Mr WATT: Then I hope I am lucky, but only time will tell.

A final matter I wish briefly to mention is the telephone charges which have been recently increased. I refer specifically to Albany in this context. I believe there must definitely be some rationalisation of these costs between the urban areas and country areas. The cost of a trunk call from Albany to Perth during daylight hours has increased from $1.38 to $1.80, and that is a terrific burden on country people. For example, it is absolutely necessary for those people running small businesses to make frequent phone calls, depending on the nature of their businesses, to the metropolitan area.

I am sure members on both sides of the House, if they are honest, will agree with me that as a result of the disadvantage of remoteness in country areas, and because of the distance people must travel for essential services, the connection of a telephone is much more important for them than it is for city people. The increase in the service connection fee from $80 to $160 is most unrealistic and most unfair to country people. I am a little disturbed to find the Australian Telecommunications Commission has budgeted for an increased profit from $100 million to $153 million. Obviously the commission is endeavouring to finance capital works from the revenue it obtains, and this is to the detriment of country people. In my opinion this is a most unfair situation, but I rather doubt that the Federal Government will listen to any cries from the wilderness I may make. However, I certainly make my protest known.

With those remarks, I support the Budget.

Debate adjourned, on motion by Mr Davies.

House adjourned at 11.18 p.m.

Legislative Council

Thursday, the 30th October, 1975

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS (8): ON NOTICE

1. TOWN PLANNING

Scarborough: ALP Signs

The Hon. S. J. Dellar for the Hon. R. F. CLAUGHTON, to the Minister for Justice representing the Minister for Town Planning:

Further to my question 7 on the 16th October, 1975, regarding town planning appeals—

(1) What action did the Minister take to verify the statement that A.L.P. signs were also located on the site owned by Twenty-Seven Properties Pty. Ltd.?

(2) Is the Minister aware of photographic evidence that shows the statement to be incorrect?

(3) Is the Minister also aware that this incorrect statement has been repeated in a letter to *The West Australian* newspaper and published on the 29th October, 1975?

(4) Will the Minister make a statement—

(a) correcting the information given in his previous answer; and

(b) disassociating the Government from the statement made by the Liberal Party Member for Scarborough?

The Hon. N. McNEILL replied:

(1) By viewing photographs.

(2) No.

(3) No.

(4) (a) and (b) See answer to (1).

2. NORTH WEST COASTAL HIGHWAY

Bridge and Bypass

The Hon. J. C. TOZER, to the Minister for Health representing the Minister for Transport:

(1) When is it planned to complete the construction of the bridge over the Harding River at Roebourne on the North West Coastal Highway?

(2) On present planning, when will the Roebourne townsite by-pass road be constructed?

The Hon. N. E. BAXTER replied:

(1) Subject to availability of funds under future Commonwealth legislation, it is proposed that the Harding River Bridge at Roebourne would be completed during the 1977/78 financial year.

(2) It has not yet been decided whether the bypass would be built at the same time as the bridge or at a later date.

3. TOWN PLANNING

Scarborough: Pizza Hut

The Hon. S. J. Dellar for the Hon. R. F. CLAUGHTON, to the Minister for Justice representing the Minister for Town Planning:

(1) In upholding the appeal in favour of Twenty-Seven Properties for the construction of a Licensed Restaurant-Pizza Hut in Scarborough Beach Road, to what extent did the Minister require the

statistics and assessments contained in the report prepared for the developers by P. G. Pak-Poy Associates to be checked?

(2) What is the source of the traffic flow figures contained in the report—

(a) for traffic flows in Scarborough Beach Road and Liege Street; and

(b) traffic flows associated with each of the six Pizza Huts?

(3) (a) Were the figures for the Pizza Huts checked for seasonal variation; and

(b) if so, what are these figures?

The Hon. N. McNEILL replied:

(1) They were referred to the Transportation Branch of the Town Planning Department.

(2) (a) Main Roads Department count of April 1974 and counts by P. G. Pak-Poy & Associates.

(b) P. G. Pak-Poy & Associates.

(3) (a) No.

(b) Answered by (a).

4. LEGISLATIVE COUNCIL

Abolition

The Hon. S. J. Dellar for the Hon. R. THOMPSON, to the Minister for Justice representing the Premier:

(1) Was the Premier correctly reported in *The West Australian* of the 29th October, 1975, on page 34, in his last paragraph when he said "I am certain that if a resolution for abolition of the Legislative Council were to come to a vote with a chance of success, Labor members would either absent themselves or refrain from voting."?

(2) Will the Government during this Session of Parliament initiate a Bill to test our sincerity?

The Hon. N. McNEILL replied:

(1) and (2) So that the Member will be fully informed on what the Premier said, I seek permission to table a copy of his press statement.

The statement was tabled (see paper No. 418).

5. HOUSING

Pilbara and Kimberley

The Hon. J. C. TOZER, to the Minister for Education representing the Minister for Housing:

Would the Minister please provide a schedule of house building planned for the Pilbara and Kimberley by the State Housing Commission for 1975/1976, in the following categories:

(a) normal State Housing Commission programme of rental homes;

(b) normal homes for Aboriginal tenants;

(c) special housing for Aborigines;

(d) housing for Commonwealth departments; and

(e) housing for State departments, not catered for by the Government Employees' Housing Authority?

The Hon. G. C. MacKINNON replied:

(a) Pilbara—

Karratha—16 units;
South Hedland—22 units;
Roebourne—4 units;
Wickham—8 units.

Kimberley—

Broome—4 units;
Derby—2 units;
Wyndham—4 units.

(b) Pilbara—

South Hedland—7 units.

Kimberley—

Broome—6 units;
Derby—4 units;
Wyndham—1 unit.

(c) Kimberley—

Fitzroy Crossing Village—10 units.

Looma One Arm Point (continuing programme).

(d) and (e) The Commission has no formal request from either Commonwealth or State Departments as to the housing they would wish the Commission to arrange as a construction agency.

6. TOWN PLANNING

Scarborough: Pizza Hut

The Hon. S. J. Dellar for the Hon. R. F. CLAUGHTON, to the Minister for Justice representing the Minister for Town Planning:

(1) Did the Minister make a personal site inspection before upholding the appeal by Twenty-Seven Properties Pty. Ltd. against the rejection of an application to build a licensed restaurant-Pizza Hut on the intersection of Liege Street and Scarborough Beach Road?

(2) Is the Minister aware that all the Pizza Hut sites included in the consultant's report for Twenty-Seven Properties Pty. Ltd. have access from two streets except one which, however, is not located on an intersection?

(3) Would the Minister agree that further commercial development in close proximity to the above site and already approved, and the upgrading of Pearson Street, is likely to increase traffic volumes and reinforce objections to the proposal by the City of Stirling on the grounds of traffic conflict?

(4) (a) Is the Minister aware that traffic in Scarborough Beach Road moving west at peak periods finds it necessary to pre-sort itself at the Liege Street lights—right hand lane for traffic wishing to turn right into Odin Road, and left hand lane for traffic wishing to continue further along Scarborough Beach Road because of the bank up of traffic turning into Odin Road;

(b) would the Minister agree that a number of vehicles turning into the Pizza Hut at peak times, if permitted, would, for the above reasons, almost block traffic flow to the west in Scarborough Beach Road?

The Hon. N. McNEILL replied:

(1) Yes.

(2) Yes.

(3) Traffic volumes will undoubtedly increase but the Pizza Hut is not expected to be a relatively large contributor. Would the Member be more specific with regard to the commercial development said to be approved?

(4) (a) Yes.

(b) No. The Minister believes the volume of traffic entering and leaving the Pizza Hut will not be significant in relation to the total volume in Scarborough Beach Road and the Pak-Poy report specially referred to this aspect.

7. TOWN PLANNING

Stephenson Avenue

The Hon. S. J. Dellar for the Hon. R. F. CLAUGHTON, to the Minister for Justice representing the Minister for Town Planning:

Will the Minister take immediate steps to—

(a) amend the Metropolitan Region Planning Scheme by deleting Stephenson Avenue, specifically that portion which is within the area known as Bold Park between Empire Avenue and Underwood Avenue;

(b) initiate planning for the recommendation of an alternative route for this important regional link to Fremantle?

The Hon. N. McNEILL replied:

(a) The Minister has no power to initiate amendments to the Metropolitan Region Scheme. Such amendments are initiated by the Metropolitan Region Planning Authority.

(b) Answered by (a).

8. WEST COAST HIGHWAY

Marmion Avenue Extension

The Hon. S. J. Dellar for the Hon. R. F. CLAUGHTON, to the Minister for Education representing the Minister for Conservation and the Environment:

Have the consultants Scott and Furphy Engineers been asked to study the feasibility of the continuation of Marmion Avenue to link through Duke Street, Scarborough, ultimately to Perry Drive, as part of the West Coast Highway Study?

The Hon. G. C. MacKINNON replied:

The terms of reference involve the examination of all possible routes. The continuation of Marmion Avenue to link through Duke Street, Scarborough, is being studied as one of a number of regional possibilities.

Again I suggest that information such as this is readily available from the public office of the consultant by merely ringing 31 1829 or 21 4582, or calling in at the corner of Marmion Street and North Street, Cottesloe.

LIQUOR ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by the Hon. N. McNeill (Minister for Justice), and read a first time.

INTERPRETATION ACT AMENDMENT BILL

Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [2.44 p.m.]: I move—

That the Bill be now read a second time.

The sole purpose of this Bill is to repeal and re-enact section 11 of the Interpretation Act, 1918-1974.

Members will be aware that whenever any major new Act or amending Act is passed which will require the making of regulations or the establishment of an administrative organisation or board to render the Act fully operative from its commencement date, the new Act or amending Act concerned generally does not come

into operation when it receives the Royal Assent, but its commencement is expressly deferred until an apropriate date is fixed by the Governor by proclamation.

The purpose of section 11—which has been contained in the Interpretation Act since it was first passed in 1918—is to permit matters principally of a machinery or regulatory nature to be carried out prior to the date fixed by proclamation for the commencement of the Act. Common examples of things done between the giving of the Royal Assent and the fixing of the commencement date by proclamation are the appointments of members to boards established by Acts, and the making of regulations prescribing procedures and forms to be used for the proper administration of the Act.

A recent decision of the Full Court of the Supreme Court of Victoria—Rex Muldoon v. John Lesley Johnstone, judgment given on the 25th June, 1975—has cast considerable doubt on the validity of the exercise of powers under section 11 in its interpretation to an amending Act as distinct from a new or original Act.

A perusal of the reasons for the judgment indicates that the court was of opinion that the equivalent provision of the Acts Interpretation Act, 1958, of Victoria, which for all relevant purposes is indistinguishable from section 11 of the Interpretation Act of Western Australia, did not confer power to make regulations or to issue or approve other statutory instruments where the regulations or instruments were intended to make the amendments effected by the amending Act fully operable upon the date fixed for the proclamation of the amending Act. Such regulations or instruments could be validly made only if they were necessary to make the original Act fully operable upon its commencement.

The decision of the Full Court of Victoria reveals a deficiency which has existed for over 50 years in the Interpretation Act of this State and in the equivalent provisions of the Interpretation Acts of all other States and the Commonwealth. It is understood that all other States and the Commonwealth are considering amending their respective Interpretation Acts to overcome the deficiency exposed by the Victorian decision and in fact the terms of the Bill now before the House have been arrived at after conferences of Parliamentary Counsel representing all States and the Commonwealth.

The section as proposed to be re-enacted by the Bill will permit regulations to be made and appointments to be made and other action to be taken after the date of assent to any Act, be it an original or amending Act, but prior to the date fixed by proclamation for the commencement of the Act or amending Act.

Members may care to know, however, that even as re-enacted the section provides that any regulation, instrument or other action taken under the section does not confer any right or impose any liability upon any person prior to the date fixed by proclamation for the commencement of the Act concerned unless the contrary is necessary or expedient for making the Act concerned fully operative at its commencement.

The Bill is in essence a technical one which is intended to restate section 11 in terms which will give it the effect which it has always assumed to have had and I commend the Bill to the House.

Debate adjourned, on motion by the Hon. S. J. Dellar.

BUSINESS FRANCHISE (TOBACCO) BILL

Second Reading

THE HON. N. McNEILL (Lower West —Minister for Justice) [2.49 p.m.]: I move—

That the Bill be now read a second time.

This is the first of the measures foreshadowed in the Budget, and is for the purpose of raising additional funds for essential Government services.

The licensing scheme for persons engaged in the business of selling tobacco contained in this Bill is based on legislation operating in Victoria and South Australia. The Government of New South Wales also will be introducing a similar measure during this financial year.

The persons to be licensed are those engaged in wholesaling and retailing tobacco, as defined in the Bill. The provisions also cover machines vending tobacco and are to bind the Crown to cover establishments selling tobacco on land held or vested in the Crown or its instrumentalities.

In respect of wholesalers' licenses, these must be held on and from the 28th February, 1976, if wholesalers are to be carrying on the business of wholesaling tobacco legitimately. After that date it will be an offence to wholesale tobacco without a license issued under the proposed law.

The wholesaler is to be required to apply for the license before the 28th February, 1976, and will be required to pay a fee of $100 plus 10 per cent of the value of his sales effected between the 1st December, 1974, and the 30th November, 1975. The license will be for a period of 12 months and the fee is payable in advance of the issue of the license. The license is to be renewed each year.

The value to be used for calculating the license fee for succeeding years will not include any amount paid in respect of license fees in previous years.

It is proposed that the license fee be paid in six equal instalments, spread evenly over the 12 months' licensing period. The first bi-monthly payment is to be made in advance of the issue of the license.

The Bill contains a provision authorising the Commissioner of State Taxation to receive the license fee in instalments.

An increase in the price of tobacco will be required to meet the license fees. It is expected that this will be effectuated about mid-December, 1975.

The commencing date now proposed is to be the 28th February 1976, instead of the 1st January, as was originally proposed. This alteration has been made to meet the request of wholesalers for bi-monthly payments instead of monthly payments and to allow time for a determination to be made by the Prices Justification Tribunal, as well as to give time to wholesalers to apply the necessary price increases.

The license fees for future years will be based on a similar formula to that described, with the calculation being made on the value of sales made for the year ending the 30th day of November in the previous year.

The calculation of the fee will be confined, for constitutional reasons, to the value of sales within Western Australia. Sales for delivery and consumption outside the State are accordingly specifically excluded.

Also, in order to ensure that the fee is not doubled in certain cases, sales between licensed wholesalers are specifically excluded.

To cover this situation, in the second year of licensing, a special provision has been written into the Bill. Retailers also will be required to apply for their initial annual licenses. This they must do before the 1st July, 1976.

The fee for this license will be $10 plus 10 per cent of the value of intrastate sales of tobacco between the 1st April, 1975, and the 31st March, 1976. However, the calculation of the fee will exclude the value of tobacco purchased from licensed wholesalers.

As a great majority of retailers obtain their supplies from wholesalers, the greatest number of fees payable will not exceed $10 each. License fees for retailers will be renewed annually, and a similar formula will apply each year. The licensing of retailers will not take place until four months after the wholesalers have been licensed. This is to enable the administration to prepare for the license issues; although there are only a few wholesalers, there is a relatively large number of retailers.

The delay also has the advantage that the retailers will know the status of their purchases by the time they need to apply for licenses.

Members will be interested to know that this difference in commencing dates has appeared in each of the other States' legislation, and has worked very well in the introduction of the license system.

Provision is made in the Bill for the situation where a new wholesaler or retailer commences business.

The Taxation Commissioner is to be empowered to estimate the basis on which the fee is to be calculated, and a proportionate fee is to be charged where applicable.

The administration of the proposed Act is to be vested in the Commissioner of State Taxation, and the Bill contains the usual provisions for delegation of powers to State Taxation Department officials, inspections, secrecy, and exchange of information with other taxation authorities. The commissioner is to be vested with power to issue and, where lawful instalments are not paid, to revoke licenses.

Where errors are made, or incorrect information provided, the commissioner is to be given power to re-assess the fees. He is also to be empowered to make refunds where the re-assessment shows this to be warranted.

Transfers of licenses will be necessary from time to time; for example, following the sale of a business retailing tobacco. Provision is made for the commissioner to endorse the license accordingly, and to charge a small handling fee to cover his costs.

The usual provisions for the maintenance of records by licensees, and the power of the commissioner to acquire essential information for the purpose of licensing, are set out in the Bill.

Provision is made for licensees to object to and appeal against the commissioner's assessment of fees, and such appeals shall be determined in the Supreme Court.

The regulation-making power covers matters such as records required, licenses, period of application for the licenses, and related matters.

As I stated earlier, this Bill is based on legislation which is operating in several of the other States. Benefiting from their experience, we have been able to prepare legislation which should produce the minimum of difficulties for licensees, and also the administration.

The commissioner has been able to obtain advice from a number of the major wholesalers in this State. While these gentlemen understandably are not happy about a further cost being imposed on this commodity, nevertheless they appreciate the position which has made it necessary for the Government to bring in a revenue-raising measure.

We have budgeted to receive $3.2 million from this measure in 1975-76, and have estimated that it will yield $5.5 million in a full year. It will be appreciated that as this is a new system of licensing, we have no previous experience on which to base

estimates. These have been made on the best statistical information available.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. S. J. Dellar.

MAIN ROADS ACT AMENDMENT BILL

Report

Report of Committee adopted.

HOSPITALS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 28th October.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [2.57 p.m.]: The Opposition believes that the second amendment in the Bill is a machinery provision simply to implement the terms of the agreement between the Australian and State Governments in regard to hospital aspects of health insurance.

However, in connection with the first amendment, while we will not oppose it, we believe the Government will not achieve what it desires to achieve. In the second reading speech the Minister said that the existence of such a power—that is, for the Minister to interfere—is completely unacceptable to the medical profession, there being appropriate mechanisms to deal with ethical problems.

He also made the statement that the sacred doctor-patient relationship may be interfered with. We have heard a lot about the doctor-patient relationship and one could argue all day about the merits and demerits of certain acts which may be moving towards such interference; but we do not envisage that this amendment will actually do what the Minister says it is intended to achieve. We will speak more about it in Committee.

I hope the Minister will study the amendment to section 18 between now and the Committee stage to see whether it will achieve what he desires. Section 18 (2) reads—

> The Minister may after consultation with the Hospital Board give to it directions as to the exercise of its functions.

The amendment in clause 2 proposes that we should add the words—

> but no such direction shall be given concerning the nature of the medical treatment to be provided at a public hospital.

The Opposition fails to see how this applies to the doctor-patient relationship. We must remember that the amendment is aimed at a specific situation—let us not beat about the bush in this matter; it is aimed at deciding whether a machine, such as the Tronado machine, shall or shall not be introduced into a hospital.

I fail to see that this amendment will make any difference in regard to the Minister's ability to tell the board how it should go about its business and what it should have. There would still be nothing to stop the Minister putting into a hospital a machine such as the Tronado machine. Certainly he never has had and never will have the right to tell a doctor how he should use the machine for the treatment of his patient. The ability of the doctor to decide what treatment he will give to his patient is inviolate; nobody can tell him what to do—not even the AMA; nobody can tell him what sort of treatment he should use for his patient.

So by adding this amendment there is still nothing to stop the Minister saying to the board, "I believe you should put this particular piece of equipment in."

This Government is, of course, a conservative and reactionary Government, and accordingly it reacts when something happens; and it is now reacting to a specific situation and introducing something in addition to the section of the Act which could be used generally.

What would happen if the Minister wanted to rationalise services to bring about a more efficient use of the resources available in the hospitals? What would happen if he directed the board that it should do certain things, or if he directed the Royal Perth Hospital that it should do certain things? Quite often we will find the Minister will be getting to the stage where he may need to do this because of the empire building that is going on among the great hospitals of the city. This, of course, is contrary to our policy which is one of diversification of services and the building of regional hospitals to prevent people having to run around the countryside to obtain treatment.

We would like the Minister to have the right to direct certain medical treatment, not specific medical treatment.

The Hon. N. E. Baxter: What is the difference between certain medical treatment and specific medical treatment?

The Hon. GRACE VAUGHAN: I will explain. Let us suppose it were decided that the Sir Charles Gairdner Hospital, for argument's sake, should have a maternity section. This is medical treatment associated with the maternity section as distinct from urology or some other type of specialised treatment.

I am not arguing whether or not this machine should be installed in a hospital—and I am now referring to the Tronado machine—because the Minister is introducing the Bill for a specific purpose and committing himself and saying, "We cannot direct the medical board as to what sort of treatment it should have the power to give."

There is no necessity to add that sort of thing, because the professions have their integrity. They know how they should treat their patients. The Minister might just as well add a proviso indicating that

he should not interfere with an accountant's right to use a certain type of bookkeeping, or dictate whether certain methods of nursing should be used in a hospital. One could go on adding qualifications like this *ad infinitum*, and there is no logical reason for doing so.

There is no necessity to add provisions concerning medical treatment, because there are such branches as paramedical services, nursing services, and also administrative connotations which must be considered. The Minister is already saying we will not interfere with what the doctors do—that is, if he is going to consider the word "medical" to mean doctors. If he is going to say this he can take it a step forward and say, "We will not interfere with accountants, or with the nursing profession or how the hospitals should run their gardens." The Minister could say there will be no more roses planted at Sir Charles Gairdner Hospital because it has won the competition several times and he might feel it should give another hospital a go.

This could be taken to ridiculous lengths. The Minister should have another look at the matter, because the amendment has nothing to do with doctor-patient relationships as such. It mentions medical, but it is talking in the first instance about the hospital board, and I fail to see how the Minister will achieve his objective.

I will not argue about his specific objective to ensure that any Minister can say—or he is trying to ensure it and I still think he does not do so—"You cannot put this piece of equipment into a hospital because an advisory body has said it is not efficacious."

I think I have covered all I wanted to say for the purposes of the second reading debate. I hope the Minister will take seriously what I have said, because if he has another look at the amendment I think he will see that he may have to try to achieve his objective by a separate section or by changing the wording in some way.

I do not propose to tell him how to do it, but I do think he ought to have another look at the matter, because there is always a danger when we are chasing after a specific situation and when a measure is being introduced in order to achieve that purpose. The Minister will not want to prejudice his chances in other fields in a general way—and I am referring to his possibly wanting to rationalise services and use resources in a hospital.

THE HON. N. E. BAXTER (Central—Minister for Health) [3.07 p.m.]: I am afraid the Hon. Grace Vaughan has not got the gist of this amendment or what it is intended to do. The honourable member has talked about rationalising services, but the amendment has nothing to do with that aspect. Nor has it anything to do with introducing a maternity section to a hospital.

It refers purely to medical treatment by medical practitioners in teaching hospitals —or any other hospital for that matter— and particularly where there is a medical advisory committee which advises the board of the hospital in the teaching hospital concerned.

The Bill is intended to clear up a situation which did exist—at least it did exist in my opinion, and in the opinion of my officers, and in the opinion of the Crown Law Department; namely, that there was a possibility, which has been mooted by certain people, that the Minister has the power to direct medical treatment, which could be orthodox medical treatment or experimental medical treatment. There is a vast difference between the two.

It is believed the Minister should not have the right to direct either orthodox or experimental medical treatment. This was not clear in the provision of the Act, section 18 (2) of which states—

> The Minister may, after consultation with a hospital board, give to it directions as to the exercise of its functions.

The board, however, has the power in the hospital to carry out its duties in relation to administration, the general running of the hospital, recommendations as to expansion of wards in the hospital, and in connection with many other things.

The board of a major teaching hospital has a medical committee which advises the board on medical matters. This particular provision has been construed by some people to mean that the Minister would have the right to direct that a hospital board should carry out experimental medical treatment. The Government and I are very much opposed to such power. We do not believe that anyone who is not a medical practitioner or on a medical advisory board or authority should have the power to direct that any medical treatment should be used, and particularly so in the experimental field. One might say that research is experimental, but that is not so; research is not experimental. I have a rather interesting booklet here which has been prepared by the Life Assurance Officers' Association.

The Hon. D. K. Dans: I wouldn't believe that. That would be propaganda.

The Hon. N. E. BAXTER: Over the years this association has donated some $2 million towards medical research in Australia. Whether or not the honourable member wishes to believe it, this organisation has given wonderful service in the way of money for research, particularly with regard to cardiology, haematology, and neurology.

The Hon. D. K. Dans: You are improving with all these big words.

The Hon. N. E. BAXTER: The provision in the parent Act could give the Minister some right to direct that certain medical treatment could be carried out. I cannot understand Mrs Vaughan's objection to this amendment. She referred to the maternity section but the principle could be carried further to the establishment of any section in a hospital where beds are allocated for particular purposes. The amendment is a simple one and it means that no Minister shall have the right to direct a hospital board in regard to medical treatment. It has nothing to do with the establishment of wards for maternity, orthopaedic, neurological, or cardiac cases. It has nothing to do with that at all. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. Lyla Elliott) in the Chair; the Hon. N. E. Baxter (Minister for Health) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 18 amended—

The Hon. GRACE VAUGHAN: I had hoped the Minister would accept with good grace the comments I made during the second reading debate, but he replies by telling me that I do not understand what I am talking about. I raised this matter because I believe it is always dangerous to have a concept in one's own mind, set out to achieve an end, believing that everyone sees it in exactly the same way.

The Hon. G. C. MacKinnon: Sometimes the judges do not, do they?

The Hon. GRACE VAUGHAN: Because I have interpreted this amendment in one way, surely in the future other Ministers may interpret it in various ways. I must say that I am not equating my intelligence with that of a Minister—I would not do that.

The Hon. N. E. Baxter: Thank you!

The Hon. G. C. MacKinnon: We all appreciate the two sides to that remark.

The Hon. GRACE VAUGHAN: I wish the Minister would listen to the words I used.

The Hon. N. E. Baxter: I am quite prepared to listen to words of wisdom at any time.

The Hon. GRACE VAUGHAN: As I am a woman, I thought of this provision in relation to maternity services. I was attempting to illustrate to the Minister that he may be tying his own hands because the interpretation of "medical treatment" can be other than an interference with a doctor-patient relationship to which the Minister has referred. I know what he wants to do, although I will not say whether or not I approve of it. I do not think it matters in these circumstances. Obviously, the Minister is trying to close a loophole which was made evident to him during the debate in another place on a motion concerning the Tronado machine. It may be very proper for him to do this, but I point out to him that he may tie the hands of future Ministers for other purposes.

For good reason a Minister may decide that certain medical treatment ought to be carried out in one hospital rather than in another. This may be an attempt to rationalise services. For instance, a Minister would not be able to grant approval to every hospital seeking to add a maternity wing.

I am not arguing with his comment that a Minister should not interfere in matters which have nothing to do with him. A Minister should not tell a medical man that he should or should not use a Tronado machine, radiotherapy, or any other treatment. Such a decision should be up to the doctor. A hospital may have very many pieces of machinery which have been purchased by the Government, but no doctor should be told that he must use them. I believe anyone who has expressed the view that the Minister has this power is wrong. I do not think it was said specifically in another place, although it was said that a Minister had the right to install certain machinery in a hospital.

Many theories have been advanced about the treatment of different diseases and at the present time many doctors will not use one scrap of the expensive machinery provided.

I draw the attention of the Minister to the wording of the amendment rather than to his intention. I credit him with the integrity to have something specific in mind, but I believe this amendment will tie his hands and the hands of Ministers in the future in regard to the general meaning of medical treatment.

The Hon. N. E. BAXTER: This aspect was studied very closely by the Crown Law Department when the amendment was framed. I believe the meaning of the amendment is quite clear. In fact, the words to be added are—

> . . . but no such direction shall be given concerning the nature of the medical treatment to be provided at a public hospital".

Nothing could be clearer than that. It refers to the nature of medical treatment and not to hospital treatment.

I will give members an example. Last year I authorised the purchase of a machine to be used for the treatment of arteriosclerosis; it was not an expensive machine. A great deal of research has been undertaken to determine the effects of the machine and whether any risks are involved. It has not yet been decided whether there is any risk factor in its use.

I was responsible for the purchase of that machine but certainly I would not say to the medical profession, "You must use that machine."

The Hon. Grace Vaughan: I just said that.

The Hon. N. E. BAXTER: The honourable member accepts that, but it is the whole purpose of the amendment. The Minister cannot say to a hospital board, "You have to carry out certain treatment in the hospital." As I said earlier, this is just not on. I cannot understand what the honourable member is getting at, because I believe the situation is as clear as it can possibly be.

Clause put and passed.

Clause 3 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

Third Reading

THE HON. G. C. MacKINNON (South-West—Minister for Education) [3.22 p.m.]: I move—

> That the Bill be now read a third time.

I wish to make one or two comments on the earlier debate on this Bill. Yesterday considerable discussion took place on a message which was received from the Federal Minister for Labor and Immigration (Senator James McClelland). On a number of occasions, the two principal speakers from the Opposition requested that the measure be delayed, and I gave the Government's reasons for not acceding to their request. I want to say how delighted I am that the House resisted those requests and supported the measure, because since that time I have received clarification of the message. The message reads—

> The Minister—

That is, Senator James McClelland—

> —has decided not to proceed with the proposals to attempt to amend the Act so as to give him the right of appeal to a Full Bench of the Commission against the certification of an agreement for the making of an award including a consent award, by a single Member of the Commission of or the Flight Crew Officers Industry Tribunal.

The message goes on to discuss Senator McClelland's views of Federal action. It states that Mr Cooley has been advised and the matter will be confirmed. It was also stated that every other State in Australia had withdrawn its legislation.

So, the Minister for Labour and Industry in this State this morning rang the Federal Minister's office and found that the interpretation placed on this message—I appreciate, from a very quick reading of it by Mr Cooley and Mr Dans—was not according to the wishes of the Federal Minister for Labor and Immigration. He was notifying the States purely that he had decided not to proceed with his measure and made no request either yesterday, or this morning—when the office in Western Australia was in touch with the office in Canberra—that Western Australia withdraw its legislation.

The Hon. D. K. Dans: I just checked the *Hansard* record of my remarks, and I did not say that.

The Hon. G. C. MacKINNON: I know Mr Dans did not. However, *Hansard* records Mr Cooley as saying the following—

> I have been in touch with the office of the Australian Minister quite frequently over the past few days and this morning I was given an assurance that the Minister for Labour and Industry in this State would be phoned this morning and requested not to proceed with the legislation.

The Federal office claims it has made no such statement; indeed, no such request has been made of any State. To the best of our knowledge, all States are still abiding by their agreement to pursue the request of the Prime Minister that this particular loophole be closed.

Two interpretations can be placed on the Commonwealth's decision. Senator James McClelland may have decided his ability to request the Conciliation and Arbitration Commissioner—"in the public interest"—not to agree to wage agreements referred to by Senator McClelland as "sweetheart agreements" was sufficient.

The Hon. D. K. Dans: How else would he intervene?

The Hon. G. C. MacKINNON: He may have decided that that is sufficient, because he has that power already. According to the original idea of the Prime Minister and Senator McClelland, it is not quite enough; however, he may have decided now that it is enough. I suppose the alternative reason for the Commonwealth decision is that Senator McClelland has succumbed to the pressures of the local Trades and Labor Council and the various other unions throughout Australia. However, I do not know whether this is the case.

The Hon. D. W. Cooley: If you do not know, why do you say it?

The Hon. G. C. MacKINNON: I say it because it is reasonable that I give my interpretation as to why certain things have happened. I listened to a lot of interpretations yesterday which I did not believe were very acceptable and which, in fact, were not in accord with the situation.

In addition, we have since ascertained by direct telephone communication with Canberra this morning that the interpretation placed by Mr Cooley on the message received from Canberra was quite erroneous. I believe it only fair under the circumstances that I should convey that information to the House.

If members require a more detailed explanation of the situation, they will find it contained in the answers supplied by the Minister for Labour and Industry to some very convenient questions without notice asked in another place by Mr Harman and Mr Skidmore. I present this information now so that members may be completely informed as to the actual situation.

THE HON. D. W. COOLEY (North-East Metropolitan) [3.28 p.m.]: The Minister's remarks to the third reading of this Bill indicate there is now every reason for us to postpone this Bill so that we can obtain some clarification in respect of the Australian Government's position.

The Hon. G. C. MacKinnon: We received that clarification this morning.

The Hon. D. W. COOLEY: We have not seen it yet. The Minister stated that I gave a quite erroneous interpretation of the document.

The Hon. I. G. Pratt: The Minister treated you very lightly in saying that.

The Hon. D. W. COOLEY: However, I did not see the document until we were late into the Committee stage of the Bill, so how could I have given an erroneous interpretation?

The Hon. G. C. MacKinnon: The message states, "I have advised Mr Cooley of the Minister's attitude to this matter and you will of course receive formal and proper notification of this note." You were told yesterday morning; you probably knew even before the Minister for Labour and Industry (Mr Grayden).

The Hon. D. W. COOLEY: The advice I have received in the last half-hour indicates there is a great deal of doubt in connection with this matter, and these doubts have been expressed throughout the debate. We find there is only one member on the other side who can substantiate the legislation before the House, apart from a weak attempt made by Mr Lewis. With all due respect to Mr Lewis, I say this is a matter about which he knows nothing.

There is a great deal of doubt about this Bill. We know the policy of the Liberal Party which, as I pointed out yesterday, clearly supports direct negotiations without Government interference. We have seen the actions of the State Industrial Commission. It has kept the question of wage indexation under review and under test; and it will not be giving a full determination in respect of the application of wage indexation on a permanent or even on an extended basis, until February of next year.

The Hon. N. McNeill: Tell us about the erroneous interpretation.

The Hon. D. W. COOLEY: I do not know what the Minister is getting at. Perhaps he has just come into the Chamber.

The Hon. N. McNeill: I beg your pardon. I have been in the Chamber since the commencement of the sitting.

The Hon. D. W. COOLEY: I have not noticed him, or else he has not been listening intently since he has been in the House. I shall not pattern my speech around the wishes of the Minister. He does not extend to me that courtesy when he is speaking, so why should I do what he requires?

We should wait to see how the situation will develop. This morning the Australian Minister for Labor made a formal declaration to the manpower committee in Canberra that this legislation has been withdrawn. He takes very strong exception to the remarks which appeared in the Press this morning, and which implied that somehow he had welched on an agreement he had made with the States.

The Hon. G. C. MacKinnon: I can imagine you wriggling on the hook.

The Hon. D. W. COOLEY: That is completely untrue. The Australian Minister for Labor indicated the legislation has not been withdrawn under extreme militant union pressure, as has been alleged by the Minister in this House and the Minister in another place. The view of the Australian Minister for Labor is that its legislation was aborted in the market place, the same as the Bill before us will be aborted in the market place.

As Mr Dans explained lucidly yesterday, we should not encourage the negotiating parties to work outside the limits of the wage indexation guidelines of the Industrial Commission. It would be in the best interests of everybody to defer this legislation for a time so that we can see how the situation develops. I do not know whether I heard the Minister for Education aright when he said he had received Federal advice that every other State had withdrawn its legislation.

The Hon. G. C. MacKinnon: You did not hear me aright.

The Hon. D. W. COOLEY: Even if I did hear the Minister aright, he might say we on this side have indicated every State has withdrawn its legislation. We said the only State that had withdrawn its legislation was Queensland. Now we know the Australian Government also is withdrawing its legislation. I might say that is the official advice.

It might surprise members opposite to know that this measure is only one of

eight which the Australian Minister for Labor has in mind in respect of amendments to the Industrial Arbitration Act.

The Hon. G. C. MacKinnon: There is no surprise to me, because I mentioned it in my speech.

The Hon. D. W. COOLEY: The Minister has the advantage of having the communications.

The Hon. G. C. MacKinnon: I mentioned the other amendments that have been proposed, and you commented on them yesterday.

The Hon. D. W. COOLEY: I did not hear that.

The Hon. G. C. MacKinnon: I made those comments at the end of my second reading speech.

The Hon. D. W. COOLEY: Perhaps the Minister might receive a telephone call when we suspend for afternoon tea and he might get permission—

The Hon. G. C. MacKinnon: In my second reading speech I said—

> Some other amendments to the Industrial Arbitration Act are contemplated for introduction before this parliamentary session concludes.

The Hon. D. K. Dans: They are not the ones we are talking about.

The Hon. G. C. MacKinnon: You should be much clearer in what you say.

The Hon. D. K. Dans: I know those amendments.

The Hon. D. W. COOLEY: There is another aspect. Comments have been made in this debate by members opposite which add to the misinterpretation that has been given. I refer to the allegation that two days ago the Australian Minister confirmed that this legislation would be proceeded with. Yet, we find that today he said he would withdraw the legislation. Despite what the State Minister for Labour and Industry has been saying, and despite his criticism that the militant unions have persuaded the Australian Minister to withdraw the legislation, the fact of the matter is—

The Hon. G. C. MacKinnon: You are twisting the comments. I said there had been no withdrawal of the request for us to pass this legislation.

The Hon. D. W. COOLEY: Yesterday the Minister did say in this House that two days ago the Australian Minister for Labor had confirmed that the legislation was still being proceeded with. The information I received today is that no advice in this respect has been sent from the Australian Minister's office.

The Hon. G. C. MacKinnon: It must be a slack office!

The Hon. D. W. COOLEY: I was informed further that advice had not been sought by this State Government in respect of the legislation. The Australian Minister for Labor admitted that some request might have been made to another office in Melbourne, but there had been no communication through the Australian Minister's office to indicate that he had no intention of withdrawing the legislation. He made the decision some time ago to withdraw the legislation, and he announced it officially today by notifying the manpower committee in Canberra.

Amendment to Motion

The Hon. D. W. COOLEY: In view of the fact that there has been so much misrepresentation—

The Hon. G. C. MacKinnon: You must have been a little naughty!

The Hon. D. W. COOLEY: —and the fact that the position is not clear, I move an amendment to the motion—

> Delete the word "now" and insert after the word "time" the words "this day six months".

If the House agrees to this amendment, the Bill will not be discharged from the notice paper. It merely means that the House will be given six months to look at the situation. Perhaps when we return next session we wil have a clearer picture of the whole area of wage indexation and of how the unions and employers are shaping up to the guidelines that have been laid down in connection with this matter.

THE HON. R. THOMPSON (South Metropolitan—Leader of the Opposition) [3.39 p.m.]: Up to date I have not entered into this debate. However, there appears to be some confusion as to what is intended by the Australian Government and the State Government. According to a Press report I read this morning, I understand that no legislation has been proceeded with in any State Parliament.

We should take cognisance of the amendment that has been moved by Mr Cooley, and we should not jump the gun. We should take advantage of this opportunity so that we can become aware of the intention of all States, because it is not incumbent on Western Australia to take the lead. I support the amendment and trust the House will agree to it.

Anyone who listened to the debate which has ensued on this matter would consider that there has been some breakdown. I will not say whose fault it was because I do not know but, at least, it would be reasonable for the Government and the members of this Chamber not to proceed with the Bill and to obtain some clarification of the situation. If members of the Government do not feel that this is the right way to go about things, I cannot change their minds. During the Committee stage, requests were made for progress

to be reported so that more information could be obtained.

It has been said that official letters are being sent by the Australian Government Department of Labor to clarify the situation. It looks as though Parliament will sit for at least another fortnight and during that time it would be possible for the Government to adjourn this debate—if it does not intend to agree to the amendment which has been moved—until the situation is clarified.

The Hon. G. C. MacKinnon: I think we are all quite clear.

THE HON. D. K. DANS (South Metropolitan) [3.41 p.m.]: I support the amendment. During my short time in Parliament I have never come across a situation such as this; it is so confusing. Anyone who understands the present position will realise that the proposed legislation, put forward by Senator James McClelland, was unworkable.

While I agree that the State Minister for Labour and Industry is not in this Chamber I will address my remarks to the Minister handling the Bill. I am quite sure the Minister for Labour and Industry, and his advisers, realise that we have to get rid of this spurious kind of conjecture. The reason the Commonwealth legislation is not to be proceeded with is that it is unworkable.

The Hon. G. C. MacKinnon: We went over all this yesterday.

The Hon. D. K. DANS: No, we did not. If the Minister would agree to carry out some further research he would see that it has already been demonstrated that the proposal by the Commonwealth Minister is unworkable.

Senator James McClelland said he had mentioned that some further amendments were proposed. Let me inform members in this House that those amendments concern the Act in this State. In fact, if the amendments have not already been introduced they are about to be introduced.

The Hon. G. C. MacKinnon: That is what I said.

The Hon. D. K. DANS: No, the Minister did not say that at all.

The Hon. G. C. MacKinnon: Of course I did, when I made my second reading speech.

The Hon. D. K. DANS: Senator James McClelland, and the manpower committee, are considering another seven or eight amendments. Any one of those amendments, or all of them, could cover the situation and provide what our Minister for Labour and Industry is trying to achieve.

It has already been demonstrated that the amendments which have already been put forward are unworkable. What will be the position if the new amendments are workable? Will we stick with this piece of legislation, or will the State Government introduce further amendments one by one? If Senator James McClelland decides that a further seven amendments are necessary, will the State Government introduce those further amendments?

The legislation which has been introduced in this State has no relation to what Senator McClelland suggested. I would hasten to say that the legislation which has been introduced will have about the same effect as that suggested by the senator—none.

The situation is that if Senator McClelland produces further amendments, and proceeds with them, I would certainly suggest that the other States of the Commonwealth—including Queensland, South Australia, and Tasmania—will adopt those amendments and include them in their State legislation. In this State we will have this tidy piece of scrap paper which says virtually nothing. We will then be in the ludicrous situation of having to introduce further amendments.

I suggest that the Departments of Labour in the other States have kept themselves well informed with regard to this matter.

The Hon. G. C. MacKinnon: It is an amazing change of tactics.

The Hon. D. K. DANS: The other States have proceeded cautiously in this area and they will introduce legislation complementary to that introduced by the Federal Minister after consultation with his manpower committee. I cannot see this Government withdrawing the legislation which is now before us.

The Hon. G. C. MacKinnon: I said it was hoped to withdraw the amendments by the end of next year.

The Hon. D. K. DANS: Under certain circumstances. Let us hope that is the situation. It will depend on the amendments adopted by the Commonwealth and the rest of the States.

The Hon. G. C. MacKinnon: We have complied with a request from the Prime Minister.

The Hon. D. K. DANS: No, the Government has not. The situation will be that the other five States will have legislation which will be workable.

The Hon. G. C. MacKinnon: For them.

The Hon. D. K. DANS: Yes, for them.

The Hon. G. C. MacKinnon: And it might not suit us.

The Hon. D. K. DANS: In answer to the interjection, and through you Mr President, I can say quite frankly that the amendments which have been introduced in this State are unworkable. I suggest that whatever the outcome of the legislation now before us, if amendments are introduced in the Federal Parliament, and

subsequently adopted by the other States, the Minister for Labour and Industry in this State will then have to introduce amendments which will work in this State.

The Hon. G. C. MacKinnon: I do not know that that is remarkably distasteful.

The Hon. D. K. DANS: I do not want to engage in all the arguments we canvassed yesterday, but I suggest it is sheer pigheadedness that the Government will not withdraw the legislation. In the interests of common sense—and no-one will be hurt or disadvantaged—the Government should wait until the right type of legislation is introduced by the Federal Minister, on the recommendation of the manpower committee. When that legislation is introduced the Government might have our support.

I suggest to members in this Chamber that they should use their good offices to delay the passage of this Bill for at least six months.

The Hon. G. C. MacKinnon: You have done a great job of covering up for Mr Cooley.

Sitting suspended from 3.47 to 4.08 p.m.

Amendment put and a division taken with the following result—

Ayes—7

Hon. D. W. Cooley	Hon. R. H. C. Stubbs
Hon. S. J. Dellar	Hon. R. Thompson
Hon. Lyla Elliott	Hon. D. K. Dans
Hon. R. T. Leeson	*(Teller)*

Noes—15

Hon. N. E. Baxter	Hon. T. O. Perry
Hon. G. W. Berry	Hon. I. G. Pratt
Hon. Clive Griffiths	Hon. J. C. Tozer
Hon. T. Knight	Hon. R. J. L. Williams
Hon. G. C. MacKinnon	Hon. W. R. Withers
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. M. McAleer	Hon. V. J. Ferry
Hon. N. McNeill	*(Teller)*

Pair

Aye	No
Hon. R. F. Claughton	Hon. I. G. Medcalf

Amendment thus negatived.

Question put and passed.

Bill read a third time and passed.

BILLS (2): RECEIPT AND FIRST READING

1. Grain Marketing Bill.

   Bill received from the Assembly; and, on motion by the Hon. N. McNeill (Minister for Justice), read a first time.

2. Industrial Arbitration Act Amendment Bill (No. 2).

   Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Minister for Education), read a first time.

House adjourned at 4.15 p.m.

Legislative Assembly

Thursday, the 30th October, 1975

The SPEAKER (Mr Hutchinson) took the Chair at 2.15 p.m., and read prayers.

QUESTIONS (47): ON NOTICE

1. MANJIMUP HIGH SCHOOL
Prevocational Centre

Mr H. D. EVANS, to the Minister representing the Minister for Education:

(1) On how many occasions have tenders been called for a prevocational centre at Manjimup and on what dates?

(2) How many tenders were received on each occasion?

(3) What was—

(a) the highest;

(b) the lowest,

tender on each occasion?

(4) Were the specifications for tenders similar on each occasion they were called, and if not, in what ways and to what extent did they differ?

Mr GRAYDEN replied:

(1) (a) Tenders closed 30th July, 1974.

(b) Tenders closed 5th August, 1975.

(2) (a) (6);

(b) 3.

(3) First tender:

(a) $120 000;

(b) $50 875.

It is noted that the lowest tenderer withdrew prior to the contract being accepted. The second lowest price was $78 127.

Second tender:

(a) $71 557;

(b) $64 936.

(4) No. The roof structure was changed from flat roof to pitched roof and modifications were made to internal walls. The facia was deleted.

2. WOOD CHIPPING INDUSTRY
Commencement of Operations

Mr H. D. EVANS, to the Minister for Industrial Development:

(1) When is it expected that the W.A. Chip and Pulp Co. Pty. Ltd. will commence operations at their plant at Diamond Tree?

(2) Have downturns in the paper pulp and woodchip industry in Japan, as indicated in recent Press reports, caused any effect