

# Legislative Council

Thursday, 10 October 1985

**THE PRESIDENT** (Hon. Clive Griffiths) took the Chair at 2.30 p.m., and read prayers.

## APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

### *Consideration of Tabled Paper*

**HON. J. M. BERINSON** (North Central Metropolitan—Minister for Budget Management) [2.33 p.m.]: I move, without notice—

That pursuant to Standing Order 152(c), the Council take note of tabled paper No. 204 (Estimates of Revenue and Expenditure and related papers), laid upon the Table of the House on 10 October 1985.

This motion is to enable the Legislative Council to examine and debate at length the Budget papers associated with the Appropriation Bills which are now before the Legislative Assembly.

In his Budget speech, which forms part of the Budget papers, the Premier and Treasurer has outlined the outstanding record of economic and financial management established by this Government.

This has contributed in a positive way to the position we now have in this State, where business confidence is high; the building industry is buoyant; profitability has increased strongly and employment prospects have markedly improved. As the economic indicators make clear, our State is now characterised by an across-the-board growth performance well in advance of improving national trends.

This is in dramatic contrast to the situation of subdued economic activity and financial uncertainty which the Government inherited when it came to office in 1983.

The Premier has now outlined a Budget strategy that will continue to provide a healthy environment for private sector growth and which places the highest priority on creating job opportunities and career training for our youth.

### *1985-1986 Budget*

This Budget builds upon the impressive record and the high level of economic development that has already been achieved. It continues our drive to sustain activity at high levels in the labour-intensive housing industry. It provides substantial tax concessions and

further incentives for small business. It further addresses the pressing social issues affecting our community.

In line with our strongly held views that State Governments have a responsibility to protect those families most adversely affected by rising home loan interest rates, it makes important funding provision for a scheme to avert expected building society increases.

At the same time the Government has been mindful of its financial management responsibilities in framing its expenditure programmes. Having inherited a shortfall on the Consolidated Revenue Fund, which has been progressively reduced over the last two Budgets, we are determined to further improve the State's financial position.

The increase in expenditure from the Consolidated Revenue Fund this year has been held to 8.9 per cent, bringing the estimated total to \$3 094.5 million. Based on the expected movement in the Consumer Price Index of eight per cent, this represents a real increase of less than one per cent.

Revenue collections from all sources are expected to also rise by 8.9 per cent to \$3 095.5 million.

We are therefore aiming for a small surplus of \$1 million to further reduce the legacy of the \$14.2 million deficit incurred during the last year of the previous Administration. I am advised that this is the first time that a surplus has been budgeted for in 40 years.

The highlights of the Budget and capital works programme are—

- tax cuts worth almost \$26 million, bringing total tax cuts announced in the last two Budgets to \$64.8 million;

- provision for the Government's scheme to protect an estimated 50 000 families who are building society borrowers from rising interest rates;

- another massive housing programme in which over 1 900 units of public housing will be provided for and more than 2 200 families will get special housing loans;

- funding for employment training schemes which will assist at least 6 600 Western Australians in 1986, most of them young people;

- relief for farmers from the State fuel levy as part of a programme of assistance for agriculture;

- big funding boosts for small business and tourism;

another nine child care centres and special new programmes to assist youth and the aged, including free drivers' licences for many pensioners;

207 additional staff for the education system and assistance for parents to pay for school books;

significant new programmes worth \$5.5 million for Aborigines; and

150 extra police officers.

### *Taxation*

As was the case last year, an integral part of our Budget strategy is a significant programme of tax concessions.

**Payroll Tax:** In 1984-85 we became the first State Government to reduce the payroll tax rate since it was transferred from the Commonwealth in 1971. As a further incentive to small and medium-sized businesses we will go even further in 1985-86 by reducing the rate applying to businesses with annual payrolls of \$880 000 or less from 4.75 per cent to just 4 per cent.

The full 0.75 per cent reduction will be gradually phased out and will cease to apply to businesses with annual payrolls in excess of \$1.408 million. All businesses below that cut-off point—more than 5 000 or 85 per cent of those which pay the tax—will benefit from the reduction.

The Government has also decided to lift the payroll tax exemption level by 10 per cent to \$220 000. As a result, an estimated 600 additional employers will now be exempted from the burden of payroll tax. Last year some 800 businesses were freed and in our first Budget an estimated 1 100 were exempted.

The Government will also ensure that payments to trainees under the Commonwealth/State Co-operative Traineeship System are not subjected to payroll tax.

Legislation will be introduced shortly to give effect to these proposals from 1 January 1986. The cost is estimated at \$10.3 million in a full year. Added to the concessions in last year's Budget they will provide payroll tax relief of almost \$30 million in 1985-86 and will bring the total value of payroll tax concessions in this Government's three Budgets to about \$40 million in a full year.

**Financial Institutions Duty:** Last year this Government reduced the rate of the Financial Institutions Duty by 40 per cent to 3c per \$100. So as to provide additional tax relief to busi-

ness and the community we have decided this year to reduce that rate by one-third to 2c per \$100.

The new rate will apply from 1 January 1986 at a cost of \$3.5 million in 1985-86 and \$8.3 million in a full year, bringing the total cost of reductions in the two Budgets to \$26 million. Its introduction will mean that our rate is significantly below that of any other State which imposes the duty.

Reflecting the full-year effect of last year's rate reduction and the further cut to which I have just referred, FID collections are expected to fall by 29.1 per cent to \$24.9 million in 1985-86.

**Land tax:** We have already announced a 10 per cent rebate of land tax assessments for 1985-86 at an estimated cost of \$6 million this year. This rebate is a significant and welcome concession to the State's 90 000 land taxpayers, pending a major review of the tax. That review has now been completed and is currently being examined by Government.

**Stamp duty:** The Government has decided—

to assist those persons on low incomes who are in the private rental market by exempting from duty residential leases with weekly rentals of \$80 or less; and

to provide a measure of assistance to businesses in Western Australia by exempting from duty transfers of marketable securities such as debentures and unsecured notes.

These exemptions will apply from 1 January 1986.

To assist local government in this State, the current stamp duty exemptions which apply to local authorities will be extended to those associations of local authorities charged with representing the interests of local government.

**Fuel franchise levy:** The Government is conscious of the cost-price squeeze in which many of our farmers are caught and, as mentioned by the Treasurer in the Budget speech, we have already introduced a number of measures to assist them. Currently assistance is provided to primary producers in respect of fuel costs by exempting the off-road use of diesel from the State fuel franchise levy. As from 1 January 1986, the Government will move to provide further relief to farmers and pastoralists with respect to the levy for petrol used off road for agricultural production.

The package of taxation concessions to which I have just referred will provide an additional stimulus to the economy by further reducing the impact of government on businesses and the community. They will reinforce the action we have taken over the last two years to contain Government charges.

### *Expenditure Initiatives*

These taxation concessions are accompanied by a number of expenditure initiatives aimed at economic and employment stimulation.

**Housing:** Expenditure of \$257.6 million is planned on housing and related activities in 1985-86, an increase of \$90.7 million or 54.4 per cent. As we did last year, the Government's entire Loan Council borrowing programme of \$93.1 million will be channelled into public housing under the concessional terms and conditions of the Commonwealth-State Housing Agreement.

In addition to the provisions of over 1 900 public housing units, over 1 500 loans are expected to be issued by Homeswest during the year.

Other features of Homeswest's \$232.8 million programme include the continuation of the Aboriginal Loans Scheme and the joint Commonwealth-State Rent Support and Bond Assistance Schemes which will assist more than 15 000 people.

Due to our funding efforts over three Budgets, Homeswest will have been able to provide an additional 5 910 public housing units. That is significantly in excess of the Government's undertaking to construct 5 000 units during our first term. Importantly, over the three-year period, another 4 342 families will have been assisted by Homeswest to acquire their own homes either by direct loans or loans facilitated through terminating building societies.

Moreover, 50 000 Western Australian families will gain a much needed respite from rising mortgage payments following our recently announced initiative to restrain building society interest rates on existing home loans.

**Youth employment and training:** Despite strong employment growth during the Government's term, unemployment remains unacceptably high, especially among young people. The Government has therefore decided to spend \$13.1 million from the State Employment Strategies Fund in 1985-86, mainly on youth employment and training initiatives.

Included in the allocation of \$7.9 million to the fund this year is an amount of \$3.6 million for the introduction of 12-month traineeships to combine on and off-the-job training for 16 to 19-year-old school leavers and first job seekers.

In a full year the allocation will attract Commonwealth funding of an estimated \$5.5 million. It will make available some 2 500 traineeship places, 500 of which will be located in the State public sector.

The Government also intends to continue the Job-Link programme of Skills West through a career link component aimed at 4 000 participants. In addition, the Westrek pilot programme is to be extended; the workers' compensation rebate scheme for employers of first-year apprentices is to be continued; the new enterprise scheme to assist unemployed people wishing to start their own small business is to be expanded; and we will continue our commitment to adult training based on the job placement and training programme.

**The PRESIDENT:** Order! I ask honourable members to cease their audible conversations while the Minister for Budget Management is addressing the House.

**Hon. J. M. BERINSON:** Capital works: State Governments make their biggest direct impact on private sector employment and on the building and construction industries through the capital works programmes of departments and authorities.

In 1985-86 the Government will mount a total works programme of \$1 200.7 million, an increase of \$176.7 million. The programme comprises appropriations from the General Loan Fund of \$165 million and allocations of \$1 035.7 million from other sources, mainly semi-Government borrowings.

Further details of our capital works programme are set out in the Budget papers.

Other highlights of our expenditure programmes aimed at providing an economic stimulus to the private sector are—

expenditure from the technology development fund is expected to be about \$3.0 million in 1985-86 against \$888 000 last year;

the allocation to the Small Business Development Corporation will be increased by 28 per cent, reflecting our commitment to an extension of advisory services to the small business sector and to the cutting of the red tape that sometimes affects their operations; and

the budget for the Western Australian Tourism Commission is to be lifted by 22 per cent to \$13.5 million, bringing the increase during our term to 142.5 per cent.

**Social development and community services:** The measures I have outlined so far aim at economic stimulation, but we have not overlooked the needs of the socially disadvantaged nor the provision of traditional State Government services.

**Education:** To meet our pressing educational responsibilities this year we propose to allocate \$755.7 million to the Education Department, an increase of \$72 million or 10.5 per cent on expenditure last year. Included is \$825 000 to enable a school book grant to be paid to all secondary school students in years 8 to 10.

Further details on expenditure on education are set out in the Budget speech.

**Health:** The proposed allocation to the Health Department is \$683.4 million, an increase of \$80.5 million or 13.3 per cent.

Funds totalling \$2.9 million have been included to meet the operating expenses for new facilities; and in keeping with the Government's phased programme for the transfer of basic nurse education from hospital-based training to tertiary institutions, an allocation of \$2.8 million has been made.

The Government is also increasingly concerned at nurse shortages in our hospitals and \$2.3 million has been provided to help address the problem.

Other features of the health programme will be outlined during the Estimates debate.

**Community services:** To continue our thrust towards a more just society, funding for the Department for Community Services will increase by \$12.3 million or 22.4 per cent in 1985-86.

Particular emphasis is to be given to child care services and to new initiatives for the aged. A programme of youth initiatives is also to be implemented to cater for the special needs of our young people.

**Children's services:** Over the last two years, 16 child care centres have been built or are nearing completion and provision for a further nine has been made this year.

The Government has also decided to provide \$250 000 to local government authorities to enable them to upgrade existing community-based facilities to meet pressing child care de-

mands. The funds will be provided for capital purposes on a dollar-for-dollar basis up to a maximum of \$25 000.

Additionally, an allocation is to be made to playgroups in 1985-86 in recognition of their importance, particularly to mothers who choose to remain in the home with their pre-school children.

**Youth services:** A programme of youth initiatives will be implemented in 1985-86 and \$595 000 has been allocated to the Department for Community Services for this purpose.

The provision will enable the operational funding of 10 to 15 youth drop-in centres on a pilot basis during 1986. Two youth drop-in centres will also be provided this year in the rapidly growing northern suburbs and an amount of \$275 000 has been allowed to encourage support and to coordinate the activities of an expanding local youth services infrastructure.

We will also continue the Youth Participation Grants Programme through an allocation of \$100 000 to provide seeding grants for projects designed by innovative young people.

**The PRESIDENT:** Order! For the last time I advise honourable members carrying on audible conversations that they are to cease doing so. If members wish to continue after I have completed this warning, they will do so at their peril.

**Hon. J. M. BERINSON:** The aged: In line with our policies for the aged, the Government has decided to introduce the following initiatives—

From 1 January 1986, those aged pensioners who currently receive a 50 per cent concession on their drivers' licences will be provided with a total exemption from this licence fee. An expected 40 000 aged pensioners will benefit at an estimated cost to the Government of \$300 000 in a full year.

An open line is to be established at a cost of \$80 000 in 1985-86 to give aged persons access to information on State and community services.

Senior Citizens' Week is to be continued following the success of the initial event in May, and a task force will be established to consider ways of increasing the involvement of older persons in their communities and to help them better utilise community services.

**Aboriginal advancement:** A most important element of the Government's social welfare priorities is to address the genuine and pressing needs of Aboriginal communities. This year, we propose to undertake a special package of Aboriginal initiatives within our operating and capital works programmes. In total, expenditures of \$5.5 million are planned. Further details are set out in the Budget speech, but I stress that the schemes to be implemented are not welfare handouts, but are designed to achieve lasting improvements for Aboriginal communities—the most disadvantaged in our society.

#### *Other Government Initiatives*

There are many other important Government expenditure programmes and I do not have sufficient time to mention them all. However, I draw the attention of members to the following selected features—

\$1.1 million has been set aside for the first full year of operation of the Equal Opportunity Commission.

The allocation to the Multicultural and Ethnic Affairs Commission has been increased by 42.9 per cent to \$870 000.

A total of \$8 million has been provided for the new Department of Occupational Health, Safety and Welfare, including \$393 000 to continue the work of the Government's RSI task force.

Funds allocated for purposes associated with the protection of the environment include \$1.1 million for the recently-announced Swan Valley plan, the \$2.7 million commitment to combat algal problems in the Peel-Harvey estuary and \$500 000 for the management and protection of national parks and nature reserves.

The Government's concern about the increasing crime rate is reflected in a rise of \$14.9 million in the proposed vote for the Police Department. This includes provision for the appointment of 150 additional police officers and 12 police aides.

#### *Conclusion*

Despite the significant wide-ranging tax concessions that have been announced today, revenue collections are expected to increase by \$252.4 million to \$3 095.5 million.

Of the projected increase, Commonwealth payments contribute \$81.5 million, a rise of 6.1 per cent. Whereas territorial and departmental

revenues are expected to increase strongly, State taxation collections are estimated to rise by only 6.5 per cent, significantly below the expected inflation rate notwithstanding strong growth in the underlying revenue base.

On the expenditure side, total outlays from the Consolidated Revenue Fund are planned to increase by \$252.2 million to \$3 094.5 million.

In effect, then, transactions on the Consolidated Revenue Fund in 1985-86 are expected to result in a small surplus of \$1 million with a corresponding further downward adjustment of the deficit that has been carried forward since 1982-83.

In concluding I would like to say that the Government is nearing the end of its first term in office, proud of its record of economic and financial management and confident that many of the potential divisions within our community are receding because of our compassionate social policies.

We have turned around a shaky budgetary inheritance, and the strong economic progress that this State has made is attested to by all leading economic indicators.

Improving business confidence has been lifted still further by the recent decision to proceed with stage II of the North-West Shelf gas project. That decision opens up new horizons for our development and will lead to 4 600 new jobs during the main construction phase.

This Budget and our capital works programme provide additional incentive for the economy to grow.

But it is not designed to win support at any cost. It is a measured, fair and financially responsible Budget. It is presented by the Government with every confidence that it will contribute to the continued and even more prominent role of Western Australia as a leading force in the nation's economic well-being.

Debate adjourned, on motion by Hon. G. E. Masters (Leader of the Opposition).

(See paper No. 204.)

#### **EDUCATION ACT REGULATIONS**

##### *Disallowance: Motion*

Debate resumed from 9 October.

**HON. P. H. WELLS** (North Metropolitan) [2.59 p.m.]: Firstly, I inform the House that I consider the action of the Minister for Education in his lack of attention to his duty to provide members of this House with any real indication of the reason for these regulations, is deplorable.

Once it was known that there was a motion to disallow regulations in this House on which members of this Chamber would have to make a decision relating to the working conditions of teachers, I believe any responsible Minister for Education would have provided each member of this House with some detailed information about the justification and the reasons for making those regulations.

No information has been made available to me other than that which I have requested myself. I believe that in this omission of duty by the Minister for Education he has failed in his duty and I therefore believe he should hand in his resignation.

Several members interjected.

The PRESIDENT: Order! The warning that I gave with regard to audible conversation did not expire at the conclusion of the Attorney General's speech. That warning still exists.

Hon. P. H. WELLS: If at some later date additional information becomes available to members that may well change their minds, then the fate of this motion rests upon the irresponsible action of the Minister in not providing every member with the benefit of that information, information that must have been put before the Minister for him to justify his action in making these regulations.

Hon. Peter Dowding: That is a preposterous proposal. You cannot cop out of your decision because you were not given a handout.

Hon. P. H. WELLS: I think the system whereby members are called upon to make decisions, often with very little information provided despite the fact that the Minister had that information available to him, is a hell of a way to make decisions and very often decisions are made in this way because the Government wants us to rubber stamp but not understand them.

Hon. Peter Dowding: Did you ask me last night for anything? You did not.

The PRESIDENT: The Minister will come to order.

Hon. P. H. WELLS: I made a request to the education representative to find out if there was any report that was not confidentially available in respect of this particular motion. Today my office was provided with some papers which certainly are not those that were given to the Minister to justify his decision. I made that request directly to the education representative and I was told the papers were available. The Education Department was so

anxious that I receive copies that its officers phoned the Parliament today to let me know they were coming up and I received them when I came to the House. I believe this information should have been made available earlier if the Minister had been doing his job.

Hon. Peter Dowding: You should have asked me or listened to my speech.

Hon. P. H. WELLS: I asked for the information from the Education Department and I got it. However, members did not receive any information from the Minister with regard to this motion and I believe his actions represent an omission of duty not only on behalf of the Education Department but on behalf of the teachers.

Hon. Peter Dowding: You talk a lot of rubbish.

Hon. P. H. WELLS: I believe that, as elected representatives to this House, members should be entitled to information from the Government of the day and the Minister for Education should provide information regarding regulations he has approved immediately it comes to hand. The Minister continues to interject despite the Standing Orders.

The PRESIDENT: Order!

Hon. P. H. WELLS: The Minister and the Government handling this motion have acted quite irresponsibly.

Hon. Peter Dowding: Mr Wells, did your party ever do that when you were in Government? Not once!

Hon. P. H. WELLS: The Minister dealt with this motion two or three days after it was put on the Notice Paper. That is certainly irresponsible in that there was adequate time to discuss and study all the ramifications related to what is happening in these regulations.

Hon. Robert Hetherington interjected.

Hon. P. H. WELLS: To take an example, since Hon. Robert Hetherington has interjected, on 8 August 1979 the honourable member himself introduced a disallowance motion in respect of an education regulation. Hon. Norman Moore spoke to the motion and debate was adjourned on that day by Hon. Gordon Masters. On the next sitting day, which was 14 August, debate was adjourned by Hon. A. A. Lewis having not spoken to it at all. On 21 August, Hon. I. G. Medcalf, who was the then Attorney General, responded. Two weeks elapsed on that disallowance motion before a final vote was taken.

Hon. Peter Dowding: Have you heard of hearing conservation in the workplace?

Hon. P. H. WELLS: If the Minister would get his officers up here he might be able to deal with the situation. The motion in connection with the disallowance was put on the Notice Paper on 8 August, which was the first day anyone saw it.

The last time Hon. I. G. Pratt moved a disallowance motion was on 27 October 1981. It was dealt with four weeks later on 24 November. During those four weeks members had plenty of time to acquaint themselves with the reasons for the motion and were able to arrive at a decision. Those examples refer to when the Opposition was in Government. Let me take another example. Recently, the Leader of the Opposition, Hon. Gordon Masters, moved for disallowance of the regulations relating to the Western Australian Development Corporation on 21 August. On 23 August he rose on a point of order to draw the Government's attention to the fact that the motion was still on the Notice Paper. It was eventually dealt with four weeks later on 18 September.

Hon. Peter Dowding: Do you know when these regulations were proclaimed? It was 24 May this year. You have had plenty of time to research them.

Hon. P. H. WELLS: The Minister interjects that the regulations have been in operation longer than those periods. I challenge this House to make a decision in terms of the motion coming before the House. In this case there has been exactly one day. The motion was put on the Notice Paper on 8 October.

When one reads the information one finds that it does not provide the information necessary to make a decision. So I went to the trouble of obtaining a copy of the actual regulations. If members wish to plough through them they will learn how complicated is the system of the Education Department. When one discusses with people from that department some of the varying procedures for promotion, one finds it is not a simple process of having one system of promotion. There are a whole range of promotions and these new regulations amend various regulations of this massive document. I wonder how many people, when trying to understand this particular regulation, spend their time not only discussing it with the Education Department and the people who understand it, but also on studying this document. That document was not available in the Parliament. It had to be got in for me and therefore

there was a time delay in providing me with the regulation. I tried to understand why that was so. I tried to understand what was the implication of the amendment. Fortunately, on receiving my Notice Paper prior to Tuesday, I was able to study the regulation between other functions over the weekend. It was then brought to my attention that we would be making a decision that would affect the working conditions of teachers. I believe that, because I had to understand the regulation, I should communicate with the people who were most affected by it in the same way that with the contraceptives legislation I approached doctors and pharmacists, and in relation to real estate legislation I approached the real estate people.

There are, on the electoral roll for my province, about 1 600 teachers, probably more than the average number of teachers living in any province. There are about 1 423 teachers teaching in primary schools in the Government system in my province. I was able to discuss this issue with a large number of teachers over the phone and with principals. However, I believe that that was not a good enough input. In fact, the only input I received up to the time that this motion appeared on the Notice Paper was that we should disallow the regulation. I was approached because most teachers felt that the regulation was wrong and that we should disallow it. Once Hon. Ian Pratt, who has had experience as a teacher, gave notice of his motion, I went out into the wider community to expose myself to lobby groups and to people who may have different views on the regulation.

By this time, the weekend had arrived. In attempting to communicate with teachers I drafted a letter pointing out the Government's actions. I knew I was likely to be accused of politicking, so prior to sending the letter to teachers I took the opportunity of ringing the Education Department and discussing my ideas with a number of senior people. I read them the letter which I wanted to send to teachers in my province because, as a member of this House, I would be called upon to make a decision.

#### [Quorum formed.]

Hon. P. H. WELLS: The only people who came to my office were those who told me that I should do something to have the regulation disallowed. I took the opportunity of speaking to a number of principals and then to people in senior positions in my province. I told them of the dilemma I was in as a member of this

House because I was being asked to make a decision relating to the working conditions of teachers. I told them I wanted some input from them.

I have taken the opportunity of bringing a copy of that letter in here today because, in her speech yesterday, Hon. Kay Hallahan made mention of a member who took a questionnaire into schools and gave teachers 24 hours' notice to provide information. She said that member was politicking. I was that member who attempted to communicate with teachers in my province. In fact, of the 1423 teachers in Government schools in my province, I addressed 1060. I did not address any more because the equipment provided to me continually broke down and the hours were not long enough to allow me to meet with other teachers and for my wife and I to attend other functions. The letter stated—

**RE: EDUCATION ACT REGULATIONS (NO 5) 1985**

Moves have been made in the Legislative Council to disallow the above Regulations, copies of which are attached.

I felt it was right, if I was going to make a decision on teachers' conditions, that they should have a copy of the regulation.

The PRESIDENT: Order! Twice this afternoon I have drawn honourable members' attention to the fact that they are quite out of order in carrying on audible conversations in the Chamber. I issued a warning to members in the Chamber. I now issue that warning to those members behind the dais that, if the audible conversations continue, they will be removed from the Chamber.

Hon. P. H. WELLS: The letter continues—

As you are involved in education, I am interested in your views regarding the disallowance proposal, and therefore invite your comments.

Regulations recognising promotion by merit are not questioned, merely those pertaining to discriminatory promotion, based on sex.

The Shadow Minister for Education, Barry MacKinnon MLA, advises he has received representation from the Primary Principals' Association, urging the disallowance of the Regulations. Numerous other teachers, with the same request, have contacted Mr MacKinnon. The school teachers' union appears to be the only group favouring the changes.

Since writing that letter I have had the opportunity to discuss it with the Deputy Principals Association. I am aware that that organisation is more evenly balanced between male and female. I was told that that association supported the regulation. However, at the time of writing the letter I did not have that input available to me. The letter continues—

Since a motion is currently before the Council, on these Regulations, I will be called upon to make a decision, very soon. It would be helpful to me, as your Upperhouse representative, therefore, to have your opinion on the Regulations.

Generally, I strongly support equal opportunity in the workplace and community. These Regulations, however, appear to hold an element of discrimination. Hence, before supporting them, I need to be convinced that such action is justified.

You may care to complete the attached questionnaire. If not, please write or telephone your comments to me. As the vote in the Council could take place as early as next week, your immediate response would be appreciated.

I prepared that letter knowing that teachers are no different from the rest of the community. They are busy and are not necessarily interested in these kinds of issues. I knew a number of them would not be involved in the promotional race.

To simplify the matter I drew up a questionnaire designed to generate discussion among teachers. It made provision for "Yes" or "No" answers to the following questions—

Do you agree with the Affirmative Action parts of these regulations?

Do you agree with the Beazley recommendation that Promotion should be on Merit and available to both sexes?

Is there any reason for allowing this discriminatory Promotion till 1989 to bring more females into senior positions?

Since the Legislative Council can only reject and not amend the regulations, do you agree that it would be better for the regulations to be disallowed and the Minister requested to rewrite the regulations to allow for Promotion by Merit open to both sexes?

The fifth question asked whether the teachers had any comments to add on the subject. There then appeared a number of lines on which they could write their comments. I wrote that letter



after having had discussions to ensure that if I delivered it to the schools I would not be contravening any regulations. I was not politicking in any sense. I was merely endeavouring to gain information I needed to participate in this debate. It was Monday afternoon by the time I could arrange to get that letter to as many teachers as possible. I do not have the same resources as the Premier; if he wants to send a letter to every person with a mortgage in the State he can arrange an agreement with the local building societies which will send it for him. He can have the letter printed at the expense of the Government.

Hon. Graham Edwards: The building societies thought it was worthwhile. Are you complaining about it?

Hon. P. H. WELLS: I am saying that our respective resources should be compared. For example, if the Minister decides to get an input on any legislation, he has unlimited postage available, whereas I am entitled to 17 postage stamps a day.

However, without enough resources we nevertheless set about sending out that letter. Unfortunately, the copying machine was unable to cope. It had to be attended to and we also had other engagements on that evening until something like 11.30 p.m. Even so, we decided that we should ask teachers for their opinions. It has been said in this House that it is politicking to ask the teachers, who will be affected by the decision I have to make, to give their opinions on the matter. I have been challenged about my motives and told that I was wrong. Apparently I should not have taken the opportunity to ask the teachers for their opinions. I should have made up my own mind, regardless of the fact that that decision is to be made by me and I am no great expert on the matter. I asked those teachers for their opinions so that I could be well informed before making my decision.

In the letter I requested that the answers be returned by next week. I based the time I gave on the shortest time given with respect to the regulations I mentioned; it was given with respect to the regulation moved by Hon. Robert Hetherington in 1979. The time then allowed was two weeks. Had I taken the example of the regulation with respect to the Western Australian Development Corporation, I would have been able to estimate that the matter would not be dealt with until next month. However, the information available to me on the basis of those debates led me to expect that the Government would have adjourned the

motion while the Minister studied it, thus giving some time for individual members to study the matter.

The PRESIDENT: Order! I have been endeavouring to make up my mind in regard to one particular tack that is being taken by the honourable member. If he is suggesting that the placing of this particular item as No. 1 on the Notice Paper is affecting him, I draw his attention to the fact that the Standing Orders require that the matter be so placed. In that regard, he can criticise the Standing Orders only by moving a substantive motion to that effect; in the meantime, he cannot so criticise them. I do not know that he was doing so, but I gathered that he was.

Hon. P. H. WELLS: Mr President, I was seeking to say that based on that Standing Order and the effect that it had in terms of action in the past, there would have been available a certain amount of time. I was wrong. When I became aware of the fact that I was incorrect, I took action to inform each of the schools that the information they provided would have to be in my office by 12.30 p.m. today because as an individual member I had only one chance to adjourn the motion. I took that chance and phoned those schools to tell them that they would have to submit the information by 12.30 p.m. today because, unlike in the past, the motion would go ahead today.

Hon. Kay Hallahan: Some of them did not appreciate it though, Mr Wells.

Hon. P. H. WELLS: I personally informed the recipients of the questionnaires I had delivered on Tuesday. My wife and secretary phoned each school to explain the reason that their answers to the questionnaire would have to be in by today. It was not my desire to rush them. I point that out to Hon. Kay Hallahan who took it that way. I admit that with such short notice I would probably not be provided with the best input, but it would certainly be better than nothing. I sought an input from those who are to be affected by the decision I must make.

Hon. Kay Hallahan: When Mr Pratt is going to move in a political way next time, ask him to give more notice.

Hon. P. H. WELLS: I have come into contact with a reasonable number of teachers with views both for and against the regulation. I point out to members of the House that regardless of which way members vote on this

issue they can lose because some people argue the motion should be supported and others argue that it should be opposed.

Hon. Robert Hetherington: You should make up your own mind.

Hon. P. H. WELLS: I intend to make up my own mind, but intend also to make sure that that mind is informed correctly and has exposed itself to as much information on this matter as it can. I would then be able to make an objective decision when I vote on the matter.

I am not a specialist in this area. Considering the matter broadly, within the Education Department are a number of promotional arrangements. As I understand it, there is a promotions list which is based on seniority and certain massive regulations which set down a range of conditions which teachers must fulfil to obtain a position on that promotions list. As I understand it, there is some appeal mechanism.

For some time there has been the opportunity for special promotion which is often used as an incentive to fill positions in undesirable locations in the State. There is no appeal mechanism for special promotions.

I have no objection to promotion on merit. I found the Minister's speech quite confusing upon consideration of the regulations. Regulation 97 provides for female deputy principals to be considered for merited promotion; it is the so-called leapfrog provision. Regulation 3 amends regulation 97. There are regulations that relate to special schools which are to be called education support branch schools. Promotions are available for those schools under different circumstances. The Minister has said that provision is made for special promotions in two of the regulations.

Two special provisions in clause 4 provide for special promotions. I notice indeed that in two clauses it says to the effect that any appointment may be a special appointment and the next clause goes on to say that certain principals in some district high schools will have special promotional opportunities. This is inherent in a number of provisions which relate to promotion in the regulation.

In terms of the entire set of regulations, the only part I find questionable is that it appears that in the amendment to regulation (3a), which deals specifically with the promotion of female deputy principals of various classes, these people will be able to leapfrog over males in promotional consideration positions, which

is something the males are not able to do. Thus I find some difficulty not only in following the reasoning but also understanding the Government's purpose in this regard. It would appear to me that part of the regulations has been put together hastily. Indeed these regulations were first discussed by the Teachers Union at a meeting in York in December. Apparently there was not sufficient time for the people present at that meeting to give consideration to the need to discuss the situation fully with teachers. The regulations were put forward and implemented in quite a deal of haste. The question one can ask about this provision is that it enables female deputy principals of certain classes of schools—of which I am told there are 50—to have special rights for consideration for positions which males of similar classes do not have. I think that is the most important aspect of these regulations.

Hon. Peter Dowding: That is not true.

Hon. P. H. WELLS: Education Act Amendment Regulation 3(a) amends regulation 97 and it reads as follows—

(i) by inserting before paragraph (g) the following paragraph—

“ (f) Notwithstanding anything in regulation 97(1)(a) or (b)(i), until 31 December 1989—

(i) the names of teachers holding any of the following positions, namely—

(a) deputy principal (female) of a Class IA primary school; or

(b) deputy principal (female) of a Class I primary school; and

(ii) the names of female teachers holding the positions of—

(a) deputy principal (primary) of a district high school;

(b) principal of a Class II primary school; or

(c) principal of a Class III primary school,

are deemed to be included on the promotion list for the position of principal of a Class I primary school for the purposes of special promotion under regulation

99(1)(a)(ia), and for those purposes only, if any such teachers—

(iii) are holders of the Teachers' Higher Certificate; and

(iv) have completed not less than 15 years' service of which not less than 10 years have been served in any one or more of the positions referred to in paragraphs (i) and (ii)."

It seems from my reading of the regulations that those females in such positions may be considered for special promotions for class 1 but nowhere can I find in the regulations a stipulation that males in the same position can also be considered.

Hon. Peter Dowding: Weren't you listening when I replied to Hon. Ian Pratt? I explained that women cannot get into the race.

Hon. P. H. WELLS: All I am saying is that when one looks at the Beazley report, to which the Minister referred, on page 226, paragraph 4.73 he recognised that promotion should be largely merit-based and equitable for both men and women. It reads as follows—

A promotion system should, in addition to being workable in the context of a number of recognized practical constraints,

Be largely merit-based.

Be equitable for men and women.

Enable schools in remote locations reasonable access to the pool of teachers applying for promotion.

Allow for a degree of matching of senior staff to the agreed needs of a school.

Allow for a balancing of expertise in the senior staff of a school.

Embody regular evaluation of the effectiveness of all staff in promotional positions.

Promotion should be equitable for both men and women and the proposition that I should support this because the Minister may have some reasons of his own is rather odd. I will deal with some of the reasons that were mentioned in respect of the group of women involved. One must consider whether there is justification for those reasons, despite the fact that Beazley said that it should be equal for men and women. Incidentally that is in spite of the fact that the Beazley report said in page 225, paragraph 4.71—

The Committee is mindful of the fact that the 11 000 teachers currently in Government primary and secondary schools throughout the State have undertaken the planning of their promotional futures on the basis of the current promotional system. It is also aware of the fact that the current promotional progressions require a person seeking promotion to a position to have experience in the immediately lower promotional position. No compelling evidence has been presented to suggest that this situation should be discontinued.

Hon. G. C. MacKinnon: Could you repeat that because I think it is very important.

Hon. P. H. WELLS: As I do, too—

No compelling evidence has been presented to suggest that this situation should be discontinued.

I gather that that statement is supported by recommendation 130, which is as follows—

That the hierarchic progression of promotion through different levels (e.g. senior master/mistress-deputy principal-principal) and categories of schools be retained as the normal path for promotion.

As I understand it—and I may be corrected by later speakers—the proposition before us now is not what is recommended there as a proposition of leapfrogging. In terms of the graphs that I have been presented with—and I trust that other members have seen them—it shows the progress of promotions under the present system and the promotions under the regulations that have been published. That is a process of leapfrogging and I do not see that it is in line with two of the Beazley report recommendations which are, in effect, that there should be equal opportunities for men and women in a hierarchic progression of promotion.

Hon. Peter Dowding: Did you read what Beazley said about how many women should get positions?

Hon. P. H. WELLS: The Minister brought that forward in his speech. In other words there is a discrepancy between the number of men and the number of women employed. I think there are something like 30 women principals out of 530 positions so I agree that it is an inequitable position. The Minister suggested that the proposition put forward in the Beazley report was unacceptable to the working party. He quoted part of recommendation No. 133 of the Beazley report, as follows—

That, for promotion beyond the first level, promotion lists be retained subject to the following provisions:

- (i) eligibility to be placed on a promotion list for any category of position be restricted to those who have successfully undergone formal evaluation for that category;
- (ii) placement on the list be for a specified period, say five years, with continuity of placement being dependent on successful formal evaluation for that promotional category before the expiry of that period;
- (iii) as an initial step, 50% of all promotions in a given category be by special promotion, based on merit and suitability, from persons on the promotion list for that category; and
- (iv) the remaining 50% of appointments for any category of position in any year be filled, in order, from the appropriate promotion list, subject to suitability, and that this proportion be reduced progressively to zero at the end of five years.

Beazley went on to explain that the existing system disadvantaged certain people and therefore there was the suggestion in paragraph 133(iv) that appointments by promotional merit should be gradually phased in to that stage where all people are appointed on merit. That was aimed at overcoming those inequalities.

Members should ask themselves about paragraph (iii), which the Minister quoted, saying that 50 per cent of all appointments will be women. I want members to look at the regulations and see that this regulation before the House, which the Minister says provides for 50 per cent—although I have heard the figure of 60 mentioned—in no way says that those 50 per cent will be females. That is what Beazley says.

Hon. Peter Dowding: It is not what he said.

Hon. P. H. WELLS: Let us read it. Paragraph 133(iii) reads—

as an initial step, 50% of all promotions in a given category be by special promotion, based on merit and suitability, from persons on the promotion list for that category; and

Hon. Peter Dowding: Four women got these positions. That is what the regulations led to.

Hon. P. H. WELLS: I am not talking about what they led to; I am saying these regulations say what Beazley says.

Hon. Peter Dowding: We know what effect the regulations will have because they have been applied and four of them got promotions.

Hon. P. H. WELLS: It appears that the Minister is trying to change the debate, as he normally does. He had a fair amount of that in his private practice, and that made him a fairly successful divorce lawyer. What I am asking the House to consider is, does the regulation perhaps say what Beazley says in this case? The nearest it gets is where it says there should be promotion on merit.

Hon. Peter Dowding: It was less than Beazley. Beazley said it should end up with 50 per cent.

Hon. N. F. Moore: He also said promotion on merit.

The PRESIDENT: Order!

Hon. P. H. WELLS: We must then ask the question, is the motion proposing that promotion be on merit and equal to men and women? I agree with the Minister that prior to this motion women were unable to apply. In this case will women be included? I am told only nine applied. These are women who could not apply before. By the same token men in that position today are not allowed to apply for those positions under the regulations as I read them.

We have before the House a discriminatory regulation.

Hon. Peter Dowding: Mr Wells!

An Opposition member: Quite right.

Hon. Peter Dowding: What about asking how many of the 34 positions went to women? Four.

Hon. P. H. WELLS: First of all, what does the actual regulation do? I would like to discuss whether the Minister chose to have that type of regulation.

Having identified the regulation as discriminatory, I remind members that this House passed an equal opportunities law. That provided for the employment of people on an

equal basis as a requirement for ordinary businesses as well. From my cursory reading of that Act, it seems to me that if the actions which are allowed under this regulation were carried out by, for instance, BHP or any other employer, then that employer might find himself before the Equal Opportunity Tribunal on a discrimination charge.

Hon. Peter Dowding: Is it acceptable to change a situation where there has been marked discrimination against women?

Hon. P. H. WELLS: The Minister has raised another interesting point which I was getting to. He takes it in a different order.

*Sitting suspended from 3.45 to 4.00 p.m.*

[Questions taken.]

Hon. P. H. WELLS: Regulation 3(a) is the only one with which I have some queries. It provides special leapfrogging provisions for deputy female principals in some positions and I questioned it since the Beazley report, did not seem to confirm those regulations; secondly, I question it in terms of other Acts by which every other employer in this State has to abide. It would appear that if other employers took the same type of action they could find themselves in trouble with the law.

The question has been raised both by the Minister and, of course, directly by Hon. Garry Kelly that women have been disadvantaged in the past, particularly in two situations. When they married they had to leave the service and therefore lost their seniority; and if they had extended periods away from service in order to have a baby they were disadvantaged because they were not able to regain their seniority. I must admit that in the last couple of days some teachers who have contacted me directly or who have sent me a questionnaire or notes believe that we should not reject these regulations. Some of those women have outlined situations where they claim that they have been disadvantaged; in other words, that they lost their seniority. They had to start at the bottom again.

So I address myself to the question: Do these regulations rectify that position? In other words, if a woman lost seniority because she was away from the service for too long, either by virtue of marriage or in order to have children and she had to start from the bottom, does this regulation provide the mechanism by which every woman who is now a teacher and who has been discriminated against can apply

to the department to have her seniority or her promotional prospects increased to the level at which she had been discriminated against?

In accordance with the answers I have received from the teachers and discussions I have had with them, it does not. In fact within the category of people that the regulations cover there may well be—I am not saying there are not—people who have not been discriminated against at all. In fact, the information given to me is that among some of those female teachers there are single women in the metropolitan area or in country towns who at no stage were discriminated against because they left the service to be married or to have a baby; so in terms of the major area that Hon. Garry Kelly presented to us I suggest to members that in discussions I have had with teachers proposed regulation 3(a) does not address that problem. In fact, it does not deal at all with that problem and there still would exist throughout the system those people who were discriminated against in those areas and they, it is claimed, will get no joy from this move.

The next area one has to consider is in terms of the support of teachers and teacher represented groups for this regulation. It has been put forward that the union, which represents 90 per cent of the teachers, supports it. Despite the fact that the union has not exercised its right and contacted me—

Hon. Kay Hallahan: You are very good at blaming everyone else, Mr Wells.

Hon. P. H. WELLS: —to argue a particular case, I did speak with union members and discussed the situation and it certainly would appear that at the conference the principle of affirmative action was accepted by that union. When we say that the union represents 90 per cent of the teachers, I want to point out that I am told by the teachers in my area that the system of representations to the union is that depending on the number of teachers in an area—there are 12 schools in one area I represent—the teachers meet and send three delegates. Various other areas have certain representation. Certainly in one of the areas about which I had discussions only one of those three delegates went along. In fact, the branch in that area has for some time experienced some problems in getting a quorum.

I point out that it is a bit like, for instance, the head of some religious organisation making a statement and saying that it is the view of all of its members, or a body at the top taking a vote and saying that it represents all its mem-

bers. In one area at that conference there was only one-third of the delegates; in other words, they were entitled to have three delegates and they only had one. I want to suggest that certainly does not necessarily reflect total numbers and it certainly may be quite possible, if members want to dig further, to hear varying debates outside this House. I do not want to underestimate the point that the union which represents teachers should have support for this motion, but whether that means it has the support of all teachers is questionable. For a number of reasons I was led to believe that one needs to go a little further because that is not necessarily the feeling of the teachers.

I also indicate to the House that the Deputy Principals Association also supports the regulations and I understand that the executive had a vote before members made the decision and advised the Minister that they would support this matter.

The Primary Principals Association advised the Minister that it disagreed with the regulation.

As I mentioned, I sought to ask as many teachers as were prepared to respond to my letter and questionnaire to give me some guidance. I am not saying the survey in any way reflected the total views of teachers in my area because, in any of those surveys, the majority does not take part. They may not be on the promotional list and may not want to respond. The numbers that phoned my office or who sent back the questionnaire totalled about 10 per cent of those to whom I sent the invitation. That is a normal type of response. Seven out of 10 teachers of those who responded said that they believed that the regulation should be disallowed and that they supported equal promotion on merit for male and female.

Hon. Graham Edwards: Was this a response to your survey?

Hon. P. H. WELLS: It was a response to my letter and the questionnaire.

Hon. Graham Edwards: Would that not be incomplete?

Hon. P. H. WELLS: I agree with Hon. Graham Edwards. I have no argument with him that the survey is incomplete. However, I did not choose the time for it. I do not claim it is an exact reflection of all teachers' views, but in terms of the random selection of teachers of schools, seven out of 10—that is, 70 out of 100—said that the regulation was unacceptable because it was discriminatory.

I am left with the situation that regulation 3(a) does not comply with the Beazley recommendation. It is discriminatory. The equal opportunities legislation passed earlier this year requires employers not to be discriminatory in their selection process. The regulation does not recognise the major areas of discrimination such as marriage or pregnancy and I find it, therefore, unacceptable.

I stress that it is only with regulation 3(a) that I do not agree. I have discussed this matter with Hon. Ian Pratt, the mover of the motion, and have read the Interpretation Act. It has come to my attention that that Act gives us power to disallow part of a regulation without disallowing the whole regulation. Section 248 of that Act states that part of a regulation can be disallowed. That information became available to me only yesterday. Hon. Ian Pratt indicated that that was his intent.

#### *Amendment to Motion*

Now we have found out that that legislation provides us with the mechanism to disallow regulation 3(a), I will move an amendment in support of that because I have not been provided with any conviction by the present Government that I should accept the regulation. I move—

- (a) To insert after "That" the words "paragraph (a) of regulation 3 of ";
- (b) To delete the words "are hereby" and substitute the words "is hereby".

Debate (on amendment to motion) adjourned, on motion by Hon. Robert Hetherington.

### **REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES AMENDMENT BILL**

#### *Second Reading*

Debate resumed from 24 September.

HON. I. G. MEDCALF (Metropolitan) [4.17 p.m.]: During the Governor's Speech at the opening of Parliament, he mentioned that the Registration of Births, Deaths and Marriages Act was to be amended to accommodate religious or ethnic groups in our community who have problems in relation to names. It was pointed out that these problems resulted from the use by those religious or ethnic groups of special names for religious or ethnic reasons. We have now been told that, because we traditionally had surnames we could not allow these people to dispense with surnames but that we would allow them to use an ethnic or

religious name in substitution for the name they might otherwise have. The introduction of such a change seems a reasonable proposal.

However, I was perturbed when I read the Minister's second reading speech to note that there are other proposals in the legislation quite apart from the proposal relating to ethnic and religious groups. The other proposals include the authority for people including those in normal married circumstances to be able to choose the surname of either the mother or the father as the surname of their children and that birth and death certificates which are now commonly used should be changed in certain respects.

The present position in relation to the use of surnames is well understood and is laid down in the Registration of Births, Deaths and Marriages Act. A legitimate child automatically assumes the surname of the father. This is well hallowed by centuries of tradition in the English-speaking world and is understood by all. It has given a degree of certainty to the registration system, particularly in tracing relatives from one generation to the next. However, the proposal in this Bill is that the child may take the mother's name or the father's name, depending upon what is agreed by the parents. If the parents agree that the child shall have the name of the mother, the child will take the mother's maiden or other surname.

Certain conditions are set out in the legislation. For example, it is laid down that the same rule must apply to all children of a particular marriage. One child cannot be called by the mother's surname and another child by the father's surname. There is also provision for what happens in the event of a disagreement between the mother and the father. In that case, the children take the father's surname. There is also provision in this Bill for the children to take hyphenated surnames. The names of the mother and the father can be hyphenated. Although the Bill mentioned the mother first, I do not suppose it means that the children must put the mother's surname first. No doubt the father's surname could be the name that appeared first when the mother's and the father's names are hyphenated. If Mr Jones marries Miss Smith the children can be Jones-Smith or Smith-Jones or Jones or Smith, so they have a fairly wide choice.

The proposal is a very liberal one and one that I find rather strange. In the case of illegitimate children, the present position is that unless the father has consented to his name being

used, the children take the mother's name. That is perfectly understandable. There is no problem as far as that is concerned. This Bill however also applies to legitimate children. It is with respect to that area that I voice my concern.

The proposal for changes in this area has come about because of the influx into this country of people of different ethnic groups. For example, many people of Malay and similar origins, including Cocos (Keeling) Islanders who have settled in Katanning and one or two other places, because of their particular religion, presumably Islam, desire to observe their religious custom and call themselves by one particular religious name or another religious name, whatever that may be. I am not familiar with the precise customs, but I assume that the name "Mohammed" may well figure in their proposals. I may be corrected by someone who knows more about it than I do. They would presumably all have a similar name as one finds in many parts of Malaysia, South-East Asia and the Middle East where there are many Mohammedans.

I do not particularly object to this proposal. I suppose that is because I am fairly broad-minded. That is my opinion; it may well not be the opinion of some others. I have a very high estimate of my own broad-mindedness, so I do not personally object to their using this religious or ethnic custom in their naming procedure, but I must say that we are a very broad-minded country to contemplate permitting this change. I cannot imagine the same licence being allowed to us in many of the countries from which these people originate. I do not say that in any derogatory sense. It is just that they have much stricter views in these matters than we do. Indeed, most of those countries would not allow us to migrate there as we allow them to come to our country, perhaps for different reasons. Nonetheless, we are, generally speaking, a rather broad-minded country.

#### [Quorum formed.]

Hon. I. G. MEDCALF: I am very honoured that so many members have returned to hear the balance of my speech.

Hon. J. M. Berinson: They are trying to show they are as broad-minded as you are, Mr Medcalf.

Hon. I. G. MEDCALF: For the benefit of those members who have just come into the Chamber, I will repeat my remarks. We are a very broad-minded country in that we propose under this Bill to permit people to use names in

a way which would not be permitted in their own countries were we to ask the same favours. I believe that would be so in most cases. We are proposing this course because we are tolerant of other people's religious and racial customs. While one can take some pride in not being bigoted, it is in some ways curious that we change our customs continually to suit the people who come here. I believe that we need sometimes to exercise some caution, because the great bulk of our people have to be considered. Their customs and practices are worthy of some consideration also.

There is an argument to say that if people come here they should be prepared to abide by our reasonably sensible laws, for most of them are reasonably sensible. That is an argument which we seldom hear. In fact, I do not believe we ever hear it. The same argument applies in the case of our national flag. We are told that because so many migrants have come here we have to change our flag because they might not appreciate having the Union Jack or even the Southern Cross on the flag. They want something else.

One effect of the proposal in this Bill is that we may have other groups who claim to have some very special religious reason for changing their name seeking to do so for what may be rather dubious reasons. For example, although we may be prepared to extend it to genuine Mohammedans or Muslims, what about the Orange People?

Hon. Robert Hetherington: They are the rainbow people now.

Hon. I. G. MEDCALF: I wonder to what extent this has been considered by the Government and whether other groups of this kind will start changing their names holus-bolus to Ma this-or-that or some other similar name. I do not know where this will end. While we can be broad-minded and tolerant of what we might call well-established and recognised religions, some are on the fringes and may well produce more problems than we had anticipated. This proposal, whilst I do not oppose it, is curious but excusable.

In relation to the certificates of birth and death I am puzzled at some of the proposed changes. For years we have been able to obtain certified copies of certificates of birth and death and they contain certain well-understood information. In the case of birth certificates the proposal is that the certificate should be changed to include not only the father's occupation but also the occupation of the

mother. No doubt that change can be justified on the ground that many women now work and, therefore, their occupations should be inserted. It is not so justified on this ground in the second reading speech, but I am justifying it on the ground I have just mentioned. In the second reading speech this change has been justified on the ground of non-discrimination between males and females. I do not think it is a very good ground; the proper ground is that there has been a change in the work patterns of people in the community.

In so far as the death certificate is concerned, a very strange change is proposed in that the occupation of the father of a deceased person is now to be omitted. That change is also justified on the ground of non-discrimination. Of course, that is because no reference is made to the mother's usual occupation. As I understand the second reading speech this change is also justified on the ground of non-discrimination. I cannot believe that that is the real reason.

Hon. J. M. Berinson: It is one of the real reasons for the change. The other is the lack of utility of that information on the present certificate.

Hon. I. G. MEDCALF: That is news to me and it does not appear in the Attorney General's second reading speech.

Hon. J. M. Berinson: I am supplementing it as you have drawn attention to this matter.

Hon. I. G. MEDCALF: It says that it is on the ground of non-discrimination.

Hon. J. M. Berinson: That is one ground and I have indicated another.

Hon. I. G. MEDCALF: That is a preposterous ground for the simple reason that traditionally—we are talking about historical fact—it was the father who earned money and had the job. That information will be deleted, yet the situation still applies to a large number of people. Why not insert the mother's occupation on the certificate if the Government wishes to be non-discriminatory?

Hon. J. M. Berinson: I have indicated that that information was omitted because of its perceived lack of usefulness.

Hon. I. G. MEDCALF: I do not think that it has no use.

Hon. J. M. Berinson: The fact that it is traditional does not indicate utility.

Hon. I. G. MEDCALF: I do not think it indicates utility because it is traditional; I have other reasons for claiming that it is important. It helps to identify people when one is tracing



them for innumerable purposes, not only in the legal profession but for public purposes, community welfare, and so on. It is often necessary to know the identity of a particular person. This applies to occasions on which it is most important to establish a person's identity. A number of people in the community have similar names. If one looks through the electoral roll one can see how many people in the community have similar names and it is often difficult to distinguish one from the other. Even more so with the telephone directory where it can be seen that a number of people have the same surname and initials and checking the matter further on the electoral roll one often finds that they have the same names. It is often important to identify people by what one might call incidental clues and this method is used frequently in relation to legal inquiries.

Hon. Kay Hallahan: A person's address will also identify him.

Hon. D. J. Wordsworth: Nowadays everyone moves so quickly around the countryside.

Hon. I. G. MEDCALF: I have described the ethnic or religious argument for change as curious but excusable, but I cannot find similar excuses for some of the other propositions in this Bill which are based entirely on the argument of sex equality or non-discrimination.

The proposal to allow women to name their legitimate children flies in the face of centuries of tradition and custom. I would not dismiss that tradition and custom as lightly as does the Attorney General. It is not to be lightly dismissed simply on the ground that it is traditional; it is foolish to carry such an argument to excess. I supported the Equal Opportunity Bill when it came to this Parliament and spoke on it at some length. I have lent my support to the introduction of, and indeed introduced, legislation to assist women to have equal opportunities, to gain various forms of assistance and protection in relation to violence, and in a whole range of practical ways. I trust that Hon. Lyla Elliott will remember my involvement in the Change of Name Regulation Act.

I do not believe that we should be prepared to venture into this theoretical area without a very serious argument to justify it. It is a theoretical area which allows children of one generation to be named differently from those of a previous generation on this basis. In other words, we could have the Jones in one generation, followed by the Smiths in the next, the Smith-Jones in the next and Jones-Smith in the following generation, all in one line of descent.

It is going too far and confusing the situation; I am not satisfied that there is good reason for this change. It is an extraordinary idea to change such a long-established practice which is well understood and accepted. The present practice has been used for the purposes of identification, for tracing family connections and for genealogical purposes; not only for private purposes such as family trees, but also for public purposes such as passports, taxation, community and social welfare, inheritance and so on.

I am unable to go along with this part of the proposal unless I hear extremely good arguments put forward by the Government to support it.

Debate adjourned, on motion by Hon. P. G. Pandal.

## **ELECTORAL AMENDMENT BILL**

### *In Committee*

The Chairman of Committees (Hon. D. J. Wordsworth) in the Chair; Hon. J. M. Berinson (Attorney General) in charge of the Bill

### **Clause 1: Short title and principal Act—**

#### *Progress*

Progress reported and leave given to sit again, on motion by Hon. J. M. Berinson (Attorney General).

## **FIRE BRIGADES AMENDMENT BILL**

### *Second Reading*

Debate resumed from 24 September.

**HON. TOM KNIGHT** (South) [4.40 p.m.]: The Opposition does not intend to oppose the Bill, although it is concerned about some aspects of it. I will put forward some points for the Minister's attention and consideration, but I make the point now that we all appreciate the work done by the Fire Brigades Board and by all the firefighting units throughout the State. They are held in high regard by the community generally and fulfil a very important service to the State.

My first concern relates to the clause dealing with the election of a new member to the board. We ask the Government to bear in mind the recent situation at the Australian Broadcasting Corporation where we have witnessed the animosity created by the choice of an employee representative to the board of that corporation. It is always very important to ensure that no friction is created among the top people of any organisation. We strongly believe that all

levels of an organisation should be represented and that unanimity, cooperation and goodwill need to be present among the members of this board. Therefore it is important that the right employee representative be elected to the board.

Our next concern relates to clause 9, which is to insert a new section 26A. The proposed section 26A(a)(i) reads as follows—

establish and operate premises or mobile facilities for the dissemination of information, charge admission to such premises and sell or grant to any person the right to sell educational materials, souvenirs and refreshments on such premises or from such mobile facilities;

We believe fire brigade units already provide a public service by showing people what should be done to prevent, control and extinguish fires. They already display firefighting techniques and other forms of fire protection. We believe this service should be freely available to the public. As the taxpayers pay for this service through their insurances and through the Government's contributions to the service—those contributions coming from taxpayers' funds—we believe the service should continue to be free. Their money pays for the upkeep of the services, so they should have free access to these facilities.

We have no concern about the following two paragraphs, but we do have a concern with the next one, which reads as follows—

(iv) provide a maintenance and inspection service for fire detection and protection systems and equipment, and deal in fire-fighting equipment to which such service relates;

We believe this is an unnecessary intrusion into the field of private and free enterprise. I had a quick glance through the yellow pages and found three pages reserved for this sort of service. This means this service is already provided in the private sector. It has never been the wish of the Fire Brigades Board to interfere in the activities of the private sector. I believe that the regulations, guidelines and criteria laid down for firefighting matters and applying to the private sector operators have been agreed to by the board and the private sector and that this arrangement has been an amicable one.

In the interests of the public the Government should not start allowing another sector of Government to move into the private sector.

The private sector should be left to operate on its own, with the Fire Brigades Board being the higher echelon in this field.

Proposed section 26A (b)(i) reads—

turn to account, on its own or jointly with any other person or body, any tangible or intangible resource which the Board has acquired or developed in the performance of its functions, and where applicable apply for patents, patent rights, copyrights or similar rights in relation thereto;

Again, this provision will force private enterprise to cooperate with the board—or else! It gives the impression that if the private operators do not cooperate, they will be out. The Government should not create such a bad situation. In the past a very friendly atmosphere has existed between the parties, but the wording of this clause virtually provides an ultimatum whereby the board will be able to say that if the private operators do not adhere to the rules and regulations it lays down, they will be out in the dark. The Fire Brigades Board is to be able to apply for patents, patent rights, copyrights, or similar rights in relation thereto. This is totally contrary to the way things should be. The private operators should not be told how things will be done in such a way. Their new ideas will be taken over and exploited by a semi-Government department; private enterprise will be excluded, and this is undesirable and dangerous.

The new section continues as follows—

(ii) provide any service for which the equipment or skills under the control of the Board are especially suited, and supply any specialist equipment under the control of the Board to any person or body; and

The Minister in his second reading speech said it would relate, for example, to pumping out flooded basements. If that is the case, why not septic tanks? The same principle would apply. Again, this provision provides for the intrusion into the private sector of an organisation under the control of a Government service. A glance through the yellow pages again will show that all this equipment is freely available from private enterprise.

The Burke Government has said time and again that it has given help to and is a friend of private enterprise. However, this Bill indicates that the Government is intending to move into the private sector and take control. The next thing we may see is a Bill being introduced to

give the Government even greater control because this semi-Government sector was losing money and needed to be reimbursed further for the services it provided. This would lead in the end to the total control by this semi-Government body of services previously provided by private enterprise.

The proposed section continues as follows—

- (c) charge and receive the prescribed fees for the examination of plans and specifications of buildings, and for advisory and inspection services rendered in connection therewith, where the examination is made for the purpose of ensuring the safety of life and property from fire;

This has previously been done without the public being charged. A local authority passes on the plans to the Fire Brigades Board for its stamp of approval with respect to fire prevention aspects of the building, then it is returned to the local authority. The local authority then stamps the plans and specifications if they are satisfactory or it will lay down requirements for fire control and so on. The builder, upon executing a contract, then pays an insurance premium for fire control during the construction phase, and a portion of it goes back to the Fire Brigades Board.

As I said before, the taxpayer is also paying for the upkeep of this good service which we hold in high regard. But why should people be paying for it three times now and, after this, four times? This is just another means of getting more money from the public, and for a service which has always been provided free, a service which has always been provided as far back as the time when I worked as a building contractor.

Hon. J. M. Berinson: Given your experience, how does this differ from the charging of fees by local authorities and the Water Authority?

Hon. TOM KNIGHT: This will be an additional fee for a service previously provided free. At a time when the Government is asking people to accept spending restraints, in order to help the economy and hold down inflation, the Government is wanting to charge the public for a service they previously received for nothing.

We are paying for the service in three different ways; why should we pay for it again when it has been accepted as part of the work of that department? We have agreed the Fire Brigades Board should have the say on fire control. Where there may be discrepancies in a plan

because the architect or engineer has missed something it is up to the board to point out what is required. I have seen time and again a plan come back from the board with a stamp on it to say it has been inspected and with an attached list of conditions which the local authority enforces on behalf of the board before a permit can be given for construction of a building.

All the matters I have mentioned will involve increased payments by the public for another semi-Government service which we have come to expect to be there. In the past it has been paid for by insurance companies through premiums, by taxpayers as premium holders in insurance companies, and by the taxpayer again through the Government's contribution. Now people will have to pay for a building permit. This should carry on as it has in the past—as a Government or public instrumentality which exists for the benefit and the protection of the people. If the Fire Brigades Board is running short of money, funds should be provided in the Budget. We have been told today there is \$1 million to spare in the Budget. That would cover any shortfall the fire brigade may have. If it does not, I point out that the tab has been picked up over the years by some means; why charge these fees now?

Hon. J. M. Berinson: \$1 million will not go far if you start spending it.

Hon. TOM KNIGHT: It is another imposition on the people, and we are always telling them they must tighten the purse strings and keep costs down to make Australia competitive with other outlets. At the same time we are putting more fees and expenses on them which were not charged before. The charges will probably be minimal, but it is another impost on people which must be paid when they are already being asked to pay for everything.

We do not intend to oppose the Bill, but we believe these factors should be brought to the Government's attention to show that people are fed up with the imposition of charges for services they have grown to expect to be the norm. We support the Bill, but we hope the Government will take note of the points we have raised.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.53 p.m.]: As I understand Hon. Tom Knight's remarks he raised only two substantial matters of concern. The first related to the proposal that the Fire Brigades Board should provide certain services and charge for them. He referred particu-

larly to the proposed new section 26A(a)(iv). In this respect I should point out that what is proposed here—as was indicated in the second reading speech—is a reinforcement of previous practice rather than a major new initiative. As the honourable member conceded, the Fire Brigades Board has previously been in the business of providing such services as attendance to privately-owned fire appliances, training in fire protection matters, and certain emergency services. Those have been provided on a cost-recovery basis. I can only say in respect of that part of the honourable member's speech that there is no intention by the Government to enter into some gross entrepreneurial invasion of an area that can be catered for by private enterprise. What is involved is the better and more efficient use of the facilities and capacities of the Fire Brigades Board.

Hon. Tom Knight: They have always had them.

Hon. J. M. BERINSON: That is true. The aim now is to put them to better and more efficient use. I do not imagine that the three pages of contractors in the yellow pages will be reduced by this measure to the extent that some element of additional competition is introduced. It will be modest and fair, and there is a public interest involved, given the very large investment in the fire brigade to ensure its facilities and equipment and specialist capacities are used to best effect.

It is, after all, in the nature of the fire brigade service that its capacities are used on a very limited number of occasions. It is always our hope that there will not be a need for them to be used more frequently in the actual task of fighting fires. This means at the same time there is substantial excess capacity from time to time, and to the extent that that can be put to use it will benefit both the board and those sections of the community which require its services.

The honourable member also drew attention to proposed section 26A(c). With due respect to what he had to say, his concern is rather misplaced. What is proposed here is that a charge be imposed for services which previously were provided free. Mr Knight says that means some consumers will now pay three times—as taxpayers, as premium payers, and now directly as consumers of the service. The truth is that this is the situation in many areas. Local government charges for its service to developers, the Water Authority charges for its service to developers; and for that matter the

Titles Office, at the early stage of the process when developers are preparing land or searching titles, also charges for its service.

Hon. Tom Knight: I have conceded that; I said it is an additional charge.

Hon. J. M. BERINSON: Then I will not carry the argument further. However, in many such areas a serious argument can be made for the principle of user-pays. To the extent that the general taxpayer or the general insurance policy holder can be protected a little against further increases in costs of premiums or rates or taxes by the reasonable imposition of fees on persons directly using the services, there is a principled argument to support that process being pursued.

That is what is done in the areas of local government, water supply, and so on, and that is the limited aim of this provision as well.

With those few comments I thank the honourable member for his general indication of support for the Bill and I commend it to the House.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Chairman of Committees (Hon. D. J. Wordsworth) in the Chair; Hon. J. M. Berinson (Attorney General) in charge of the Bill.

Clauses 1 to 8 put and passed.

Clause 9: Section 26A inserted—

Hon. TOM KNIGHT: I only wish to clarify something with respect to new subsection (c). I have said to the Attorney General that I support in principle what this subsection intends to do. I have conceded the points but I still believe it is a further imposition on the public, under subsection (c). The Attorney General said it gives a better service, and the people are safeguarded; but those people were safeguarded without paying a fee. The tab was picked up through the department, through higher premiums or a higher payment from the Government in its contribution to the firefighting service.

It is another imposition on the general public to have to pay the fees to the board. It causes extra paper work because something has to be done to get something passed and approved for a building. If we keep adding a dollar here and a dollar there, we have to stop somewhere. We have to be competitive. Even commercial builders have to be competitive.

I hope the fee payable will not be much more than \$10, but if it is continually added to someone has to pay, and the people building a project have to make the payment. It is another additional expense incurred by those who are put into a profit and loss situation.

I do not think it is sufficient to change the system because it has been done in the past. A firefighting service is offered to the public. The Government and the premiums pay for it, and the public of Western Australia should not have to pay. I am not criticising the situation, I am just saying that it is another imposition.

**Clause put and passed.**

**Clauses 10 and 11 put and passed.**

**Title put and passed.**

### *Report*

Bill reported, without amendment, and the report adopted.

### *Third Reading*

Bill read a third time, on motion by Hon. J. M. Berinson (Attorney General), and passed.

## **ACTS AMENDMENT (HOSPITALS) BILL**

### *Second Reading*

Debate resumed from 24 September.

**HON. JOHN WILLIAMS** (Metropolitan) [5.07 p.m.]: It is with a sense of gratitude to Hon. Fred McKenzie and Hon. Lyla Elliott that I rise to speak to this Bill. One could almost call it the "Elliott-McKenzie" Bill. It was their vigilance over a certain set of circumstances relating to the ill-treatment of a Mr Reginald Berryman and his subsequent death, by an inquiry that was the genesis of the Bill, that is acknowledged by the Minister's second reading speech.

It is a very significant Bill to be introduced into this Parliament and let me say, to allay the fears of the Minister, that while I will be suggesting that there could be certain amendments, I am totally and wholeheartedly behind the sentiments expressed in the Bill. Having said that, let me now say to Hon. Fred McKenzie and Hon. Lyla Elliott that their valiant efforts to cure the malaise which engendered this Bill are to no avail if this Bill is accepted.

This Bill will do absolutely nothing to stop the cases of the "Reginald Berrymans" and the like in this State of Western Australia. The Bill only proposes to change the names of certain establishments. I would like members in this

State to go around and ask their constituents what they believe is the difference in the designations of "rest home", "nursing home", and "private hospital". Those are the three institutions that we are concerned with in this Bill. Two of the most grave "crimes" on the social calendar in Australia today are not so apparent to us legislators, but from time to time they are highlighted.

### **[Quorum formed.]**

**Hon. JOHN WILLIAMS:** The first "crime" is the fact that one day we may become mentally unstable, and a lot of people do. If one was to take into account the behaviour of members in this House from time to time, one would be excused for thinking that one or two members suffer from that complaint. However, I am talking about a more serious matter.

The second serious "crime" will creep up on everyone of us in this House. It will affect all our relatives and friends and I am referring to the "crime" which you, Mr President, have not thought of yet because you have not reached that position. I am talking about the "crime" of old age.

I call it the "crime" of old age because when one gets older people do not wish to talk to one about everyday matters. People decide that when a person reaches an old age he becomes senile and even if he is considered partly senile the relatives concerned believe that he must be looked after.

The problem with people who become old is that they start to mumble, to smell, and to become unintelligible. At that stage they are moved out of the family circles, sometimes very promptly, because gerontology demands an all-embracing care.

I can appreciate that Hon. Fred McKenzie became horrified when he came across Reginald Berryman. Reginald Berryman was a special case because he was not very old and he did not have the full mental capacity which one associates with an average intelligence. He was put into an institution, not just for his physical security, but also for his mental security during the passing of his years. There is not a member in this House who is not now aware that that did not occur. He was placed in an institution which carried the label "nursing home". It never was a nursing home and it was not registered. At best it was a rest home and, in the long-term, a lodging house. The people from the organisations which form the Nursing Homes Association of WA were horrified when they found that they were being contaminated

by this particular name. The Government has done the right thing, although it is a little rushed at the end of this session, by introducing a Bill which will now define what we call a nursing home, a hospital, and a day care centre.

However, there is one thing that the Government has not done and it is so simple. It has not defined what a rest home is and, therefore, hundreds of Reginald Berrymans will be at risk.

Any one of us could put our aged parents into a rest home in the fond and certain belief that they will receive all the tender loving care that they need for the rest of their lives because it is felt that the State has a supervising overview of these establishments. That is not true.

Under this Bill the State will overview nursing homes and private hospitals. It will not overview rest homes—rest homes are not even mentioned in the Bill. Therefore, if a person is glib of tongue, has the right personality and the right premises he can establish a rest home and have between 30 and 50 Reginald Berrymans residing in it because the establishment has qualified as a rest home. The Government has not addressed itself to that problem.

If I were to ask Hon. Fred McKenzie how he felt about the home in which Reginald Berryman resided now being known as the "Penn-Rose Rest Home" he would probably say that would be practicable as long as it was not called a nursing home, as it used to be called.

While I am on that subject, an ex-Minister for Health sits next to me in this House and I will ask him if he can define the Hamersley Hospital which is in my electorate. It is not a hospital and it never has been. At best, it is probably a nursing home and it probably belongs to the Nursing Homes Association.

I suggest to members that they walk along the streets of Perth and ask the first 100 people whom they come across to define the difference between private hospitals, nursing homes, and rest homes. I have asked my colleagues that question and they are not too sure about the answer. They have had a good shot at it, but they have not come up with the right answer.

If one were to ask what was the Hamersley Hospital the answer would be that it is a place where one goes when he is sick. However, under this Bill it would not be defined as a hospital.

I want to alert Hon. Lyla Elliott and Hon. Fred McKenzie to the deficiency of this Bill and ask them if they would be good enough to go back to the Minister in another place and ask him if he has sold us a pup. That is what I think he has done.

Hon. Peter Dowding: Remember those impassioned speeches Mr McKenzie and I made? Would we let Mr Hodge sell you a pup?

Hon. JOHN WILLIAMS: Yes, because Mr Dowding and Mr McKenzie do not have any control over Mr Hodge. I will advise those two gentlemen about the deficiencies in the Bill.

Let us get one thing clear. Between Hon. Lyla Elliott, Hon. Fred McKenzie, the Minister handling the Bill in this House, and myself we have only one thing in common; that is, we do not want to see a repeat of any Berryman case in Western Australia. That is what Hon. Fred McKenzie's wrath was about and that is what Hon. Lyla Elliott raised in 1972 when she walked along Beaufort Street looking at the after-care homes.

I refer to the places that evolved from mental institutions and which Hon. Lyla Elliott drew to the attention of this House in 1972. I apologise to Hon. Lyla Elliott because I do not have a copy of her speech with me, but she was very concerned about the situation and her concern went on and on. Members in this place shared her concern; but now the grave deficiency which I want to point out is this: The Government made a promise when it came into office that it would do something about the nursing home position. It has taken until now for something to be done, and one would think that extensive research had been done on the matter, but when one looks at the people who are concerned with this area—there are four specific groups; namely, the Private Hospitals Association; the Australian Medical Association; the Voluntary Care Association; and the Nursing Homes Association all of which expressed concern about what was going on—one finds that they were not consulted properly. For goodness sake, not one of those bodies wanted to be associated with Penn-Rose, and they wanted to make absolutely sure that the public and the Parliament of Western Australia understood precisely where they stood. I do not think that anyone in this House would deny that and I think that they took a most reasonable attitude.

I wonder whether it would surprise members in this place to know that not once have those associations individually or in association been

able to arrange a meeting with the Minister for Health. They have not been given the privilege or the courtesy of being able to talk with him and say to him, "Minister, we are concerned and we agree with what you are putting forward." To compound that attitude I wonder whether honourable members know that until last week the Commonwealth Government had not been informed that an amendment to the Hospitals Act in the community welfare scene was to be presented to this Parliament. That does not sound like very much, but it is a heinous situation because it is mandatory when one is to alter an Act concerning community services which are funded by the Federal Government that one tells it what one is going to do because the Federal Government has to find the funds. However, the Minister did not do this. I have never told an untruth in this House and I would never knowingly mislead the House, nor do I intend to start now, but I feel as deeply as both Hon. Fred McKenzie and Hon. Lyla Elliott about those people out there.

The groups that I nominated wrote to the Minister on 12 September this year to express concern about certain aspects of the legislation. On 18 September, when they had had no reply they sent him an urgent telegram, and that was completely and absolutely ignored by the Minister. He proceeded with the legislation in another place on 19 September without consultation.

On 1 October the groups were offered an appointment with the commissioner and departmental staff. Honourable members all know—and Hon. Des Dans would confirm this—that all the staff and commissioners in the world can only say that they will listen to one and they will convey one's thoughts to the Minister. That is not as good as having the Minister there and the Minister saying, "That is a good point; that is a bad point; I will agree with that; I don't agree with that." I will say that it is to the credit of the Minister that in another place he said that he understood the situation and that he would make amendments, and he has done so, but these amendments have not gone far enough. Certainly these amendments have not addressed the problems of those places that no longer are designated "nursing homes". They have not addressed that problem at all. In my view that is terrible because we may have another 20 or 30 Reg Berrymans out in the community. All one has to do to run places like this is to rip down the sign saying "Nursing Home", tart it up, make some nice clean beds, bring the relatives

around, bring the staff around from the various institutions, and put the elderly and the handicapped to bed.

Who can forget Miss Lyla Elliott's speeches about people who finish their day at 5.30 p.m. or possibly even earlier, yet do not receive another meal until 6.30 a.m. the following day. I cannot forget it; I will never forget anything that impinges upon humanity in that way for the sake of grasping dollars. That is all that this amounts to. It took some years and the terrible tragedy of Reginald Berryman to make everyone stop and think. Hon. Lyla Elliott could have talked in this House until she was blue in the face—which is what some of us have done on occasion—but because this matter deals with social welfare, because it is not seen to be appealing and it does not have any impact, it does not attract the attention it deserves. However I can tell honourable members that this situation could impact on each and every one of us in this place because each day we live we grow older—although our vanity does not allow us to tolerate that thought—and one day we could be in a position similar to many of the people in these nursing homes.

This Minister, despite all the good that he may have tried to do, has absolutely failed, in my opinion. I wish to give notice to the Minister and to the Leader of this House that there are three areas in this Bill about which I am still unsatisfied. I foreshadow three amendments. I will not stop this Bill and there is no way that I will reject this Bill, but I mention that I think we should have a close look at the Bill and the next time the Committee meets I will be taking the Minister apart. He has been too quick and too severe and he has not paid attention to the people in the welfare services sphere who are prepared to work for the good of humanity.

My first objection is that the Bill lays down certain guidelines with which the welfare services will have to comply. These guidelines are simple enough. They deal with the setting up of a new nursing home. I will not go into great detail with this, because of the system that we have. By the way, the Minister got himself into a little bit of a tizz because day-care centres come under the Hospitals Act. What will happen to those so-called children's day-care centres? The day-care centre is registered under that Act. Has the department looked into that?

If there are guidelines or regulations, then it is only fair to say that the regulations will be proclaimed at a later stage. Once the Bill is

passed and becomes an Act, the regulations would be proclaimed. The Minister has recognised that and has said that he is perfectly prepared to allow the regulations to go through. However, proposed new section 26O(3) states—

The Governor may by order published in the *Government Gazette* exempt any private hospital from any of the regulations made under this section generally or for such period as is specified in the order.

In other words, the regulation may specify that the width of the corridors in a certain place should not exceed 26 feet. It might have been built ages ago and have corridors of 33 feet, and the Government or the Minister can say that that is all right and that the hospital can be exempt from that provision. That is sensible, and we all agree with it.

However, a further provision in the Bill refers to guidelines, which are a complete and absolute method of dictating how organisations such as nursing homes and private hospitals should be run; what the buildings should be, how many fire alarms they should have, how many detectors, and so on. Would members believe that there is no exemption from those guidelines? They might say that is all right, and that the Government should know what it is doing.

I have in my hand the guidelines for nursing homes and private hospitals. They have spent the last 2½ years in the Crown Law Department and still have not been issued, and yet the Government is trying to persuade us to pass a Bill that provides that the guidelines will be complied with. Yet we do not even know what the damned guidelines are. But the commissioner was very kind about that—he said he would take it easy on that point. He said “Let it go through in the Bill and I will use my discretion.” I believe that commissioner, and the Minister as well. But God forbid, what happens if the commissioner gets wiped out? We have only his word. We in this place know enough to know that the guidelines should be delineated in the Act so that the people know what they are. I will ask, and I foreshadow an amendment, that the guidelines provision of the Bill have the same conditions as the regulations, and that the Governor may exempt them. I am not asking for the earth but merely pointing out to the Minister that he cannot expect people to comply with guidelines when they do not know what they are. It is most unfair.

Furthermore, the Government wants the legislation in place as quickly as possible, and that should be so; but for goodness’ sake, it should allow the Governor the same discretion over guidelines as he has over regulations. If it is in one part of the Bill, why is it not in the other? Maybe it has escaped the Minister’s attention, or maybe the commissioner feels he is immortal, because he has given an assurance to the people. However, that is not so and we cannot take it for granted. Any one of us could go out of here tonight and drop dead. God forbid, but it could happen. In this game, one does not take the word of anybody—everything must be enshrined in the legislation.

I will now draw to the notice of the House a few statistics. Prior to the uproar over Reginald Berryman—and you would remember this, Mr President, because it happened within your electorate—the Western Australian Institute of Technology conducted a telephone survey in about 1973 concerning the efficiency of nursing homes, private hospitals, and rest homes. As a result of that telephone survey 60 complaints were received, and of that number only three were proved to be sustainable by the Nursing Homes Association of Western Australia (Inc), which initiated the survey and investigated the complaints. The association is very proud of its record. After all, just look at some of the private hospitals, such as the Kimberley and the Avro. The Avro Hospital has been in operation for 60 years, and I will return to that subject a little later.

When the Minister has carefully delineated and explained that he wants nursing homes, private hospitals, day care centres, and hospitals registered, how does that affect St John of God Hospital at Belmont? It has four sections. What will the home for the old nuns in that complex be called—a nursing home or a rest home? If it is called a nursing home, will it have to be upgraded so that there are two toilets for every 10 people, and so on? The Government has been a little slack in defining these things accurately.

Proposed new section 26D includes a provision for new applicants or people applying for a licence to appeal to the Minister if they fail to gain a licence. Here I must point out another anomaly within the Bill. Many people rightly feel that they would not get a fair go from a Minister, of whatever political ideology.

An applicant must apply to the commissioner for a licence, and after 30 days the commissioner will either grant the licence or not. The commissioner is the Minister’s right-



hand man, and while we know that an appeal to the Minister is a very good thing and will receive all due support, it is stated elsewhere in the Bill that if a licence is cancelled, not only is there no appeal to the Minister against the commissioner's cancellation, but it does not even mention the Minister. It goes straight into what is called an appeals tribunal—the Local Court.

If I applied for a licence to set up a nursing home in South Perth, and laid before the commissioner my plans and specifications and he refused my application, I could then appeal to the Minister. Like all your constituents, Mr President, I would come straight to you, as one of the members for South Perth, and I would also go to Mr Pandal and Mr Grayden, to lobby them and to ask them to intervene on my behalf in my appeal to the Minister.

The Minister may well say "Yes, that is right; I understand that, but I do not like your face either, so I am afraid the answer is no", or something like that. What they are seeking is equity when their licence is cancelled; and they currently have the right to appeal to the Local Court or the Minister depending on what they feel or where they feel they will get better justice.

Hon. G. C. MacKinnon: Has the Federal Government got any rights in this case?

Hon. JOHN WILLIAMS: Not in this case. They have no appeal to the Federal Government.

The PRESIDENT: Order! I just remind members that interjections are out of order and also that Hon. John Williams is obviously mindful of the fact that the House is endeavouring to adjourn early tonight and he is endeavouring to conclude his remarks.

Hon. JOHN WILLIAMS: Thank you, Mr President. I was most assiduous in my attempt and I do not intend to delay the House any further, even though I was talking about South Perth, a subject very dear to your heart.

I foreshadow to the Leader of the House that that is the second amendment I would like to see. That is not a lot to ask, is it?

Clause 19(f) causes me great concern. I ask members to examine the clause at their leisure. I refer to the question of examination by a doctor. Nobody would be more aware of hospi-

als, doctors and their role than Hon. Graham MacKinnon, Mr President, and I. We have always been concerned about the doctor and his role.

The astonishing fact about this path and this clause in the Bill is very simple; it says that one's doctor can put one into a nursing home, principally at one's request, but that at the drop of a hat a Government doctor can come in and examine one. Were I put into such a place now I could probably protest in such a way that the doctor would not come near the bed, but how would I go if I were 78 or 79, with you, Mr President, being only 54, in the next bed? My point is this: I ask the Minister in charge of the Bill to impress upon his colleagues that I will foreshadow an amendment to that clause because I feel that ethically the patient's doctor should have the right to be present at that examination when a complaint has possibly been made.

I wanted to go on a little longer, but I will not develop that argument because the Leader of the House already knows my thoughts after my brief introductory speech on this matter. When we come to the Committee stage perhaps he will be able to help me out. I will not put the amendments on the Notice Paper because I believe the Minister can inform his colleagues of the thrust and substance of what I want. If he comes back to us during the Committee stage with good reasons as to why it should not be done we will listen but, for the sake of humanity and the Reginald Berrymans in the community who are still at risk they had better be very convincing arguments.

I support the second reading.

Debate adjourned, on motion by Hon. Fred McKenzie.

## ADJOURNMENT OF THE HOUSE

*Sittings of the House: Thursdays*

HON. D. K. DANS (South Metropolitan—Leader of the House) [5.44 p.m.]: I move—

That the House do now adjourn.

I inform the House that it is my intention as from next Thursday, 17 October to sit on Thursday evenings if it is absolutely necessary.

Question put and passed.

*House adjourned at 5.45 p.m.*

## QUESTIONS ON NOTICE

### PORTS AND HARBOURS

#### *Fishing Boat Facility: Learmonth*

226. Hon. P. H. LOCKYER, to the Minister for Employment and Training representing the Minister for Transport:

What is the estimated starting date for the fishing boat facility at Learmonth?

Hon. PETER DOWDING replied:

Investigation for a fishing industry facility at Badjirrajirra Creek near Learmonth is currently in progress. Construction of the facility has been scheduled to commence in 1987-88 for completion in 1989-90, subject to the availability of loan funds at the time.

### AUSTRALIAN LABOR PARTY

#### *Donations: Premier's Letter*

227. Hon. P. G. PENDAL, to the Leader of the House representing the Premier:

- (1) Was a "strictly private and confidential" letter sent by him under the State Crest and dated 16 September to potential donors?
- (2) If so, how many were sent and who paid the cost?
- (3) Did a PS appear at the foot of the letter assuring donors "that any contribution you make will be strictly confidential to me"?
- (4) How does he propose to maintain strict confidentiality given that a stamped, addressed envelope is addressed to "Australian Labor Party P.O. Box 7355, Cloisters, Perth W.A.", and not to him?

Hon. D. K. DANS replied:

- (1) Yes, in the same way as the Leader of the Opposition has sent similar letters.
- (2) All costs associated with the letters are met from Labor Party funds.
- (3) Yes.
- (4) By taking every step to ensure confidentiality is not breached.

### HEALTH: HOSPITAL

#### *Bentley: Hydrotherapy Pool*

228. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Health:

- (1) Have approaches been made to the Government for the installation of a hydrotherapy pool at Bentley Hospital?
- (2) If so, by whom?
- (3) Has such a project been costed?
- (4) If so, what is the estimated cost?
- (5) What type of patients would benefit from such a pool?
- (6) How many such patients are in the Bentley Hospital catchment area?
- (7) Have any studies been carried out to determine whether any private facilities exist which could be leased to the hospital for certain periods each week?

Hon. D. K. DANS replied:

- (1) Yes.
- (2) A petition was presented to the Legislative Assembly by Hon. Colin Jamieson. Letters have been received from several members of Parliament. A number of letters have also been received from individuals.
- (3) and (4) A detailed costing has not been carried out, but the hydrotherapy pool constructed at Royal Perth (Rehabilitation) Hospital cost in the order of \$618 000 in 1982 and current running costs, including staffing, are approximately \$148 000 per annum. The hydrotherapy pool at Albany Regional Hospital cost in the order of \$207 000 in 1980 and current running costs, including staffing, amount to approximately \$56 000 per annum.
- (5) Bone and joint disorders and muscular diseases where exercises to maintain mobility are aided by the support of being immersed in water and thus require less effort.
- (6) At the present time there are 30 patients being treated using hydrotherapy in a private facility. It is difficult to estimate how many other patients in the Bentley Hospital catchment area would benefit from hydrotherapy facilities.

- (7) Bentley Hospital uses pool facilities at Pitcher's Bullcreek Healthworld on Tuesday and Thursday mornings.

### TAXES AND CHARGES

#### *Federal: Interstate Truck Drivers*

229. Hon. P. G. PENDAL, to the Minister for Employment and Training representing the Minister for Transport:

- (1) Has the Minister been informed of the details of the proposed new federal tax on interstate truck drivers?
- (2) If so, does he or the Government have a view on the new tax?
- (3) Is he aware that in some cases single transport operators will reportedly have to find an extra \$20 000 annually to meet this new tax?
- (4) Will he make representations to his Federal counterpart and see if this new tax can be reversed?

Hon. PETER DOWDING replied:

- (1) The broad terms of the introduction of a licence fee for interstate haulage have been discussed with the Federal Department of Transport and all other State authorities.
- (2) The introduction of a licence fee for interstate haulage as recommended by the national road freight inquiry is supported by all other States, the Commonwealth, and this Government. This fee is a road cost recovery measure.
- (3) No. The thrust of the Federal legislation is to introduce a fee equivalent to that currently being paid by intra-state operators which is not currently being paid by interstate operators.
- (4) No.

### CRIME

#### *Children: Sexual Abuse*

230. Hon. P. G. PENDAL, to the Minister for Employment and Training representing the Minister for Community Services:

I refer to information he has supplied to me about the rising incidence of sexual abuse of children in Western Australia and ask—

- (1) Are the latest statistics relating specifically to the dramatic rise in sex abuse cases involving children under five years yet available?
- (2) If so, what are the figures?
- (3) What action does the Government propose to eradicate this serious assault on babies in WA?

Hon. PETER DOWDING replied:

- (1) Statistics from the Advisory and Coordinating Committee on Child Abuse indicate cases that have necessitated intervention and therapeutic support by various professional agencies and services. They are cases reported to agencies and do not necessarily reflect the incidence of abuse in the community.
- (2) In 1984-85 the total number of child sexual abuse cases thus reported was 427. Of these, 94 involved children 0-5 years. Sixty-two cases in this category were reported in the previous year. Increased attention to child sexual abuse and a greater willingness to identify cases will have contributed to this increase, which has been noted in most States of Australia.
- (3) Proposals are being examined for a formal inquiry into child sexual abuse; also for community education and preventive initiatives.

### AGRICULTURE: FERTILISER

#### *Urea: Sale*

233. Hon. NEIL OLIVER, to the Leader of the House representing the Premier:

I refer to question 207 of Tuesday 8 October 1985 and ask the following:—

- (1) Did the article in *The Australian* newspaper of 14 August correctly relate to a sale of the product urea?
- (2) If "Yes", to what country did Exim sell the urea and what countries were the buyers?
- (3) In what manner did *The Australian* newspaper incorrectly report the situation?

Hon. D. K. DANS replied:

- (1) No.
- (2) Not applicable.
- (3) See answer to (1).

234 to 237. *Postponed.*

# EDUCATION: HIGH SCHOOL

## *Northampton District: Drainage*

238. Hon. MARGARET McALEER, to the Minister for Employment and Training representing the Minister for Education:

Is the drainage system for the new Northampton School adequate, bearing in mind the steepness of the banks, the small number of drains to carry the water away, and the lack of connection between drains?

Hon. PETER DOWDING replied:  
Yes.

239. *Postponed.*

# LOCAL GOVERNMENT APPEAL

## *Winslade and Lawrance*

240. Hon. P. G. PENDAL, to the Attorney General representing the Minister for Local Government:

I refer to the Minister's decision this week to reject an appeal lodged by Winslade and Lawrance concerning a building in Angelo Street, South Perth and ask is he prepared to make available to me a copy of his file on this specific matter?

Hon. J. M. BERINSON replied:

The member and the parties concerned are welcome to discuss the matter in detail with my departmental officers.

# QUESTIONS WITHOUT NOTICE

## TOURISM COMMISSION

### *Annual Report*

227. Hon. G. E. MASTERS, to the Leader of the House:

- (1) Could the leader advise the House if the Western Australian Tourism Commission has completed its annual report?
- (2) If so, when is it likely to be tabled in the House?

Hon. D. K. DANS replied:

- (1) The report is still in the process of being finalised.
- (2) I cannot tell the member when it is likely to be tabled in the House, but when it is completed and presented to me I will bring it to the House as soon as possible.

# TRANSPORT: FERRY

## *"Perth": Restoration*

228. Hon. P. G. PENDAL, to the Minister for Tourism:

I remind the Minister of my previous interest in the question of the restoration or the acquisition and restoration of the *Edwin Fox*, and I refer him to the story on the front page of this morning's *The West Australian* referring to the MTT ferry which, having been now dismantled, apparently lies in pieces on a slipway in Fremantle. In view of the undoubted incidental difficulties in relation to the escalated costs of that project, would he discuss with the Minister for Transport the idea of, instead of selling that vessel, at least putting it in mothballs so that parts are not abandoned or lost and eventually it may be the case that when the Government is more flush with funds the project might then proceed?

Hon. D. K. DANS replied:

I presume that Hon. Phillip Pendal is referring to the *Perth*.

Hon. P. G. Pendal: Yes.

Hon. D. K. DANS: I will discuss the matter with the Minister for Transport. I have no idea whether the vessel still belongs to the State or whether it has been disposed of, but I certainly will discuss the matter with the Minister for Transport.