Legislative Council

Tuesday, the 21st August, 1979

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

QUESTIONS

Questions were taken at this stage.

EDUCATION ACT

Disallowance of Regulation: Motion

Debate resumed, from the 8th August, on the following motion by the Hon. R. Hetherington—

> That Regulation 134 relating to the conduct of teachers, made under the Education Act, 1928-1977, published in the *Government Gazette* on the 4th May, 1979, and laid on the Table of the House on Tuesday, the 8th May, 1979, be and is hereby disallowed.

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [4.46 p.m.]: Following the gazettal of amendments to regulation 134 in May, the Teachers' Union raised objections both publicly and with the Minister for Education.

Before the Minister went abroad at the end of May he had some discussions with senior officers of the union and authorised representatives of the union and the department to meet to discuss any changes that could be made to the satisfaction of both parties. At the same time the Minister gave instructions that no action was to be taken under the provisions relating to discipline on moral issues until he had returned from overseas.

During the Minister's absence the parties met and prepared proposals which were later put before the Minister and most, if not all, are now incorporated in the new amendment to regulation 134, published in the *Government Gazette* on the 17th August, 1979.

The controversial issues were largely contained in subregulation (1) which sets out the grounds for misconduct.

Paragraph (d) related to teachers' "conduct or practice which is contrary to accepted community standards of decency" and paragraph (e) stated that a teacher could be guilty of misconduct if he committed an offence against any other Act carrying a sentence of imprisonment.

The present regulation has combined both these paragraphs into a new paragraph (e) which states that a teacher is guilty of misconduct if he "engages in disgraceful or improper conduct, whether during his employment and function as a teacher or not". The words "disgraceful or improper conduct" were recommended by the Teachers' Union as they are terms currently used in legislation on these matters in other States and in relation to the Australian Teaching Service.

During the negotiations on this regulation it was apparent to all concerned that matters relating to the efficiency of teachers should be separated in the regulations from those dealing with misconduct. Although paragraph (f) of subregulation (1) in regulation 134 still refers to inefficiency and incompetence, the references to negligence and carelessness have been removed. Action currently is under way to provide a separate regulation concerning the inefficiency of teachers and this will be gazetted as soon as possible.

While the regulation was being amended it was decided to take the opportunity to change the later subregulations to make the procedures to be followed less cumbersome.

Although the President of the Teachers' Union was reported in the Press as stating that he was not entirely satisfied with the new regulations, it must be emphasised that the changes made are largely as a result of union proposals. The Minister has been consistent in his determination that the powers in this and the previous regulation must be at the disposal of him and the director general. The Education Department must be able to take action against teachers guilty of misconduct.

The Minister has agreed to change the wording and form of the regulation to make it more acceptable to teachers. The majority of teachers are expected to accept the present amendment and to appreciate the Minister's willingness to discuss the issues and make the changes sought by the union.

THE HON. R. HETHERINGTON (East Metropolitan) [4.49 p.m.]: Since I first moved that this regulation be disallowed, the regulation has been changed and—as the Attorney General has just pointed out—a new regulation gazetted. I have not yet had time to look carefully at this new regulation. I take note that the union has accepted it; however, I also take note that the union says it has some reservations.

I, too, may have reservations. If I do so I will introduce a motion to disallow the new regulation.

I intend replying to things which were said in this House after I introduced my motion as I consider there are points I should raise. When introducing my motion I said—

> As a matter of fact, I wanted to give notice last session that I would move to disallow the regulations, but I was persuaded not to go

ahead with my motion because it was suggested to me that the less I said about the matter, the better. It was thought I may offend people and turn the matter into a political issue. So, I promised I would not raise the matter until Parliament resumed and that if nothing had happened by then, I would move for disallowance. As nothing has happened about which I have heard, I am doing just that.

When the Hon. Norman Moore spoke—apparently on behalf of the Minister—he suggested that by raising the matter I had politicised the issue. He said in part—

> Fortunately the Minister has given an assurance that actions taken by Mr Hetherington and the ALP will not jeopardise the present negotiations.

I find it rather appalling that such a statement was necessary. I would have hoped that nothing I said in this House of Review—as I am told it is—would deter the Minister from proceeding with negotiations. However, the tone of the reply—which apparently reflected the view of the Minister for Education—suggested that the fears of the people who asked me to do nothing about it for the time being because it might jeopardise negotiations, were well-founded. If that is the case I find it appalling that if I get up in this House and move to disallow a regulation, as is my right, the Minister might think it was a political move and so might not continue negotiations.

The Hon. I. G. Pratt: Mr Moore is entitled to seek assurances from the Minister.

The Hon. N. F. Moore: They were my words, not his.

The Hon. R. HETHERINGTON: I think we could have debated the issue on its merits. As the Minister intended changing the regulation anyway, I thought members in this House might have gone ahead and disallowed it and then the Minister could have come up with a new regulation. Apparently this was not to be done and my motion was adjourned in order to give the Minister time to complete negotiations.

I take note of the fact that the Hon. Norman Moore and the Attorney General made great play of the Minister's willingness to discuss and negotiate. I find this rather refreshing. The history of the Minister's relations with the union has been one of a sad lack of consultation and negotiation. In fact another regulation to which I may be referring next week confirms this lack of consultation and negotiation, because the union found itself once more faced with a *fait accompli*. Therefore the Minister's willingness to discuss and negotiate now is indeed a refreshing change.

The information I had was that the real negotiations only started once the Minister and the director general went overseas. We found there were people in the department who were prepared to discuss and negotiate. Once the Minister returned he whittled back some of the negotiations. Certainly, the information I have is that the union is not entirely happy with the regulation.

What I find most unfortunate is the accusation that often seems to be made in this House; that is, that if a member dares to criticise the Government he is politicising. Despite the fears of the people, I will speak earlier next time when I do not like a regulation, and ascertain whether the Minister is prepared to continue to negotiate. I hope the Minister would negotiate whether or not a member on my side of the House made a statement.

It is most unfortunate that people have this fear that if a member of this House moves for the disallowance of regulations, such a move might jeopardise negotiations. It has been suggested to me across the floor of the House that I might have done that and might be doing so; but the Minister in his magnanimity has decided this will not be so.

I am pleased there has been negotiation; I hope that this is an earnest of the Minister's attitude in the future and that in future it will not be necessary for regulations to be gazetted before negotiations begin. I also hope there will be more consultation before regulations which are unsatisfactory are brought down, because this would be a pleasant change of direction for this Government and the Minister in charge of the Education Department.

I will have a look at the new regulations and see what I think about them. If I do not like them I will take the appropriate action in this House without fear of whether or not it offends people. My motion is now redundant because the regulation I moved to disallow has been amended by a new regulation. By his action the Minister has indicated that my motion for the disallowance was quite proper. Therefore, I ask leave to withdraw this motion.

Motion, by leave, withdrawn.

BILLS (5): THIRD READING

1. Stipendiary Magistrates Act Amendment Bill.

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney General), and passed.

2. Western Australian Marine Act Amendment Bill (No. 2).

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

3. Solicitor-General Act Amendment Bill.

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney General), and transmitted to the Assembly.

4. Sunday Entertainments Bill.

5. Land Tax Assessment Act Amendment Bill.

Bills read a third time, on motions by the Hon. I. G. Medcalf (Attorney General), and passed.

PROPERTY LAW ACT AMENDMENT BILL

Second Reading

Debate resumed from the 16th August.

THE HON. D. W. COOLEY (North-East Metropolitan) [5.00 p.m.]: The Bill provides for the valuation of certain categories of properties, to be assessed in a manner different from the well-established system which has operated over a long period of time. This change has been brought about because of the Government's intention to abolish probate duty.

The Bill also provides that such valuations will be made by a qualified person, which will be different from the method previously followed. When a person is dissatisfied with the proposed method, he will be able to apply to a court to have the matter determined.

Essentially this is an administrative Bill and one which must be passed if the Government is to go ahead with its intention to abolish probate duty. For that reason we do not oppose the Bill. We recognise the need for this present amendment, but although we indicate we do not oppose the Bill, that does not alter my attitude, or the attitude of my party, to the abolition of probate duty. What we said when that legislation was before this place has equal force now.

It is nothing short of scandalous that the Government has decided to abolish this form of tax within a very short time. In his second reading speech, the Minister said that the end of probate duty was "imminent". That meant it was soon to happen.

We are in the middle of an economic slump, and the Federal Government and the State Government—particularly the State Government—are saying we have to rein in Government expenditure. The wages of the low-income earners have been cut to the point where, because of the inflationary trend, the workers do not receive proper justice or proper value for their wages. The Government has attacked welfare payments made to pensioners and the unemployed, yet we have been told that very soon there will be an end to a tax which is a source of revenue to the Government from beneficiaries of wealthy estates.

The final stage of the abolition of probate duty will benefit only people who have interests in wealthy estates. They will be advantaged. The wealthy people will become wealthier as a result of the abolition of this tax, and the State will suffer accordingly.

The Hon. W. R. Withers: Would you not agree that it will be the means of keeping some farming properties viable?

The Hon. D. W. COOLEY: This matter has been discussed. As the member opposite is aware, the attitude of the Labor Party to the farming property is altogether different from its attitude towards wealthy estates. Some people will receive substantial sums of money from large estates without having to pay one cent in tax.

I would not be opposed to the principle if we were in a reasonable economic situation. However, while striking at the heart of the working people, and the people on low incomes—even the pensioners—in order to increase revenue, the Government will allow wealthy people to escape the payment of this form of tax. If the economic situation improved, and the circumstances of the low income people I have mentioned also improved, I am not saying we would not agree to some form of reduction of probate duty. There does seem to be some need for its reduction, but not at this time.

The day after the Bill to abolish probate duty was passed, Mr Gayfer asked the Leader of the House whether Mr Wran, in New South Wales, on that same day had indicated his Government's intention to abolish probate duty.

One has to bear in mind that the New South Wales Government now has been realistic enough to defer its measure.

The Hon. H. W. Gayfer: It has changed its mind.

The Hon. D. W. COOLEY: It has not changed its mind.

The Hon. D. K. Dans: Another Government in Canberra has changed its mind 50 times.

The Hon. D. W. COOLEY: This does not concern only the farmers. The farmers do not make up this world. They may make up the little world in which they live. Other people are involved in respect of this measure.

The New South Wales Government has not reneged on its intention; it has simply deferred the abolition of probate duty until such time as the economic circumstances improve. So it should, after the deal it received from the Federal Government—and the deal which this State received from the Federal Government—at the last Premiers' Conference. We ought to defer the measure; we should not be implementing it.

The Hon. H. W. Gayfer: You cannot talk like that to the people at Perenjori where they have had four years of drought.

The Hon. D. W. COOLEY: The passing of this measure will not bring any rain in order to assist the people mentioned by Mr Gayfer. It will not do them one little bit of good.

There should not be an overall abolishment of probate duty. It is possible that at this time next year there may be some justification; there could be an improvement in our economic situation.

The Hon. H. W. Gayfer: It might have rained by then!

The Hon. D. W. COOLEY: Perhaps at this time next year the Federal and State Governments will take a different attitude towards wages; different from the attitude they have taken recently. The Government may look again at the need to increase welfare payments. When the Government has done that, and perhaps provided some assistance to those people mentioned by Mr Gayfer, it could take some action regarding probate.

The Hon. G. E. Masters: Did you say you supported this measure?

The Hon. H. W. Gayfer: Why do you point to Mr Leeson every time you talk about wealthy people?

The PRESIDENT: Order!

The Hon. D. W. COOLEY: That is the attitude we should adopt now. We are aware that this measure is necessary and there is no doubt it will pass tonight. But, even with its passing, in view of the present economic situation the Government ought to have another look at the date on which it will abolish probate duty. It should not be "imminent" as suggested by the Minister, because that could be next month. I have the feeling that probate duty will be abolished as from the 1st January of the coming year.

Surely the Government should take another look at the measure in view of the present economic circumstances and the results of the Government's fiscal policy during the last six months. Let us get back to providing financial benefits for those who need them, not financial benefits for wealthy people. I do not believe that those who will benefit from the abolition of probate duty really need that benefit.

I agree with Mr Gayfer and Mr Withers, that probate does become an embarrassment to some people. However, that is not the whole situation. The Government will provide for everybody to be free of the tax. It is obvious we will pass the Bill tonight in order to provide a different method of assessing property valuations. As I have said, we do not oppose the Bill at all.

The Hon. H. W. Gayfer: You could have fooled me!

The Hon. D. W. COOLEY: Even though the Bill will be passed tonight, the Government could give some consideration to the deferment of its proposal to abolish death duties in the near future.

THE HON. R. G. PIKE (North Metropolitan) [5.11 p.m.]: I rise to speak to the Bill and in doing so I wish to point out that the farming community, throughout the whole of Western Australia, should be made very much aware of the comments of the previous speaker. The attitude of the socialist Labor Party to the farming community needs to be declared and known. People should be made fully aware of what the honourable member has just said, and of what we saw today—the socialist claws unsheathed.

The Labor Party always reaches the outer limits of "ratbaggery" and tedium when it declares its attitude to probate duty. I believe that this typical blinkered blundering of socialists, when they discuss taxation, draws a cloud of obscurity over reasonable taxation proposals.

The point Mr Cooley has missed is that this measure will apply to all taxpayers, and not just to the farming members of the community. For many years the Labor Party has been consistent in its attitude to the so-called wealthy; in fact, a basic tenet of its policy has been "tax hell out of the so-called wealthy", and destroy their capacity to employ. We have already heard statements about their proposed capital gains tax.

I repeat: we saw the claws unsheathed by this party which endeavours to claim support of the

farming members of the community in Australia. It cannot hide its vicious attitude to taxation.

The farming community needs to be made aware of the views of the Hon. D. W. Cooley as spokesman for the socialist Labor Party in this place.

THE HON. R. F. CLAUGHTON (North Metropolitan) [5.13 p.m.]: Of course, it is the Hon. R. G. Pike who is wearing blinkers and who is unable to see the true realities before him because of his own hidebound ideologies. If the member had listened carefully to what Mr Cooley said, he would have heard nothing which resembled the accusations levelled at him and, through him, at the Australian Labor Party.

The Hon. R. Hetherington: There is nothing new in that.

The Hon. R. F. CLAUGHTON: The ALP has a very good record in looking after the interests of farmers. We are not ashamed of our actions or our policies in relation to the rural communities. There was good sense in the matters raised by Mr Cooley because the fixing of estate duties, or probate duties, was not a socialist initiative at all. The estate duties arose because of the stranglehold which large landowners and property owners had in the countries of Europe.

It was regarded as sensible that, in the good interests of the community, the position should not be allowed to continue. Of course, there is a danger that if we return to a system which existed a long time ago, we may find a similar situation arises again in Australia. I do not believe Australians want that to occur.

We have good reasons for suggesting the Government defer taking the final steps for the total abolition of probate duty. Although this matter is not the main one in the Bill before us, this is one of the few opportunities we shall have to raise it.

The abolition of probate and estate duties throughout the majority of the community is supported by the Labor Party and such a policy would be followed were a Labor Government in office. However, we should look seriously at allowing a few people to accumulate large estates.

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [5.16 p.m.]: This Bill deals with the very narrow field of the Property Law Act. It has nothing to do with the matter which has been the subject of debate this afternoon. However, in view of your indulgence, Sir, in allowing debate to continue on the subject, I feel it is only fair that I should point out probate duty has not only been paid by the wealthy, but it has been paid by the comparatively poor also.

The Hon. D. W. Cooley: Not now.

The Hon. I. G. MEDCALF: It has been paid by the wealthy and by the people who are not so wealthy. Indeed, I am sure some members are aware of the pleas which have been made over the years for widows to be released from the liability of death duties on matrimonial homes and businesses they were forced to try to continue after the loss of the breadwinner.

Probate duty was payable on every type of property, including personal belongings, furniture, household effects, and clothing. All these items had to be listed in the statement of assets and liabilities. Over a period of time the situation has changed and fewer items have been subject to probate duty. This has been particularly apparent since 1974.

The Hon. Don Cooley implied firstly that probate duty is a preserve of the wealthy. This is not the case; it never has been; and it is not now. Many poor people have been forced to pay probate duty.

I should like to turn to the second point made by the honourable member and indicate that the Government has been lifting probate duties gradually. Over two years ago the Government put forward the major proposal that it would phase out probate duty over a three-year period. This is exactly what Mr Wran is doing in New South Wales. The Government has been phasing out probate duty over a three-year period.

The first step was to release the spouse-to-spouse provisions so that a wife or husband was free from the liability of paying probate duty on the property of his or her life partner. The second step was to reduce probate duty by 50 per cent and this has occurred. The final step is the phasing out of probate duty altogether. This will occur on the 31st December, this year. It has been a gradual phasing out over a period of three years. The Wran Government in New South Wales is following the same course and it will have phased out probate duty by 1982. The Government in New South Wales started a little later than we did; but it is taking the same steps.

The Hon. H. W. Gayfer: Has it not changed its mind about the matter?

The Hon. R. F. Claughton: It has been delayed for a year.

The Hon. I. G. MEDCALF: Traditionally it was not the policy of the Labor Party to phase out probate duty. This point has been made on numerous occasions in the House by a former Leader of the Opposition. The Labor Party has changed its attitude to probate duty. I believe it is

agreeable to its general phasing out. Therefore, I do not know what we are arguing about.

I thank members for their support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. T. Knight) in the Chair; the Hon. I. G. Medcalf (Attorney General) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement—

The Hon. D. W. COOLEY: I agree with the Minister that the Bill has nothing to do with the abolition of probate duty; but, as he mentioned this matter in his second reading speech, I believe it is only fair and reasonable that we do so also.

I should like to refer to the allegation made in relation to the socialist policy which is designed to bankrupt all farming communities by excessive taxation. Nothing is further from the truth. Such comments should not be made by responsible people.

The Hon. R. G. Pike: Reread your own speech!

The Hon. D. W. COOLEY: I did not say probate duty should not be abolished. Mr Pike will see that if he reads my speech.

The Bill says that the provisions shall come into force on a date to be fixed by proclamation. I suggest that the date should be later than that predicted by the Minister. The abolition of probate duty should be deferred until we are in a better economic position.

The Hon. R. G. Pike: It is good to hear you climbing down.

The Hon. D. W. COOLEY: Mr Gayfer's friends in the drought-affected areas should be given more assistance by the Government; but how can the Government give them more assistance if it allows people to escape from paying their taxes?

The Minister said that probate duty has been phased out in stages. We do not oppose the abolition of probate duty as it relates to the spouse-to-spouse situation and we do not oppose it as it relates to property. However, we certainly oppose the abolition of probate duty as it relates to million-dollar estates. Some of the people who will benefit when the Bill comes into operation will have estates worth over $1 million left to them and they will not have to pay one cent of tax to the Treasury at a time when we are placing restrictions on other people. That is what we are opposing. Perhaps this time next year we may be able to afford to abolish probate duty; but I do not believe it is an appropriate step at the moment when such a tight rein is being kept on Government spending. The Bill should come into effect on a date to be fixed by proclamation; but that date should be one considerably later than that suggested by the Attorney General.

Clause put and passed.

Clauses 3 and 4 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

ADMINISTRATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 16th August.

THE HON. D. W. COOLEY (North-East Metropolitan) [5.25 p.m.]: In the Minister's second reading speech he says that the Bill is designed to overcome certain problems which will arise after the 31st December, 1979, when death duties will cease.

We are not opposed to the Bill; but, for the reasons stated when speaking to the Property Law Act Amendment Bill, we believe the matter should be deferred together with the proposed abolition of death duties.

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.

DENTAL ACT AMENDMENT BILL

Second Reading

Debate resumed from the 15th August.

THE HON. LYLA ELLIOTT (North-East Metropolitan) [5.28 p.m.]: The Opposition supports the Bill. We do not see anything wrong with the proposed amendments. The first amendment proposes that the word "specialities" be deleted and the word "specialties" be inserted. Although the Minister says there is no significant difference between the two words, there is in fact a slight difference if one examines the dictionary definitions. We see that "speciality" is "the particular characteristic of a person or thing; special occupation or object of attention". On the other hand, the word "specialty" is "something special or distinctive, any special product, article of sale or of manufacture, any special pursuit, department of study, etc".

I would say the difference is that in the second case a commercial aspect is introduced. However, the Opposition cannot see anything wrong with that, so it is not opposed to it.

The second amendment contained in the measure is not unreasonable; it is designed to update the monetary penalties in the Act, which have not been changed for some 40 years. I wonder whether the Minister when he replies to the debate could provide us with some statistics regarding the number of persons contravening the Act each year and the types of offences committed.

The third amendment proposes that the certificate of dentistry granted by the committee on overseas professional qualifications be recognised in this State as it is in other States. Of course, I am always in favour of uniformity in Australian law; therefore, I do not oppose that. However, I would like the Minister to tell me what the word "successful" means in relation to that committee. Is this a typographical error in his second reading speech?

The Hon. N. E. Baxter: I think it should be "professional".

The Hon. LYLA ELLIOTT: I understand what the word "successful" means, but it does not seem appropriate in this context. Probably Mr Baxter is correct, and the correct word is "professional".

The Bill contains two other provisions. One is designed to restrict the registration of overseas dentists in this State to those who demonstrate a genuine intention to settle and practise here. Such people must settle and commence a practice in Western Australia within six months of registration or be deregistered. This will enable the orderly planning of dental courses.

The next amendment is to enable the training of students in places other than the Perth Dental Hospital or the Dental School at the University of Western Australia.

I am glad the Government is removing a small amount of sex discrimination from the Act. Section 44B at the moment enables only females to train as dental therapists, but an amendment in the Bill will enable males to undergo that training. However, I could not help but notice that the amendment underlines the fact that the law still leans towards the male of the species, because the word "she" wherever it appears is being replaced by the word "he" despite the fact that the section applies to both sexes.

Whilst the Opposition supports the six amendments contained in the Bill, we are concerned that the measure does not go far enough. No doubt all members received the submission presented recently by the Australian Dental Technicians' Society. I must say that I did not fail to be impressed—and I am sure other members did not—by the case presented in support of the proposals contained in the submission. In the main those proposals were for the establishment of a dental technicians' registration board to register all qualified technicians, for further post-graduate training for technicians, and for the right of properly qualified and registered technicians to deal direct with the public for the prescription, manufacture, fitting, and repair of removable dentures.

In support of its proposals the society points to a number of disturbing factors. Firstly, it says that nowhere in the Act is provision made for the training or qualifications of dental technicians, which leaves the way open for untrained and unqualified persons to work for dentists. Secondly, under the present law although a technician is supposed to work only under the direction and control of a dentist, in practise this does not happen in the main because most dentures are made in laboratories away from dentists, and where there is little or no control by dentists.

The PRESIDENT: Order! Would the honourable member ensure that her comments can be related to the Bill before the House.

The Hon. LYLA ELLIOTT: Yes, Mr President. I believe the Bill before the House does not go far enough. We are talking about the qualifications of dentists, specialties, and dental therapists; and the point I am making is that, in addition to dental therapists, dental technicians should be included in the Act.

The dental technicians allege also that dentists mark up by 200 to 350 per cent the prices originally charged by technicians or laboratories. They say these high prices result in many people either going without dentures or continuing to wear badly fitting dentures, which cause many problems in respect of mouth disorders. The dental technicians say they can provide case histories.

By continuing to refuse to recognise the submissions of the Australian Dental Technicians' Society, the Government is denying Western Australians something which Australians in other States already have or are about to get. In Tasmania legislation was passed 20 years ago to enable dental technicians to operate along the lines of the proposals submitted in Western Australia. In Victoria the public have been able to deal direct with technicians since 1976.

The PRESIDENT: Order! I do not want to curtail the comments of the honourable member but, frankly, I cannot relate her comments to the Bill in any way at all. Perhaps I am missing the point, but the Bill discusses specific sections of the Act and I cannot find one which enables the honourable member to speak on the subject on which she has been speaking.

The Hon. LYLA ELLIOTT: Mr President, perhaps I could draw your attention to the fact that the Bill deals specifically with offences committed under the Act. In their submission, the technicians state that offences are occurring every day due to the fact that technicians are not licensed to deal direct with the public. The technicians say that many dentures made are finding their way direct to the public, and this is illegal under the Act. The people concerned could be severely punished. That is why I have asked the Minister in his reply to indicate whether he is aware of the types of offences being committed, which would result in the penalties we are discussing.

I pointed out that we are not opposed to the amendments proposed by the Minister; however, we do feel that Western Australians should be able to enjoy the relationship with dental technicians that people in other States enjoy. If dental technicians are recognised, more control over them and the standard of their work may be exercised, and great savings to the public would result. I think their case should receive a sympathetic hearing from the Government.

In the meantime, I support the Bill.

The Hon. R. G. Pike: You were blatantly discussing another subject.

THE HON. N. E. BAXTER (Central) [5.39 p.m.]: I will be brief because the Hon. Lyla Elliott has covered most of the comments I wished to make. As she mentioned, the use of the word "successful" in respect of the committee on overseas professional qualifications seems to be entirely out of order. I think a typographical error has occurred by a secretary who has typed "successful" instead of "professional". I point out to the Minister that this mistake appears at page 1842 of *Hansard*. Perhaps he ought to check the matter before the bound volume is issued.

As Miss Elliott said, the second amendment deals with the registration of overseas dentists. This follows on what occurred when I was the Minister and we restricted the number of overseas doctors—particularly from Singapore and Malaysia—who could be registered in Australia under the Medical Act. Doctors in countries in which the political situation is unsettled at times found they could provide themselves with an escape valve by registering in Australia. In fact, they were chartering large planes to fly to Australia to register, and they were returning with no intention of coming here to practise unless something went wrong in their own countries.

The same situation applies with the Dental Act, and we end up with a large number of people on the dental register. Now registrations are to be restricted to those who genuinely propose to settle here, and I believe this is a good move.

The Bill proposes also to increase the number of places at which dental students may be trained. As the Minister pointed out, at present the places at which they may be trained is restricted. A falling off of trainees will occur in the schools of dental therapy at Warwick and Manning. At present there are too many trainees, and the situation is a little like that which occurred in the nursing profession in which restrictions had to be introduced to limit the number of trainees.

Today we have too many therapists and insufficient jobs. When I was the Minister dental therapists were trained at the Western Australian Institute of Technology specifically to work with private dentists. It was laid down that those therapists were not permitted to work in the dental hospital or in other Government spheres, such as the school dental clinics. The number increased to such an extent that I was asked to widen the area in which they could be employed. I had to place a restriction on the professor who was training them to prevent him from increasing the intake.

I support the Bill because I think it is a good move. I note that penalties are to be increased according to today's values. I will not enter the argument raised by the Hon. Lyla Elliott in respect of dental technicians other than to point out that there are two sides to the story. I know the situation well, and I point out that everything is not rosy in some of the States in which dental technicians can deal direct with the public.

Debate adjourned, on motion by the Hon. W. R. Withers.

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [5.45 p.m.]: I move—

That the Bill be now read a second time.

The Bill contains a number of important measures, most of which have become necessary because of the very great increase during the past decade in the popularity of private pleasure craft.

One of the problems which has arisen as a result of this increased use of the waterways is that of providing adequate patrols. At the present time, boat licensing fees are levied against boat owners to meet the costs of providing inspectors, boats and equipment, and facilities for boat registration. However, despite recent increases in fees, the income from this source does not cover expenditure.

Rather than increase fees still further, we consider it better to make a more efficient use of the men and equipment we already have. One way of doing this is by freeing them as much as possible from court appearances. It is therefore proposed to adopt a system of infringement notices, similar to those applying to minor traffic and parking offences.

Modified penalties of up to $100 will be prescribed for certain offences under the navigable waters regulations as, for example, speeding, registration, and mooring offences. These modified penalties will be payable within 21 days after service of the infringement notice.

Alleged offenders will still have the right to have their cases heard in court, should they wish to do so. This scheme would relieve the courts of a considerable amount of work; would be more acceptable than court appearances to many boat owners; and would also have the effect of freeing Harbour and Light Department inspectors from many hours of court attendance—time which could be spent more profitably on patrol work.

The existing provisions of the Act require all coast trade and limited coast trade vessels to hold a valid certificate of seaworthiness before proceeding to sea. However, there is no legal obligation for a ship to be seaworthy when moving about within port limits, and where failure of structural equipment could result in serious damage and inconvenience to other ships or installations. The Bill therefore seeks to require all vessels to hold a valid certificate of seaworthiness before they move from a mooring or berth.

The department has power under the Act to prohibit the carriage of cargo in a ship leaving the port limits if it is of the opinion that the safety of the ship or the comfort of the passengers and crew would be endangered by the carriage of that cargo. From the point of view of safety, it is important that this authority should also apply to vessels which move about within the port limits. The Bill is designed to provide this authority.

Masters and owners of coast trade and harbour and river vessels are obliged to osberve the provisions of the regulations for preventing collisions at sea. However, operators of fishing vessels and private craft, while required to be familiar with these rules, are under no legal obligation to observe them. Since both commercial and private boats share the same waters, this anomaly can give rise to quite hazardous situations. The Bill will amend this dangerous situation by obliging operators of all craft, be they commercial or private, to obey the rule of the road.

It also makes it obligatory for coast trade and harbour and river vessels involved in a collision to stand by each other and render such assistance as may be necessary and of which they are capable. Failure to do so will be an offence, with liability to a penalty not exceeding $500. Because of the increasing number of pleasure boat operators who, after being involved in a collision, fail to stop, it is proposed that they, together with fishing boat skippers, should be subject to the same requirements as the coast trade vessels The penalty for fishing boat masters will be the same as for masters of coast trade and harbour and river vessels. It will also be encumbent on the operators of the boats involved to exchange names and addresses and particulars of their vessels. Should death or injury result from a collision, or should one of the vessels sustain damage rendering it unseaworthy, the operators will also be required to submit a written report of the circumstances to the Harbour and Light Department.

At present the Harbour and Light Department has no authority to remove and dispose of abandoned or derelict craft littering navigable waters. It is therefore proposed that, after serving notice on the owner or, if his identity is unknown, by publication in a newspaper, the department be given the authority to declare such vessels to be navigational hazards and, in the event of failure to establish ownership, to assume possession and arrange for their removal and disposal. Should costs of removal not be recoverable by other means, the department will be able to sell the vessel and use the proceeds to defray the expenses incurred in its removal The owner will be entitled to any surplus or, if his identity has not been established, it will be paid into Consolidated Revenue.

This amendment will enable the removal and disposal of old and abandoned vessels, many of which are quite valueless and which are at present littering our waterways.

I commend the Bill to the House.

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

RADIATION SAFETY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 15th August.

THE HON. LYLA ELLIOTT (North-East Metropolitan) [5.51 p.m.]: Once again the Opposition supports the Bill.

We believe that the Radiological Council should be equipped with full powers to impose the strictest safeguards on any equipment which could pose a hazard to the public. However, I would like the Minister, in his reply, to give me examples of what he meant when he said—

> There is developing an increasing use of radioactive substances in devices which are intended to be sold over the counter for domestic use or which are not used under the control of a qualified person.

I would like him to tell me the sorts of devices that the Government and the department have in mind. If he is talking about microwave ovens, for example, would such things be covered by the Act? Does a salesman in an electrical retail shop have to be registered under the Act to sell a microwave oven?

The Hon. D. J. Wordsworth: You will see there are a few exemptions.

The Hon. LYLA ELLIOTT: The Bill seems to deal more with devices used for medical purposes than domestic purposes. I would like the Minister to give some examples of domestic appliances or devices for domestic use which could use radioactive substances. I am concerned that such things might be going into the home. Perhaps we should be taking further steps to warn people against them.

When I was reading that Bill yesterday, it suddenly occurred to me that it could be possible that the provisions of the Bill could be used against the Tronado machine. I have spoken to someone who is closely—

The Hon. N. E. Baxter: That is only a cooker.

The Hon. LYLA ELLIOTT: There are people who would dispute that interjection by Mr Baxter. There are people who have gained relief after treatment on the machine. In fact, there are people who claim to have been cured by the treatment they have received from Dr Holt.

As the Tronado machine has become a political football, I would be keen to see that no legislation I supported could be used to delicense the people who operate the machine.

If members refer to the second page of the Bill, they will find that the parts which are relevant to my argument read as follows—

> (2) The Council may refuse to grant or renew a licence or exemption, or to effect or renew a registration, if—
>
> . . . .
>
> (b) the Council is not satisfied that the radioactive substance, irradiating apparatus or electronic product—
>
> (i) is likely to produce a positive net benefit, having regard to the potential hazard, of a nature such as to justify its use; or
>
> . . . .
>
> (d) the Council is for any other reason of the opinion that such a refusal is in the public interest.

I now turn to section 4 of the Act for the meaning of "electronic product", which is as follows—

> "electronic product" means a manufactured or assembled article, or any component, part or accessory of a manufacture or assembled article, which when in operation contains or acts as part of an electrical circuit, or which acts by electro magnetic amplification employing a resonant space, and emits (or in the absence of effective shielding or other control would emit)—
>
> (a) ionising or non-ionising, electromagnetic, or particulate radiation; or
>
> . . . .

I am told the Tronado machine would come under the definition of "non-ionising, electro magnetic . . . . radiation". As I said, in view of the fact that this—

The Hon. D. J. Wordsworth: Are you suggesting that the Tronado machine is not currently under the Act?

The Hon. LYLA ELLIOTT: The Tronado machine is currently under the Act, I understand.

The Hon. D. J. Wordsworth: That is right.

The Hon. LYLA ELLIOTT: It is necessary for the people concerned with the Tronado machine to have a licence to operate it. I am saying that

we are now amending the Act, and the wording of the amendment, if read in conjunction with the interpretation section of the Act, could give the Radiological Council power to refuse a licence if it is not satisfied that the machine "is likely to produce a positive net benefit . . ." or if "the council is for any other reason of the opinion that such a refusal is in the public interest".

As I said, I would like a guarantee from the Minister that this amendment is not designed in any way, or would not be used in any way by the Government, to deny a licence to the persons who now operate the Tronado machine.

I support the Bill.

Debate adjourned, on motion by the Hon. N. E. Baxter.

House adjourned at 5.57 p.m.

QUESTIONS ON NOTICE

TRAFFIC: MOTOR VEHICLES

Seat Belts

145. The Hon. F. E. McKENZIE, to the Leader of the House representing the Minister for Police and Traffic:

(1) How many persons have received infringement notices for seat belt offences in each of the years ending 1976, 1977 and 1978?

(2) Has there been an increase in the number of infringement notices issued to persons for seat belt offences since the introduction of demerit points for offenders as compared with the corresponding period of time in previous years?

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

(1) 1975-76 5 096 (some months not available—estimated)
1976-77 6 109
1977-78 7 909
1978-79 12 267

(2) Demerit points for seat belt offences introduced February, 1979.
Infringements March—June
1976 1 529
1977 2 468
1978 2 992
1979 4 572.

TRAFFIC: PEDESTRIAN CROSSINGS

School Crossings Committee

151. The Hon. Lyla ELLIOTT, to the Leader of the House representing the Minister for Police and Traffic:

Further to my question No. 126 of Tuesday, the 14th August, 1979, and the Minister's reply in which he advises that the school crossings committee—

(a) only has power to either accept or reject applications; and

(b) does not have power to co-opt members;

how does the Minister reconcile that answer with the statement in his letter to the Western Australian Council of State School Organisations of the 18th April, 1979, in which he states, when referring to the school crossings committee and the hazards committee: "Neither committee is limited in its scope or debarred from co-opting people with special knowledge outside of its normal membership."?

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

The Minister does not see there is any conflict in his reply to question No. 126 and the passage quoted from his letter to the Western Australian Council of State School Organisations of the 18th April, 1979. However, he concedes that the use of the word "co-opting" in the letter could have caused confusion. Despite the fact that reference is made to "normal" membership, perhaps the expression "seeking advice from" instead of "co-opting" would have been preferable.

NOXIOUS WEED

Skeleton Weed

156. The Hon. H. W. GAYFER, to the Minister for Lands representing the Minister for Agriculture:

Would the Minister advise—

(a) the amount collected annually from the $30 per annum skeleton weed levy; and

(b) has there been any carry-over from this fund in any year since its inception?

The Hon. D. J. WORDSWORTH replied:

(a) 1974-75 $285 950
1975-76 $267 510
1976-77 $293 520
1977-78 $203 350
1978-79 $245 400.

(b) Yes.

LAND

Karratha

157. The Hon. J. C. TOZER, to the Minister for Lands:

Following on from the answer given to question No. 134 on 15th August, 1979, will the Minister please—

(a) advertise the eight service trades allotments referred to, as soon as practicable, to test the current demand for this class of land in Karratha town centre; and

(b) unless there is some compelling reason that such action is not desirable, complete the forfeiture of the two 1977 allotments which have not been paid for and upon which development has not commenced, and offer these two lots for conditional purchase also; and

(c) particularly, recognise that the economic and commercial development of a community requires something more than the ability to merely apply a Statute such as the Land Act, and instruct his department to adopt a more imaginative and aggressive attitude in the "marketing" of land in Karratha?

The Hon. D. J. WORDSWORTH replied:

(a) A further release of service trades lots has already been programmed. The release will occur within the next few months.

(b) The honourable member's views as to the forfeiture of two 1977 allotments have been noted. If forfeited, these lots would be included in the release.

(c) The progress of Karratha over the past eight years belies the honourable member's implied criticism of the department and the townsites development committee.