowl for the various parts of the world, referred to by the Deputy Leader of the Opposition as being presently starved.

It seems quite correct to say when such a project has not come up to expectations that sufficient research was not undertaken at the time. On the other hand, I regard this project—and certainly the Camballin project—as being a research station to some extent because without the benefit of the work which has been carried out by private enterprise the Government probably would be faced with the prospect of having to do the work at considerably greater cost at some time in the future.

I think we are fortunate to have the facilities which have been provided, and I believe the day will arrive in the not too distant future when those facilities will play a very important part in the economy of the Kimberley district.

It is unfortunate that the dam has not been able to provide all the properties with the amount of water originally envisaged. The consulting firm of engineers, which originally undertook the work, was fairly satisfied that the dam would have the capacity to supply the amount of water required. It appears there was a problem inasmuch as no gauging data was available in relation to the creek on which the dam is situated.

The Deputy Leader of the Opposition asked the extent to which the State had been involved in the project up to the present time, and the cost of the venture to the State Government.

I could not tell the honourable member exactly but, quite honestly, I believe it has been absolutely minimal and the State has been involved financially only in so far as it has been responsible for administrative commitments such as the preparation of documents. I do not believe the State has had to put any finance whatsoever into the project.

The five farms to which Crown grants had previously been issued are to be sold to WEE Country Development Corporation, which I understand is associated with the Goddard group. In all probability the corporation will later sell or lease these five properties to somebody else but at this stage that is not intended, so those five farms will initially go to the WEE Country Development Corporation. Bearing in mind they are being developed for irrigation purposes, they will probably be retained for that use. It is possible they will be used for growing pastures, fodder, and feed lotting of cattle, depending on cattle markets in the future.

The honourable member raised the question what was a viable size for a property in that area. Each of the properties is 1 000 acres but I am sure the Deputy Leader of the Opposition is aware of the fact that most of the farms in the Kununurra area comprise only 600 acres. So it would be fair to say if they can survive there is no reason that 1 000 acres at Dunham River will not be sufficient. It is not suggested they will be used for growing sugar or cotton. Peanuts are a very good crop which has been accepted by the people who are buying the peanuts, particularly for use in confectionery. A certain amount of rice is being grown very profitably. Some of the farmers in the area are producing wheat and sorghum which they are able to send to Darwin, and many other interesting experiments are being carried out by farmers which were not undertaken by the research station. I refer to lemon grass, aniseed grass, and so on. While they are not crops which would support a large area, they are certainly crops which have interesting prospects for farmers with limited areas of irrigable land available on the Dunham River.

When I was at Wyndham during the last couple of weeks—and I am sure the Deputy Leader of the Opposition will have it brought to his attention when he is in the area in the near future—I learnt that the people associated with this venture are currently investigating the possibility of growing a grain crop on the area in question with a view to exporting it to Japan. Certain problems need to be overcome in association with this, such as wharf and handling facilities at Wyndham. The Government has already given

a commitment to the people on the Ord River that wharf and handling facilities at Wyndham will be improved when it has been demonstrated that a market is available for crops such as this. So I believe the 1 000-acre farms will be sufficient in size to justify their later use as part of a viable enterprise.

Mr H. D. Evans: Has it been shown that 1 000 acres can be viable in that area?

Mr RIDGE: It depends on the type of project undertaken. The people in Kununurra who were growing cotton have been able to capitalise, in some instances very profitably, on a market in Darwin for pig and poultry feed, and so on, by growing such products as wheat and sorghum. There is no reason in the world that these people cannot do the same thing. On the other hand, there is also the prospect of WEE Country Development Corporation—which I think is the name of the company taking over the five farms—producing a fairly large quantity of grain for export to Japan.

Mr H. D. Evans: Is there any chance of a single individual getting into a situation from which he cannot extricate himself?

Mr RIDGE: I suppose there is but I do not believe any single individual will go into a situation like that, knowing the difficulties we have had on the Ord River, until he is absolutely satisfied he has a market which will sustain a good living for him.

Mr H. D. Evans: I hope that will be the story.

Mr RIDGE: I certainly do, too, but at this stage it is not intended that those farms be sold off individually, and I personally believe the company would have some difficulty in selling the farms until someone comes along with a project he believes will be economically viable.

In connection with the alteration to the boundaries of farm 8, when the boundaries were surveyed the company built some cattle yards on one property and wants them included in another property. So it is a simple matter of extending the boundary slightly onto one property so that the cattle yards can be included in a property which the company will be controlling.

Goddard of Australia is to retain farms 7 and 8 until such time as it is established that the other farms constitute a viable farming community, at which time it would be given permission to sell the two farms should it so desire. Goddard of Australia remains liable for the present under the terms of the agreement, certainly until such time as the blocks are sold to persons of substance, and this will ensure the company continues to be actively involved in the project.

A new company will be established which will accept responsibility for the control and management of the Arthur Creek dam, the drainage channels, and farms 2, 9, and 10. What it boils down to is the new company would initially be WEE Country Development Corporation, which will be responsible for the Arthur Creek dam site, the drainage channels, etc., and will be the registered proprietor of farms 1, 4, 5, 6, 7, and 8; but the shareholding in the dam site, the irrigation channels, and so forth will be in proportion to the number of farms held by each person. So if one person bought two farms he would have a proportionate holding in the dam site and irrigation channels.

As the Deputy Leader of the Opposition said, stage 2 of the project is not to be proceeded with. This involved splitting 34 000 acres into 34 holdings which were to be irrigated by a separate dam to be built on the Dunham River, but quite obviously there are good reasons for the company not now wanting to go ahead with that proposal.

The honourable member made reference to the history of Dunham River Station. I would have taken him to task on some of the points he raised but obviously he knows the history a little better than I thought I did. However, that is not particularly important. As I said, some of the predictions of the Opposition of the day have proven to be right. I certainly regret it is necessary to bring this Bill to the House but I reiterate that I believe the day will come in the not-too-distant future when Dunham River and Camballin will come into their own and be an important part of the economy of the Kimberley region.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr Ridge (Minister for Lands) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Schedule amended—

Mr H. D. EVANS: I wanted to say that the variations to the agreement contained in the schedule to this Bill are really the whole crux of the matter. It can be described only as regrettable that a measure such as this is before us because it marks what is virtually the end of a project that was imaginative in its concept, to say the least, if the practicalities and the realities of research were to some extent disregarded.

I appreciate the answers the Minister gave. He clarified all the points he was able to on the agreement. I join with him in hoping that the predictions for some crop which will act as an impetus or catalyst for that area will be found in the not-too-distant future.

The Opposition supports the intention to amend the agreement contained in the schedule, and probably it does so with a similar regret to that expressed by the Minister.

Clause put and passed.

Clause 5 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

As to Third Reading

MR RIDGE (Kimberley—Minister for Lands) [8.54 p.m.]: I move—

That leave be granted to proceed forthwith to the third reading.

Question put and passed; leave granted.

Third Reading

Bill read a third time, on motion by Mr Ridge (Minister for Lands), and transmitted to the Council.

MEDICAL ACT AMENDMENT BILL

Second Reading

Debate resumed from the 7th September.

MR DAVIES (Victoria Park) [8.55 p.m.]: Let me say at the outset that perhaps the Medical Act could have been rewritten. It is one of the oldest Acts on the Statute book—No. 36 of 1894. Although it contains 23 sections only, one of these—section 11—has more than 35 numbered subsections, and it is a difficult Act to follow.

The amending Bill we are dealing with tonight proposes to add some more subsections to section 11. Although the parent Act has been reprinted and extensively amended from time to time, it appears to be an Act which could reasonably be rewritten to make it more readable and thereby more understandable.

This measure has already passed through another place, and I do not think there is much to object to in it. It proposes to do five things. It seeks to limit the method by which doctors from other countries can obtain and retain registration in this State. It will raise the fees for the initial registration and the annual practice fee of doctors. Perhaps I should correct that; the Bill will raise the maximum amount which can be charged.

The parent Act contains a provision regarding regional or auxiliary services where doctors must first spend three months in a teaching hospital before they can accept such appointments and the measure proposes to amend that provision.

The measure deals with the reregistration of doctors who have been struck off the medical register. It will provide that in future the Medical Board will have the statutory right to seek information from doctors regarding their qualifications.

As I said, we do not intend to object to any of those provisions. I would have objected to two of the provisions, but on a closer reading of the parent Act, I found saving provisions as far as the effect of the amendments on the Medical Act is concerned.

Although in his introductory speech the Minister said large numbers of doctors seek registration in this State as well as in other States and never turn up to practise here, I was disappointed that he did not give any figures. I always feel more satisfied that a case is genuine when figures are quoted. For instance, I do not think it would be unreasonable for the Registrar of the Medical Board to say, "In the past two years I have had 800 applications from people from overseas, but only 24 of them have turned up."

I do know that many doctors are seeking registration in this State, and I know also that doctors must have certain qualifications to be so registered. For instance, only Asian doctors who have qualified in Hong Kong or Singapore have the necessary qualifications to obtain State registration.

I believe Western Australia is one of the most difficult States in which to obtain registration. Unlike some of the other States we do not recognise qualifications obtained in very many overseas countries. In fact, we acknowledge and accept only a very limited range of qualifications. Of course, a national committee is looking into this matter at the present time.

To return to the measure, I note that doctors seeking registration here must commence practice in this State within six months, and if they do not do this, the board may decide to strike their names off the register. Such doctors may not reapply for registration for another five years. This seems to me to be unduly harsh, especially in view of the lack of evidence of any extensive inconvenience which would be caused to the Medical Board. Circumstances could alter markedly in different cases. A doctor may have every intention of coming here but for some personal or family reason at the last moment he may decide not to leave his own country or perhaps he may take up an appointment somewhere else. If he then finds he made a bad decision, the appointment he took up was not acceptable to him and he wishes to come here, he is told he cannot obtain registration here for another five years.

Are we in the position of having so many doctors that we can afford to be so harsh on those who hold acceptable qualifications and who want to come here to practise? Are we able to say to them, "No, you applied several years ago but you did not arrive within six months, and so you are not allowed to be registered in this State for five years from that date"? In view of the lack of evidence, I think that is a little hard. The only saving grace

is that the board "may"—it does not say "shall"—decide to remove the applicant's name from the register.

I want an assurance from the Government—and I am sure I will get it—that doctors who apply for registration are acquainted with this provision. I think it is only reasonable that the board should say, "Look, Dr. Fu—or whoever it may be —if you apply for registration and it is granted you must come here and take up practice within six months or your name will be struck off the register and you may not reapply for five years." If applicants are acquainted with the position and are made aware of the requirements, then I think it is reasonable to accept this provision, especially if, as we are told, the large number of doctors who are presently seeking registration are causing some distress to the Medical Board.

So it is only because the board "may" decide that the name shall be struck off, and also because I hope to get an assurance that doctors who apply for registration will be acquainted with the position, that I am prepared to support this measure.

We do not argue about increasing the fee for registration and the fee for the annual practice of doctors. The latter fee has been $6.30—which is equivalent to the old three guineas—since 1945. We are going to allow the board to set a fee up to a maximum of $50 for registration, and up to a maximum of $25 for the annual practice fee. I think it has been decided that the latter fee will be something like $20, but I am not certain what will be the initial registration fee.

Mr Ridge: I think about half.

Mr DAVIES: That is not unreasonable in view of inflation and in view of the fact that the registrar's salary and the whole of the operation of the Medical Board must be paid for and should not be a drag on the community. The board should be self-supporting; so I do not oppose what is suggested to be written into the Act in this respect. The question of doctors coming to this State to practise as regional doctors, or for some particular purpose, being obliged first to serve three months in a teaching hospital is one I feel could well be waived. Most of the doctors who come here under those conditions are fairly well qualified, and the board can decide whether or not they have to spend three months in a teaching hospital. I am sure the board would be able to assess, probably within a fortnight, whether a doctor has some degree of competence and could be sent to a region to take control of it. I know many doctors have done this; in fact, they have been the saving of country medical operations for many, many years. I believe if doctors are properly assessed the period of three months in a teaching hospital could be reduced.

Of course, we have visiting professors who come to this State and give demonstrations in various hospitals, and I am quite certain they have not been required to serve a three-month apprenticeship in a teaching hospital beforehand. Indeed, it would be quite wrong to demand that of them. I am sure the Medical Board has closed its eyes to this on many occasions, and we are actually only putting into the law what has been the practice for quite some time.

I am a little perturbed at the powers we are giving the board with regard to the registration of doctors. Under section 13 of the Act a doctor may be fined up to $1 000 or be struck off the register for a period of 12 months. The board already has substantial power to deal with doctors. I do not suggest that doctors should not be struck off the register for various reasons, because they are just as human as the rest of us and I suppose some are subject to drink, drugs, and various other things which are considered to be not very nice in any profession, let alone the medical profession.

However, after a doctor has been struck off the register for a period of three or six months, or for the maximum period of 12 months, the board is being given the power at the end of that period of suspension to inflict a further penalty.

Mr Ridge: That is only by way of retraining.

Mr DAVIES: No, the board may say at the end of the period of suspension, "Unless you meet certain requirements of the board you will be suspended for a further period." The board may order that the period of suspension be extended for such further period, not exceeding 12 months, as it thinks fit, or it may direct that the doctor's name be removed from the register immediately upon the expiration of the period of the suspension. That is a substantial power to give to the board, and we must consider that this is a panel of doctors judging a member of their own profession. I do not suggest the power would be used harshly or that it would not be used sensibly, but I am a little reluctant to hand over so much power.

Mr Ridge: I think you will find the board will suggest there is a need for the doctor to work under supervision for a time. That is the type of thing they are aiming at.

Mr DAVIES: I would hope that would be the outcome, but I can only go on what is set out in clause 6, which amends section 13. The only saving grace is that there is the right of appeal to a judge of the Supreme Court, and that I would expect the board to act in a proper manner when judging one of its own kind,

realising that its decision would be subject to an appeal to the Supreme Court. I think the judge has the power to deal with the matter as a rehearing of the application rather than an appeal against the application, and he has power to quash, to uphold, or to extend the decision of the board. However, I am still reluctant to hand to the board such powers which could affect the livelihood of a man; even though we realise that doctors hold the livelihood of the public in their hands and they must be responsible, and if they are not responsible they must face additional penalties if their peers think fit to inflict them.

The final provision requires that when the annual practice fee is paid each year, the registrar may ask for particular information. I think he does this now; he asks doctors to fill in on the back of the registration form any additional qualifications they may have gained, but he has no statutory power to demand this information. If we are to have adequate planning in respect of medical manpower, we must know what qualifications doctors have and where they can be tapped. We must know where our medical resources are. For that reason, it is not unreasonable to ask doctors to supply this information from time to time in order that we may more properly plan in respect of the medical manpower throughout the State. Fortunately, from the inquiries I have been able to make, it seems the position regarding doctors in Western Australia is fairly good.

Quite a few Asian doctors have come into the State and have gone into areas of great need; they have done a great job and it is a matter of pleasure to me, because we as a Government endeavoured to attract doctors from overseas to set up in these regions where there was a dearth of doctors. This has taken some time, but I am pleased to see that the policy has borne fruit and some of the pressure points have been eased considerably. All in all, as I said, I was not very happy about some of the provisions contained in the Bill, as I thought they were too autocratic and proposed to give a little too much power to the Medical Board. However, the savings provisions in the legislation may help to ease any problems which may arise inasmuch as the board may decide whether to allow a doctor to remain on the register. If a man has been punished for some offence, and feels he has been dealt with unduly harshly he can always appeal to a judge of the Supreme Court. With those words and slight qualifications—which do not mean very much in this context—I support the Bill.

MR RIDGE (Kimberley—Minister for Lands) [9.11 p.m.]: I thank the member for Victoria Park for his support of the Bill. He said he did not have much to object about, but raised a couple of queries. The first related to the number of overseas doctors who applied for and obtained registration in Western Australia. Unfortunately, I am not able to provide the honourable member with the precise numbers of doctors who have applied for registration, but I am able to give him some figures which may be of interest.

The purpose of registration is to ensure that those doctors who practise here are properly qualified, and are in good standing within the profession and the community. Therefore, the register should be a reasonable guide to the number and location of doctors practising in Western Australia. Unfortunately, I understand this is not necessarily the case. At present, the register contains 3 300 names, and slightly less than two-thirds of these doctors are in Western Australia. In July, 1976, alone over 80 foreign graduates sought registration. The rate of application continues to be high and it is unlikely that more than a few will ever come here.

The honourable member also expressed concern in regard to the provision that a person disqualified from the register for certain reasons could be prevented from reapplying for five years. I have been assured by the Minister for Health that the board could grant dispensation in certain cases, if it considered it was desirable. Obviously, instances may arise where this will be necessary, and the board has given an undertaking to look at these in a sympathetic light.

The honourable member asked for an assurance that people applying for registration will be informed of the requirements; I give him that assurance. I will pass on his comments to the Minister concerned and I am positive he will agree that the request is a very fair one.

The next query raised by the member for Victoria Park related to the board having the power to erase the name of a doctor from the register, or to suspend him for a specified period for any of several causes. These causes could include misconduct, incompetence, chronic ill-health, or addiction to drugs or alcohol. The board considers this to be a very desirable provision.

If a doctor applies to have his name restored or if a term of suspension expires, it is incumbent on the board to satisfy itself that it is safe to readmit the doctor to practise. Where medical or rehabilitative treatment has been ordered, it must be seen to be effective. If special retraining has been required, it must be shown to have been undertaken.

As I said by way of interjection, it is most likely the restriction would be a requirement that the applicant should work under supervision, and in that light, I

believe the clause to be justified. As the member for Victoria Park pointed out, the Act already contains a provision allowing an aggrieved doctor to appeal to the Supreme Court. I also point out that similar powers were conferred on the General Medical Council of the United Kingdom in 1969, for exactly the same reasons we wish to provide such powers in Western Australia today.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

As to Third Reading

MR RIDGE (Kimberley—Minister for Lands) [9.17 p.m.]: I move—

That leave be granted to proceed forthwith to the third reading.

Question put and passed; leave granted.

Third Reading

Bill read a third time, on motion by Mr Ridge (Minister for Lands), and passed.

HOSPITALS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 24th August.

MR DAVIES (Victoria Park) [9.18 p.m.]: I am sure the Minister does not expect me to oppose this Bill, because on a number of occasions I have said in this House that the best thing the Government can do with the Teaching Hospitals Advisory Council is to disband it. It has not met for some time and it is a matter for considerable regret to me that it has not met or been successful in its operations. Of course, the reasons it has not been successful can be related primarily to persons' petty jealousies and inability to take in the broad picture, but to concentrate only on the particular areas represented by the members of the council.

As a matter of fact, the council did not have a very sympathetic launching. It might be as well for historical purposes to remind the House that when the Labor Party took over as Government in 1971, there were several pieces of legislation in various departments which required consideration by the incoming Government, one of which provided for some specific, but not terribly important amendments to the Hospitals Act, which had been agreed to almost *in toto* by the previous Government. I was asked whether I would like to put them to our Government to see whether it agreed to bring them to Parliament. I did that, the Government agreed and I brought them to Parliament eventually.

In the meantime I thought it might be a reasonable thing to pass the suggested amendments to the Hospitals Act to the various teaching hospitals and to ask for a confidential report on their feelings. One can imagine how I felt when I found out that within 48 hours every doctor in the Royal Perth Hospital had a copy of the proposed amendments in his pocket and the story was going around that we were to socialise medicine. This shows how absolutely stupid members of the medical profession are. They did not realise that the amendments were brought down by the previous Government; that did not even occur to them although they should have been aware of it because many of the amendments had been requested by different boards of management. But because it was a Labor Government, and because it was interfering with the Hospitals Act, the only thing we could possibly be doing was socialising medicine!

I think it is a matter of great regret that this attitude continues. We are in a position where the public does not know what it is doing with regard to Medibank. According to news reports last night, one in five persons has not a clue as to what he is going to elect to do in relation to Medibank by the 1st October. This situation has come about only as a result of set attitudes in the community, I think, regarding hospitals generally. The outcome, of course, is that the patient always pays; he is the one who suffers.

I have not heard the Australian Medical Association complaining at all about the new Medibank agreement. It had plenty to say when the original agreement was brought in although almost every one of its conditions was met at the time. However, I think this is a reflection on the medical profession at large.

The profession suggested to me that there was no need to set up the Teaching Hospitals Advisory Council. It was frightened the council would start to order the profession about. Members of the profession did not even read what the Act provided for the council to do. No-one I questioned knew about that. All they knew was that there was going to be someone overriding the lot of them and they had all better watch out for their jobs! It was almost hysteria. It taught me a lesson. It taught me to be very circumspect about the people I took into my confidence in the future because it was a disgrace that any board of management should release the text of a Bill which had been sent to it on a confidential basis.

I felt badly about the matter at the time, and I still feel badly about it. I thought we were dealing with men of honour, and I found the situation to be otherwise. Just because the matter concerned medicine everyone thought it was everybody else's property and they could do what they liked with it. I felt then that the Teaching Hospitals Advisory Council was not going to work, and I knew it would not work because people did not want it to work.

The State Health Council then came to the fore. It rose like phoenix from the ashes. We had neither seen nor heard it for years. It suddenly became full of life. It was going to fix up everything that needed fixing up with regard to health matters in this State, and it was going to work. It did not convince me. Its track record was too poor to convince me. I said that we would go on and at least see whether we could get something out of the Teaching Hospitals Advisory Council. I said then that if the council did not work within 12 months and I was still the Minister, I would be prepared to disband it. I have said that since because it has not worked; and it has not worked because people will not act responsibly.

I think we might even look at the track record since that time of the State Health Council. The latest figures I have were asked for in April, 1975. I did not bother to pursue the matter any further then because I knew that the State Health Council considered the Teaching Hospitals Advisory Council to be as dead as a dodo and that it did not have to bestir itself to do much.

I asked how many meetings of the State Health Council had been held in 1973 and 1974. I was informed that only two meetings of the State Health Council were held, one on the 31st January, 1974, and the other on the 28th February, 1974—before we left office. Those meetings were held only because a subcommittee had been working for several years on a report into hospital requirements in the metropolitan area. That subcommittee had finished its work and the State Health Council had to have a quick look at the report before it was given to me as a finished document from the State Health Council.

The State Health Council, which was going to do all sorts of things if I would not appoint a Teaching Hospitals Advisory Council, met twice up till April 1975; that is, twice in 1974. In 1975 I asked this question—

> Were any State Health Council subcommittees operative during that time, and if so, what was their purpose and on what dates did such subcommittees meet?

The answer was that there were several subcommittees, that the coronary care ambulance committee had met once in 1973, and that the medical computer coordinating committee, which had a very good track record, had met on a number of occasions. That committee had met on 15 occasions up till March, 1975, because computers are a big thing in the medical profession. Also the maternal and child health committee had met once, on the 6th June, 1973.

I also asked—

> What are scheduled dates for future meetings of the State Health Council?

The answer was—

> No date has been determined.

The track record of the council, which was poor when we took office, was even poorer by April, 1975. It is a matter of regret to me that it did not do what it said it was going to do.

In the meantime it might be worth looking at what the Teaching Hospitals Advisory Council had done. A question I asked is to be found on page 1054 of *Hansard* for 1975. We find that the Teaching Hospitals Advisory Council had met on 10 occasions during 1973. In 1974 it had met in February, March, April, May, June, August, and October, and no further meetings had been set. That is when it was starting to run down, but it had formed a number of subcommittees. Seven subcommittees had been formed and they had been holding meetings. Apparently some good had been coming out of the Teaching Hospitals Advisory Council but it was quite apparent that members of the council did not want it to work. Despite the fact that some members were demanding that meetings be called, and meetings were called, it was quite apparent by October, 1974, that it was running down. It was a matter of regret to me that this had happened.

In his speech when introducing this Bill the Minister said that it was felt the council was not necessary because the State Health Services Committee advised the Minister on matters of policy. That committee had three subcommittees—the Hospitals Development Programme Committee, the Community Health Committee, and the Health Services Planning and Research Committee. I am sure those are admirable committees, but I do not think they would be able to do the same job that a successful THAC committee would be able to do. In addition, the Minister said there was the Royal Perth-Sir Charles Gairdner Hospitals Resources Co-ordinating Committee that dealt with senior representatives from each hospital. In effect this was just another THAC committee except that it was not as widely representative as the THAC committee. They are the two main committees apparently that are guiding the Minister.

I do not think that planning within the Health and Medical Departments is as easy as that. I can recall a question I asked in August last, which was not very long ago, as to the formal and informal machinery existing between the State and the Australian Governments for hospital development and health care delivery planning.

One might be staggered at the reply I received to that question. The reply indicated there were 10 formal committees on health care delivery planning, and there were three hospital development committees. The answer also indicated there was informal liaison with the Federal authorities which was constant at the officer level.

It is as well that I should read out the formal committees in respect of health care delivery planning. They are as follows—

1. Federal/State Health Ministers' Conference.
2. National Health and Medical Research Council.
3. Joint Commonwealth/State Committee on Community Health.
4. Australian School Dental Service Advisory Committee.
5. Aboriginal Affairs Co-ordinating Committee.
6. Federal/State Conference on Aboriginal Health.
7. Children's Commission.
8. Australian Foundation on Alcohol and Drug Dependence.
9. Senate Standing Committee on Social Welfare.
10. National Tuberculosis Advisory Council.

The Children's Commission has had the kiss of death, and is no longer with us. It is a matter of great regret that this commission was turned into another section of the Social Security Department.

The three committees relating to hospital development are as follows—

1. Health Ministers' Conference.
2. Joint Hospital Works Advisory Council.
3. Hospitals and Health Services Advisory Council.

It is a wonder that any work is done within the department, in view of the need to attend all those meetings. Whilst initially I was not in favour of a hospitals commission, it is becoming fairly apparent that, as there are so many committees and so much interrelationship, we will finish up with one section not knowing what the other section is doing, and the best thing is to have a hospital commission.

I notice a motion to that effect was carried at the last conference of the ALP, and we will be looking very closely for its implementation after the next election. It must be an overwhelming and overpowering function to keep up with those committees and to be in constant contact with them.

The ones I have mentioned are only a fraction of the number of committees which exist. There are committees and subcommittees, and there are boards of management and their subcommittees. Within the teaching hospitals there are countless interrelated committees, which must cost us a fortune. I do not know that we are getting the best value for our medical expenditure. I know that in Sir Charles Gairdner Hospital some very interesting work is being done in relation to the value for the medical dollar that is spent. I hope that any beneficial results will be relayed to other hospitals but I am not certain to what committees such results will be forwarded.

There are still matters for concern between the teaching hospitals. Although we have the State Health Services Committee to advise the Minister, I do not know this is the answer to some of the problems. For instance, is the State acquiring an EMI whole body scanner? If it is, where will it be located?

The head scanner at Sir Charles Gairdner Hospital is now being worked almost to capacity, for at least eight hours a day. However, when it was purchased initially it was thought the scanner would be used once or twice per week. Other hospitals are suggesting they might like to acquire a head scanner, but first of all there is the question of acquiring a whole body scanner.

There is the position in regard to the Royal Perth Hospital rehabilitation annexe at Shenton Park. I know that some unhappiness has been caused by the way it operates and the beds it makes available to other hospitals and other sections of the medical profession. In this respect I do not know whether anything is being done, or whether the Royal Perth Hospital Board is hanging onto the annexe like grim death.

These are matters which come to mind quickly. There are dozens of others where some overall policy is required. It is costing us a fortune in equipment and staff to run our hospitals, and this is the only way we can effect a saving. We cannot cut down on the quality of care of patients. We have to cut down on some equipment by rationalising the use of equipment between hospitals. That is what I hope the teaching hospitals will do.

Mr Young: Report No. 11 of the Public Accounts Committee provides a solution to the whole problem.

Mr DAVIES: I had a look at that report today. I do not think it has ever reached the Medical Department.

Mr Young: That department has read it.

Mr DAVIES: I agree with the honourable member that the report contains excellent material. I have indicated there are so many committees it must be difficult for the staff to keep up with them. However, the matter for real regret is that the Minister has withdrawn the departmental representatives from the hospital boards. He could have withdrawn the departmental representatives from any number of boards or subcommittees. I believe there is a vital and very necessary liaison between the Government and the hospitals, through the Medical Department representative sitting on the board of the teaching hospitals.

On many occasions the Director of Administration (Mr Horrie Smith) was able to save the Government money, not only as a result of his expertise and excellent knowledge of health and medical matters, but also of his particular knowledge obtained from sitting on the Royal Perth Hospital Board. He was able to relay his knowledge in dealing with matters emanating from the boards of other teaching hospitals.

This was one of the many stupid mistakes the present Minister has made in withdrawing the Government representatives from the boards of the teaching hospitals. This was a vital and necessary link. To say the least, I was shocked that he ordered the Government representatives to be withdrawn; he gave no substantial reason for such withdrawal. I am not aware whether the Government representatives asked to be taken off, whether the boards requested that they be rid of the Government representatives, or whether the Government itself decided it was not necessary to have them on those boards. I have not discussed this matter with any Government representative on the boards of teaching hospitals; perhaps one day I will. However, I think this was the most stupid mistake of the many stupid mistakes that have been made by the present Minister.

I have said all along that THAC should be disbanded, because it has not been working as I hoped it would work. I believe it did not work, because of prejudices and particular leanings of certain people to the hospitals they represented. In this regard I am not picking out any particular person. I think that right from the start it was put over me when instead of appointing people who might have been reasonably objective in their assessment of what THAC was supposed to do, the appointees were the chairman of the board and the administrative officer—both powerful members of the teaching hospitals—who I am sure were there to look after their own vested interests.

Mr Ridge: This seems to be an argument in favour of the Minister having the right to appoint these people. You were responsible for the introduction of this Act. If I recall correctly, you said you did not appoint these people.

Mr DAVIES: I think the Minister appointed them, but the boards nominated them. If we look at the Act we find that it says they could be appointed by each hospital, and each hospital would appoint two representatives. Of course they appointed the chairman and one of the administrative officers.

I was hoping they would appoint people who would not be quite so narrow in their outlook. I am trying to point out that they were looking after their own interests, rather than the wider interests of the State, and they were taking advantage of the powers that THAC had provided.

What the Minister says might be correct. It might have been better to establish a small committee by ministerial appointment and possibly thus accomplish more effectively what we had hoped to accomplish.

We are agreeing to THAC being disbanded. I do not think I need waste any more of the time of the House. The situation has rankled me for many years, particularly the way the medical profession reacted to what were basically Liberal Party amendments.

MR RIDGE (Kimberley—Minister for Lands) [9.41 p.m.]: Almost as soon as he rose to speak, the member for Victoria Park indicated he supported the proposal currently before the House. He also indicated that on previous occasions he had recommended the disbandment of THAC. In fact, everything he said demonstrated he was in support of the proposal.

He referred to many and varied other items on which I have no intention of touching. All I will say is that I will draw his speech to the attention of the Minister for Health. I commend the Bill to the House.

Mr Davies: Thank you.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

As to Third Reading

MR RIDGE (Kimberley—Minister for Lands) [9.43 p.m.]: I move—

> That leave be granted to proceed forthwith to the third reading.

Question put and passed; leave granted.

Third Reading

Bill read a third time, on motion by Mr Ridge (Minister for Lands), and passed.

NURSES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 7th September.

MR DAVIES (Victoria Park) [9.44 p.m.]: This small Bill proposes to increase by two the number on the Nurses Board, those persons being the two who are registered as nursing aides and who are practising as such in a hospital at which persons are trained as nursing aides, and appointed on the recommendation of the Minister. The amendment is in paragraph (d) of clause 3 and will become (l) of section 9 (1).

On the notice paper I have an amendment to the Bill and perhaps we could go as far as the Committee stage tonight and then leave the Bill for consideration

at a later stage. The only reason I ask this is that the union concerned—the Hospital Employees' Industrial Union of Workers—wrote to the Premier on the 6th September asking him to meet a deputation to discuss a certain matter, but as yet it has not received a reply, although it checked with the Minister's secretary who indicated that the matter had been taken to Cabinet on the 6th, and the advice of the Minister and the Medical Department was being sought. However, as yet no reply has been received in regard to the request for a deputation.

It is a matter of some importance and perhaps after I have detailed my amendment and dealt with our feelings towards the Bill, the Minister might be good enough to take the Bill only to the Committee stage until such time as the Premier is able to indicate whether or not he can see the union in question.

On the 15th April this year the HEIUW wrote to the Minister for Labour and Industry to ask if it could have representation on the Nurses Board to protect the interests of nursing aides who were not represented on the board. It asked alternatively whether the union could nominate representatives to the board to cover the interests of nursing aides. That request was in a long letter sent to the Minister for Labour and Industry, and with the letter the union enclosed a copy of the decisions of the Industrial Commission in Court Session concerning the Royal Australian Nursing Federation and the Minister for Health.

It involved the union's intervention in order to protect the position in respect of industrial coverage for nursing aides. The decision handed down by the Industrial Commission was essential in consideration of the union's request, and it was the fifth occasion in 24 years on which the State's industrial authority had rejected an application by the Royal Australian Nursing Federation for coverage of nursing aides. In the earlier part of that period, constitutional coverage had been requested, and more recently, industrial coverage. So, supporting the application for the union to be represented on the board, or alternatively, for nursing aides to be represented and nominated by the union, was the judgment which had been handed down by the commission. The case was presented before Senior Commissioner Kelly and Commissioners Collier and Martin. The decision was handed down on the 6th April, 1976, and the union was quick to take up the matter and refer it to the Minister for Labour and Industry.

On the 22nd April the Minister said that consideration was being given to the matter and that he would discuss it with the Minister for Health. On the 11th May he wrote again to the union and said that the matter had been referred to the Minister for Health for reply, as it was not a matter which properly came within the jurisdiction of the Minister for Labour and Industry. On the 2nd June, 1976, the Minister for Health wrote to the union as follows—

> I am unable at the moment to agree to an amendment to the Act to enable nursing aides to be represented on the Nurses' Registration Board. However, I will give the matter careful consideration.

That was on the 2nd June. Nothing further was heard by the union from the Minister. Indeed, the next thing the union knew was that the Bill had been presented in the Legislative Council, had gone quickly through that House, and was now before the Legislative Assembly. It is true that the Opposition in the Legislative Council had agreed to the Bill, but then it was not aware of all the implications.

Mr Ridge: Did you say the union was given an assurance that it would have the right to—

Mr DAVIES: No. The Minister said he would give the matter careful consideration, but he did not then get into contact with the union again. The first thing the union knew was that the Bill had gone through the Legislative Council and had reached the Legislative Assembly, where we are now discussing it.

The union decided then that because it was of considerable importance; because on five occasions they had won constitutional and industrial coverage for those people, the aides were very properly a part of the Hospital Employees' Union and, as such, they should be represented on the board. I cannot understand the attitude of the Minister when he said, on the 2nd June, he could not agree to the proposal and that he would give the matter careful consideration. Then, without getting in touch with the union again, he introduced this measure to the House. That was not very polite of the Minister. At least he could have followed up his earlier letter and told the union what was happening. However, that is another one of his many "blues".

On the 26th September the union wrote to the Premier and drew his attention to the position as it existed, and as I have explained it. The union felt it was not unreasonable that, as the Government had decided that nursing aides should be on the Nurses Board, it should have the right to nominate who those nursing aides should be or, at least, submit a panel of names from which the Minister could make a selection. Why is that proposition unreasonable. Under the provisions of section 9 the board will consist of 15 members, and 10 of those members are to be appointed on the recommendation of the organisation which represents the nurses' industrial or professional interests.

Section 9 of the principal Act sets out the composition of the board, and states that two persons are to be appointed on the recommendation of the Minister, one of whom nominated by the Minister at the time he makes the recommendation shall be appointed the chairman. Then there is the Director of Mental Health Services; two persons who are medical practitioners nominated by the Australian Medical Association; a person who is registered as a general nurse appointed on the recommendation of the Minister; a person who is a specialist in general education appointed on the recommendation of the Nurses Federation, and then the section goes on to set out the other representatives. They include a person who is the matron of a general hospital, to be appointed on the recommendation of the Council of the Federation—that is the nurses federation—and two persons representing community health services, again recommended by the Council of the Federation. Another representative is a person from the Mental Health Services, appointed on the recommendation of the body known as the Psychiatric Nurses' Association.

If the practice has been for 10 of the 15 persons on the board to be nominated by the profession, the association, or the trade union—if we can use the term fairly loosely—then surely it is not unreasonable to continue that very proper practice so that the two nursing aides who are to be appointed to the board—which I applaud—shall be appointed by the body which represents their industrial and professional interests; that is, the Hospital Employees' Union. If it is good enough for all the other representatives to be so elected or appointed, the practice should continue. I am sure that if there are any substantial reasons for the procedure, the Minister will tell us when he replies.

I again point out that on five occasions the Hospital Employees' Union has come out on top with regard to constitutional or industrial coverage which has been challenged by the Nurses Federation and the Minister. The court has decided after considering all the facts, that the Hospital Employees' Union shall be the representative body. I am not suggesting that the Minister had not already given the matter consideration, but the union suggested to the Minister that the nursing aides should have representation. On the 2nd June, the Minister said he could not agree and on the 19th August he introduced a Bill into this House.

I do not want to labour the point. Evidence regarding coverage has been supplied to the Minister for Labour and Industry, to the Minister for Health, and a letter has been sent to the Premier requesting that the matter be discussed further. That is not an unreasonable request. Precedent has already been set in relation to the people appointed under section 9 of the Act.

If the Government is not happy with my amendment that it should be a straightout nomination, we will agree to the presentation of a list of five names from which the Minister can make a selection. It is grossly discriminatory that the union which represents the nursing aides should be completely overlooked when, in point of fact, it advanced the proposal initially.

I understand it is not the intention of the Minister to complete the passage of the Bill tonight. I would not like the Government to finalise the Bill before the Premier has had a chance to reply to the letter which has been forwarded to him.

With those brief remarks I will resume my seat saying that we applaud the introduction of this measure and we are delighted with the fact that nursing aides will be appointed to the Nurses Board. We believe that to be essential, but we argue with regard to the way it will be done.

MR RIDGE (Kimberley—Minister for Lands) [9.56 p.m.]: The member for Victoria Park appears to be quite prepared to go along with the provisions in the Bill; that is, the proposal to increase the size of the Nurses Board by the addition of two people representing nursing aides.

I would like to indicate to the honourable member that so far as I am concerned I am quite happy to allow progress to be reported after the consideration of clause 2. I was prepared to see the matter finalised tonight, but in deference to the request from the honourable member I will accede to the request and arrange for progress to be reported. I commend the second reading.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Crane) in the Chair; Mr Ridge (Minister for Lands) in charge of the Bill.

Clauses 1 and 2 put and passed.

Progress

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

House adjourned at 10.00 p.m.

Legislative Council

Wednesday, the 22nd September, 1976

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.