present form is by adding to the rules. The provision does not use the word "may"; it states—

> ...and to any other government departments or other authorities to which this Act is declared to apply by Rules of Parliament.

The provision is quite mandatory.

For that reason when the Government decided to include other instrumentalities it followed the course laid down in the principal Act. I suggest that had we produced a Bill on the basis of amending the schedule and the Act, to make it obligatory in the future for all amendments to be effected by amending the schedule to the Act instead of the rules, the honourable member would be castigating the Government for pulling a fast one and for trying to alter the drafting of his original legislation.

Whilst I personally believe that the present procedure is a clumsy one, it is only clumsy because the member for Mt. Hawthorn and the Government in which he served drafted it in its present form. At the moment the Government can see no purpose in amending the legislation so as to make it obligatory in future for all amendments to be effected by amending the schedule to the Act.

I can only assume—that is the reason I followed the debates closely—that the reason it was to be dealt with by the rules of Parliament was that it was felt that Parliament which was making the rules could effect amendments by resolutions passed in this House and transmitted to another place. By this means Parliament, as distinct from an ordinary Statute, would be laying down the rules in a document which over the years would become much more comprehensive, and no doubt eventually would incorporate the items in the schedule.

There are two alternatives. The first is to abandon the present system of adding departments and authorities to the rules—in other words, virtually to abandon the rules altogether except for procedural matters—and making it obligatory to amend the schedule to the Act, or alternatively bringing down an amending Bill to Parliament.

Personally, I can see some difficulty in doing the latter and, therefore, for the time being the Government has decided that, in accordance with the present Statute which we inherited from our predecessors, and which was presented in July, 1971, by the then Attorney-General —now the member for Mt. Hawthorn—in the Tonkin Government, we will follow the procedure laid down. Perhaps we will give the matter some thought later, but I see difficulties if we try to depart from the procedure laid down. At the time there was very good reason for introducing the rules-of-Parliament system as distinct from amending the schedule.

I thank the honourable member for his support of the motion.

Question put and passed.

Resolution transmitted to the Council and its concurrence desired therein, on motion by Sir Charles Court (Premier).

SECURITY AGENTS BILL

Council's Amendment

Amendment made by the Council now considered.

In Committee

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

The CHAIRMAN: The amendment made by the Council is as follows—

> Clause 34, page 23, line 2—Delete the word "bankers" and substitute the following words—
>
> "the manager or other principal officer of a bank or other financial institution".

Mr O'CONNOR: Subclause (8) of clause 34 commences—

> The Manager or other principal officer of a bank or other financial institution...

It was suggested in another place that paragraph (b) of subclause (7), appearing at the top of page 23 of the Bill, should include a similar provision.

I have discussed this matter with the Parliamentary Draftsman and he agrees that the inclusion of the provision will improve the Bill. Therefore, I move—

> That the amendment made by the Council be agreed to.

Mr McIVER: The Opposition fully agrees to the amendment, for the reason stated by the Minister. We appreciate it will further clarify the legislation.

Question put and passed; the Council's amendment agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Council.

House adjourned at 9.34 p.m.

Legislative Council

Thursday, the 21st October, 1976

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

QUESTIONS (3): ON NOTICE

1. PORT OF ALBANY

Water Depth

The Hon. T. KNIGHT, to the Minister for Justice, representing the Minister for Works:

(1) When is it anticipated that work will commence on Albany harbour deepening?

(2) To what depth does the department intend deepening the harbour?

(3) What depth was recommended by the Albany Port Authority?

(4) Does the deepening include removal of existing rock outcrop?

(5) Will deepening include the entrance channel to the harbour?

The Hon. N. McNEILL replied:

(1) April, 1977.

(2) It is scheduled that tenders will be called for deepening the basin to 11.5 metres, the No. 1 and 2 Berths to 10.4 metres, the No. 3 Berth to 11.5 metres and the No. 4 Berth site to 11.5 metres and the channel to 11.5 metres at the inner end increasing to 12.2 metres at the outer end.

Tenderers will also be asked to submit a price for deepening the basin to 12.00 metres, the No. 1 and No. 2 Berths to 10.4 metres, the No. 3 Berth to 12.2 metres and the No. 4 Berth site to 12.2 metres and the channel to 12.0 metres at the inner end increasing to 12.8 metres at the outer end.

(3) The Albany Port Authority preferred the deepening of the harbour to 12.2 metres subject to the availability of funds, but was prepared to accept the lesser depth as an interim measure.

(4) No.

(5) Yes.

2. WATER SUPPLIES

Dripping Taps

The Hon. LYLA ELLIOTT, to the Minister for Justice:

(1) Is the Minister aware that the Premier was quoted in *The West Australian* of the 18th October, 1976, as saying—

(a) "a tap that was allowed to drip at the rate of about 200 drops a minute could cost consumers about $120 a year in excess water charges"; and

(b) "a tap that dripped only about three times every two seconds could put an extra dollar a week on the consumer's excess water bill"?

(2) If so, is the Minister also aware that the Premier has grossly exaggerated the figures in that the actual cost would be—

(a) $3.74 per year; and

(b) 3.2 cents per week?

(3) Does this mean that water rates will be savagely increased yet again by the present Government?

(4) If the answer to (3) is "No" is the Treasurer's grasp of finance as shaky as the reports seem to indicate?

The Hon. N. McNEILL replied:

(1) Yes.

(2) No. The information was obtained from a pamphlet issued by the Metropolitan Water Board which was designed to draw consumers' attention to the need to save water.

(3) No.

(4) No.

3. HIGH SCHOOL AT SOUTH HEDLAND

Establishment

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

(1) Has consideration been given to the construction of a second high school at South Hedland?

(2) Is it proposed that this new unit should be a three year high school in the first instance?

(3) Has there been a reversal of departmental policy which will defer the planning and construction of a new high school?

(4) What is the present student population at the Hedland Senior High School?

(5) To what size is it envisaged that school numbers will be permitted to grow at the existing high school before a new high school will be considered as necessary?

(6) As a general rule of thumb, what community population would sustain student numbers at that level?

(7) What number of students is regarded as the desirable maximum for a senior high school?

The Hon. G. C. MacKINNON replied:

(1) No, but suitable sites to cater for the population likely to eventuate in South Hedland as a result of proposed development have been earmarked.

(2) Not applicable.

(3) No.

(4) At 1st August, 1976, there were 651 pupils.

(5) This will depend on the availability of permanent and temporary accommodation at Hedland Senior High School, the intake of Year 8 pupils and general development in the area.

(6) In the metropolitan area the population believed to generate a high school is 10 500. The number varies in country districts according to the age structure of the population.

(7) The Education Department does not have a fixed maximum enrolment for senior high schools. The population of a school is dependent on factors such as the density of population, the age structure of the population and the distance to other secondary school facilities.

JUSTICES ACT AMENDMENT BILL (No. 2)

Introduction and First Reading

Bill introduced, on motion by the Hon. I. G. Medcalf (Attorney-General), and read a first time.

JOONDALUP CENTRE BILL

Third Reading

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 5)

Report

Report of Committee adopted.

SECURITY AGENTS BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

HEALTH ACT AMENDMENT BILL

Receipt and First Reading

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

EVIDENCE ACT AMENDMENT BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [2.43 p.m.]: I move—

That the Bill be now read a second time.

May I say at the outset that it will be necessary on one or two occasions during the course of this speech to refer to clauses of the Bill because of the technical matter and the need to contrast one clause with another. However, I will at the same time refer to the sections which it is proposed to insert into the Act for ease of identification by members.

Honourable members will have been aware of the debate on women's rights which has been raging for the last several years—not only in Western Australia and Australia, but throughout the Western world, and in other places as well.

One aspect of that debate that has assumed considerable prominence in the last two or three years has been—to quote a recent Tasmanian report on the matter —the "harassment and embarrassment" to which the woman who complains of rape may be subjected during the processes of police investigation, committal and trial.

Of course, what, in this respect, is true of rape is also true of certain other offences—the offence of indecent assault, the offences of attempting to commit, conspiracy to commit or counselling or procuring the commission of, the offences of rape or indecent assault. So it is that the definition of "rape offence" in what will be section 36A (5)—clause 4 of the Bill—includes all of these offences as well as the offence of rape itself. All the provisions of the Bill apply to "rape offences" in general, not simply to rape.

This matter has received particular attention in several Australian States—certainly, I have knowledge that developments in this area have taken place in Tasmania, South Australia and Victoria. In all of these States reports have been submitted to the Government by specialist law reform bodies and all have recommended changes in the law to lessen the likelihood of the complainant being subjected to unnecessary harassment and embarrassment during the procedures of investigation, committal and trial. I believe that the South Australian Government has already announced its intention to legislate on the matter and that legislation is a distinct possibility in the two other States as well.

These Australian developments follow hard on the heels of a similar move in the United Kingdom. There, the Government was presented with a report in December, 1975, by the Heilbron committee, and that report recommended that the law be amended for the protection of the complainant. A private member's Bill has been introduced to implement those recommendations.

Both in the United Kingdom and Australia the main concern has been to prevent the introduction of unnecessary evidence as to the complainant's general sexual history and conduct; that is, "unnecessary" in the sense of being not necessary for the proper defence of the accused. This also is the main concern of the present Bill.

It should be explained that the present law permits a woman who complains of rape or attempted rape to be cross-examined about—

(1) her general reputation or moral character—generally this is to

show that she is a prostitute or one who behaves in a manner similar to that of a prostitute;

(2) sexual intercourse between herself and the accused on other occasions; and

(3) sexual intercourse between herself and other men.

Evidence may be called to contradict any statement which she makes in answer to questions which are in the first and second of these categories, but evidence to contradict answers to questions in the third category—sexual intercourse between herself and other men—is not permitted. Nevertheless, questions of this third sort are usually the most unnecessary and the most resented. Such questions seem to have been permitted on the assumption that the fact that a complainant has had prior sexual experience tends to prove that she is an untruthful or unreliable witness, or, as it is sometimes put, "it tends to destroy her credit". As is remarked in the Heilbron report, this assumption is now an anachronism and this line of cross-examination is no longer needed to protect an innocent man—but it may and often does still serve to distress the complainant and confuse the jury.

The approach taken in the present Bill is to establish a class of "restricted matters" as to which evidence may not be adduced, nor any question asked in cross-examination, without the prior leave of the court. If honourable members will refer to the relevant definition in what will be section 36A (5)—clause 4 of the Bill—they will see that it covers those aspects of the complainant's sexual history and conduct to which I have referred, but with one or two exceptions. The most significant of those exceptions is the complainant's prior sexual experiences with the accused and her sexual disposition with regard to the accused. It seems to be generally agreed that to place any restraint on the accused's right to bring these matters before the jury could unfairly prejudice him in his defence.

The second exception is matters constituting part of the *res gestae*. *"Res gestae"* is a technical term used in the law of evidence to indicate facts which are so connected with a fact in issue as to introduce it, explain its nature, or to form, in connection with it, one continuous transaction. Suppose, for instance, that the female associate of a bikie gang has sexual intercourse in fairly rapid succession with a number of the members of the gang, but then claims that, with regard to one of those acts of intercourse, she did not consent. In the event of that one bikie being charged, evidence of the acts of intercourse with the other bikies, although it is within the terms of paragraph (a) of the definition—"sexual experience(s) with person(s) other than the accused"—would not be a restricted matter because it would be part of the *res gestae*.

So there are these defined restricted matters as to which no evidence may be adduced and no question asked in cross-examination. The same rule will apply in regard to committal proceedings—the proposed section 36A in clause 4 of the Bill—and at the trial—the proposed section 36B in clause 5 of the Bill. The only difference is as to the test on which the court will permit the evidence to be adduced or elicited.

At the committal proceeding it must be, "of such relevance to issues arising in the hearing that it would be unfair to the defendant to exclude (it)"—proposed section 36A (2)—whereas at the trial the court will give its consent if it is satisfied that what is sought to be adduced or elicited has "substantial relevance to the facts in issue or to the credit of the complainant"—proposed section 36B (2). The test that is to apply at committals is conceived as being somewhat stricter than that which is to apply at the trial. The reason for this is that as the committal proceeding is not for the purpose of determining the guilt or innocence of the accused, it is considered reasonable to permit a greater restriction on the right to attack the complainant. In those rare situations where there is a real prospect of the magistrate being persuaded that there is no case to go to trial, the test proposed would not preclude the accused from adducing or eliciting evidence as to restricted matters. As it is though, the cross-examination of complainants at committals for rape offences is usually not for this purpose, but rather in the nature of a reconnaissance for the purpose of the real battle which is to take place at the trial. In this way counsel for the accused can learn what favourable and what unfavourable answers he is likely to get at the trial. Also, cross-examination increases the likelihood of variations between the complainant's evidence at the committal proceedings and at the trial, and this can be used against her at the trial. Where the accused's purposes are of this order, there is justification for allowing the magistrate more discretion to restrict the accused in discrediting the complainant than one would allow to the judge at the trial, where the accused must answer the charge against him and show that he is not guilty.

Of course, where there is an application at a trial for leave to elicit evidence as to a "restricted matter", such application will be made in the absence of the jury—the proposed section 36B (1).

So much for the provisions restraining the introduction of "restricted matters". The other major provision of the Bill is aimed at ensuring that, in the reportage of the proceedings against the person who has allegedly committed the rape offence, the anonymity of the complainant is preserved. I refer to what will be the new section 36C—clause 6 of the Bill. This makes it an offence punishable by a fine

of up to $500 to publish information likely to lead to the identification of the complainant, or, if she is attending school, the identification of that school. Subsection (5) of the new section makes it clear that this prohibition will not apply to any civil action brought as a result of the rape offence, or of the allegation thereof. Nor is the prohibition to apply to any criminal proceeding arising from the allegation of rape which is not a prosecution for a rape offence—as, for instance, a prosecution for making a false report to the police—Police Act, section 90A.

Members will recall that the Justices Act was recently amended to allow for evidence at the committal proceedings in criminal cases generally to be given by written statement thereby avoiding the necessity for the complainant to appear in person, in the absence of objection by the accused. Publication of the evidence in such proceedings is severely restricted.

That is the first method whereby a rape victim's ordeal may be alleviated.

The present Bill contains three further reforms aimed at reducing the victim's trauma; namely, by restricting the evidence of her previous sexual experiences at the committal, by requiring the leave of the judge in similar matters at the trial, and by prohibiting the publication of identifying details. In addition, the Government is bringing forward other reforms which relate to criminal offences generally—and therefore include rape—in other legislation.

It is believed that Western Australia is the first State in the Commonwealth to actually translate into legislative form its current thinking on this subject. The Government hopes that its attempt to assist the unfortunate victims of this type of violent crime will not only meet with the approval of the House, but also, in a practical way—and without taking away the accused's right to a fair trial—help ease the situation of women who may be thus cruelly victimised.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Grace Vaughan.

CRIMINAL CODE AMENDMENT BILL (No. 3)

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [2.55 p.m.]: I move—

> That the Bill be now read a second time.

This matter falls to be considered in conjunction with the Bill for the Evidence Act Amendment Act to which I have already spoken.

The amendment of the law which this Bill would make is seen as part of the process, now well in train in many parts of the world, of removing from the law anything which could have the effect of putting, or keeping, women in a position of subservience.

Section 325 of the Criminal Code of this State provides that—

> Any person who has carnal knowledge of a woman or girl, not his wife, without her consent . . . is guilty of a crime which is called rape.

The implication of the words "not his wife" is that a husband cannot be guilty of raping his wife. This we consider to be unsatisfactory.

I would like to read to members a passage from the report which the Criminal Law and Penal Methods Reform Committee of South Australia made to the Government of that State in March of this year. It states precisely the policy behind the amendment which this Bill proposes. It is as follows—

> The view that the consent to sexual intercourse given upon marriage cannot be revoked during the subsistence of the marriage is not in accord with modern thinking. In this community today it is anachronistic to suggest that a wife is bound to submit to intercourse with her husband whenever he wishes it irrespective of her own wishes. Nevertheless it is only in exceptional circumstances that the criminal law should invade the bedroom. To allow a prosecution for rape by a husband upon his wife with whom he is cohabiting might put a dangerous weapon into the hands of the vindictive wife and an additional strain upon the matrimonial relationship. The wife who is subjected to force in the husband's pursuit of sexual intercourse needs, in the first instance, the protection of the family law to enable her to leave her husband and live in peace apart from him, and not the protection of the criminal law. If she has already left him and is living apart from him and not under the same roof when he forces her to have sexual intercourse with him without her consent, then we can see no reason why he should not be liable to prosecution for rape.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Grace Vaughan.

ADMINISTRATION ACT AMENDMENT BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [2.59 p.m.]: I move—

> That the Bill be now read a second time.

There are two principal purposes in the amendments to the Administration Act now before the House and they largely follow recommendations made by the Law Reform Commission.

The first proposal will increase the amounts payable by way of distribution on intestacy—that is to say, where a deceased person has not made a will or the will does not adequately cover the whole of his estate—to the spouse and parents of the deceased.

The second main proposal is to abolish administration bonds whilst retaining sureties to guarantee the administration of the estate in certain cases.

There are also some other provisions of an ancillary or general nature.

The present law in this State as to the rules of distribution on intestacy are as follows—

Where a deceased is survived by his spouse and children, the spouse receives the first $10 000 of the estate, plus 5 per cent thereon from the date of death to the date of distribution, plus one-third of the residue and the balance goes to the issue *per stirpes*—which expression means, in effect, by right of representation.

Where there are issue but no spouse, the issue get the whole of the estate: and,

Where there is a spouse but no issue, the spouse receives the first $15 000, plus 5 per cent interest, plus one-half of the residue. If there are parents, but no brothers or sisters or children of brothers or sisters, the parents receive the balance of the estate. Otherwise, the parents receive the first $2 000 and one-half the residue with remainder to brothers and sisters and their children. If there is no parent, the balance goes to the brothers and sisters and their children *per stirpes* and if there is no brother or sister or their children to the next of kin in accordance with the statutes of distribution.

If the deceased leaves a spouse but no issue and no parent, brother, sister, or children of brother or sister, the whole estate goes to the spouse.

Where the deceased leaves a parent but no spouse or issue the parent, or parents, receive the first $2 000 and one-half the residue with balance to brothers and sisters and their children, but if there is no brother or sister or children thereof the balance goes to the parents.

Where the deceased leaves brothers and sisters and their children but no spouse, issue or parent, the brothers and sisters and their children take the whole estate, otherwise the beneficiaries will be the next of kin under the Statutes of Distributions.

The Law Reform Commission, in a report published in May 1973, proposed that the amount to go to the spouse should be increased from $10 000—this being the figure fixed in 1965—to $25 000, but it is felt that, in view of the passage of time since the report was published, a more appropriate figure would presently be $30 000 and the Bill before the House, has, therefore, trebled the amount first going to the spouse from $10 000 to $30 000.

Where the deceased leaves a spouse and issue the Bill provides that the spouse will now receive the first $30 000 and 5 per cent interest thereon, and one-third of the residue, where there is more than one child, but one-half of the residue if there is one child only, or children of an only child.

In addition, the spouse will have the right to purchase the matrimonial home at market value and the balance of the estate will pass to the issue.

Where the deceased leaves issue but no spouse, the whole estate will pass to the issue, and where the deceased leaves spouse but no issue, the spouse will receive the first $45 000, plus 5 per cent interest, and half the residue, with the balance to the parent or parents if there are no brothers or sisters or children thereof. Otherwise, the parents will receive the first $6 000 and one-half the residue, with remainder to the brothers and sisters and their children.

If there is no parent, the balance will pass to the brothers and sisters and their children, otherwise to the next of kin under the Statutes of Distributions.

Where the deceased leaves a spouse but no issue and no parent, brother, sister or children of brother or sister, the same provision will apply as at present, namely that the whole estate will pass to the spouse.

Where the deceased leaves parents but no spouse or issue, the parents will receive the first $6 000 and half the residue, the balance going to the brothers and sisters anl their children, but if there is no brother or sister or child thereof, the balance will go to the parent or parents.

Where the deceased leaves brothers and sisters or their children, but no spouse, issue or parents, the whole estate will pass to the brothers and sisters and their children.

It will be seen that the significant changes which are contained in the Bill have the effect of trebling the first amounts which will be received by the spouse and parents respectively and this is considered reasonable, bearing in mind the inflation which has occurred in recent years.

In addition, the spouse will receive household chattels, which are defined as articles of personal or household use or adornment and the right to the purchase of the matrimonial home. The Law Reform

Commission recommended that the spouse should also have the right to purchase other personal chattels, but, as the only personal chattels of significance in the average case would be the motor car and normally no problem would arise about purchasing a car at market value, it is considered unnecessary to include this provision.

Where the deceased leaves a spouse but no issue, the first amount going to the spouse will be trebled from $15 000 to $45 000 and where there are parents the amount which they will receive primarily will be increased from $2 000 to $6 000.

The Law Reform Commission had suggested that if no relatives of the specified classes (including nieces and nephews and uncles and aunts) survived, then the whole estate should pass to the Crown.

However, this is not considered desirable and it is felt that it is fairer, in such circumstances, for the estate to pass to the next of kin in accordance with the recognised method of distribution set out in the various Statutes of Distribution. Although there are sometimes some technical problems associated with the ascertainment of more distant relatives, it is nevertheless considered reasonable that they should still have an opportunity of sharing in an intestate estate rather than that there should be an escheat to the Crown.

One further matter which should perhaps be mentioned for clarification is, that the household chattels will pass to the surviving spouse and he or she will have the right to purchase the matrimonial home, irrespective of whether or not there are any issue surviving.

The second main proposal in the Bill relates to the changes in the law affecting administration bonds and sureties.

Under the provisions of the Administration Act, 1903, the administrator of an estate must enter into a bond for an amount equal to the gross value of the estate before he obtains a grant of letters of administration.

If there is defalcation by the administrator, any beneficiary or creditor suffering injury may have the bond assigned to him by the court and then sue upon it in his own name.

Normally, the administration bond must be supported by two persons as sureties for the amount of the bond and this can cause considerable inconvenience and expense in the administration of the estate. The Supreme Court has power to reduce the amount of the bond but cannot dispense with the bond.

The Law Reform Commission has reported on the law relating to administration bonds and sureties and recommends that bonds should be abolished. The law provides adequate remedies against a defaulting administrator apart from the bond and the Commission considered that additional protection should be provided by means of a guarantee by sureties only in a limited range of circumstances.

The Commission also recommends that any such guarantee should be given by two persons unless the guarantor is an approved company or the applicant is a trustee company. The guarantee should be equal to the gross value of the estate and should be subject to increase or decrease by order of the Master of the Supreme Court. Court control of actions taken on the guarantee is recommended.

The Commission also considered that the duties of administrators should be specified by statute as was done in England in 1971.

The recommendations of the Law Reform Commission have been adopted and the Bill is prepared following the recommendations in the Commission's report.

Generally speaking, in relation to this matter, the Bill follows the relevant United Kingdom legislation under which most of the detailed provisions are left to be spelt out in the Rules.

The effect of the Bill will be to reduce the formalities required in applications for letters of administration with consequent reduction in expense and the time taken to obtain a grant.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Grace Vaughan.

PARLIAMENTARY COMMISSIONER ACT: RULES

Application to Authorities: Assembly's Resolution

Message from the Assembly requesting concurrence in the following resolution now considered—

Schedule showing the resolution passed by the Legislative Assembly pursuant to sections 12 and 13 of the Parliamentary Commissioner Act, 1971:

Application of Parliamentary Commissioner Act, 1971, to Certain Authorities.

That pursuant to sections 12 and 13 of the Parliamentary Commissioner Act, 1971, this House makes the following rules:—

1. In these rules the Parliamentary Commissioner's Rules, 1972, made by the Legislative Assembly and the Legislative Council on the 1st November, 1972, and published in the *Government Gazette* on the 10th November, 1972, as amended by the addition of a rule made by the Legislative Assembly on the 12th December, 1973, and

the Legislative Council on the 13th December, 1973, and published in the *Government Gazette* on the 11th January, 1974, are referred to as the principal rules.

2. The principal rules are amended by adding after rule 6 the following rule and schedule—

7. The Act is hereby declared to apply to the authorities specified in the Schedule to these rules in addition to the government departments and other authorities specified in the Schedule to the Act.

SCHEDULE.

Builders' Registration Board of Western Australia constituted under the Builders' Registration Act, 1939-1975.

Land Agents Supervisory Committee of Western Australia constituted under the Land Agents Act, 1921-1974.

Motor Vehicle Dealers Licensing Board constituted under the Motor Vehicle Dealers Act, 1973-1974.

Murdoch University constituted under the Murdoch University Act, 1973-1976.

National Parks Authority of Western Australia constituted under the

National Parks Authority Act, 1976.

Registrar of Building Societies holding office under the Building Societies Act, 1920-1970.

Motion to Concur

THE HON. N. McNEILL (Lower West—Minister for Justice) [3.09 p.m.]: I move—

That the Legislative Council concurs with the resolution passed by the Legislative Assembly on the 20th October, 1976, regarding the Parliamentary Commissioner Act, as contained in message 107 from the Legislative Assembly.

Members will be aware of the nature of the message which has been conveyed to us from the Legislative Assembly and in moving the motion for the concurrence of the Legislative Council to that resolution I would like to make some brief, but I think necessary, comments.

For the benefit of members, I will briefly go over some of the background of this legislation.

The original Parliamentary Commissioner legislation provides that the commissioner is an officer of Parliament.

Section 6 of the original Act, which is No. 64 of 1971, sets out that the commissioner may, at any time, be suspended or removed from his office by the Governor on addresses from both Houses of Parliament.

The section also includes some other conditions, but the significant point is that the commissioner is not a normal servant of the Government, but an officer of Parliament. Therefore, any rules, or changes of rules, have to be made by Parliament.

Members will observe, from the motion on the notice paper—and more particularly from paragraph 2 of the motion—that it is intended to add a rule 7 to follow rule 6. It is also important to note that under the provisions of sections 12 and 13 of the parent Act—that is, the Parliamentary Commissioner Act of 1971—there is provision first of all for rules of Parliament, in section 12, and for departments and authorities subject to investigation, in section 13.

When the original Act was introduced it included a schedule, referred to in section 13 of the Act, setting out the Government departments and other authorities to which the Act applies.

Amendments have been made on a number of occasions, and it is now sought to add a rule 7 which will increase those covered by the rules by adding the following authorities—

Builders' Registration Board of Western Australia constituted under the Builders' Registration Act, 1939-1975.

Land Agents Supervisory Committee of Western Australia constituted under the Land Agents Act, 1921-1974.

Motor Vehicles Dealers Licensing Board constituted under the Motor Vehicles Dealers Act, 1973-1974.

Murdoch University constituted under the Murdoch University Act, 1973-1976.

National Parks Authority of Western Australia constituted under the National Parks Authority Act, 1976.

Registrar of Building Societies holding office under the Building Societies Act, 1920-1970.

The Parliamentary Commissioner made representation to the Government in October, suggesting the inclusion of additional authorities to the rules. The names of those authorities have been submitted to the Speaker of the Legislative Assembly and to you, Sir, as President of this House.

Following a study of those recommendations, the new list of authorities has been submitted to Parliament to become rule 7.

Question put and passed, and a message accordingly returned to the Assembly.

NURSES ACT AMENDMENT BILL (No. 2)

Standing Order 243A

THE HON. LYLA ELLIOTT (North-East Metropolitan) [3.13 p.m.]: I move—

> That leave be granted to deal with this Bill and the Medical Act Amendment Bill (No. 2), and the Poisons Act Amendment Bill concurrently at the second reading stage.

I moved this motion because this Bill, the Medical Act Amendment Bill (No. 2), and the Poisons Act Amendment Bill are interrelated. Pursuant to Standing Order 243A I wish to debate the principles contained in the three Bills concurrently. When the other two measures are dealt with, I will formally move the second reading without any further debate.

Question put and passed; leave granted.

Second Reading

THE HON. LYLA ELLIOTT (North-East Metropolitan) [3.14 p.m.]: I move—

> That the Bill be now read a second time.

The purpose of this and the two related Bills is to amend the law in this State to establish a new category of nurse—the family planning nurse specialist. When fully trained and qualified, this nurse is to be legally able to prescribe and fit contraceptives.

In carrying out her duties she would consult with a doctor for back-up medical advice and assistance.

Family planning is a basic human right and should be denied no woman because of social or ethnic background or geographic isolation. It plays a crucial part in the social, economic, physiological, and psychological well-being of families and individuals.

This is recognised by the World Health Organisation and enlightened nations throughout the world, where many legislative changes are taking place to ensure its ready availability to all.

Since mid-1974 some 40 countries have taken steps either to update existing laws and policies related to family planning or to introduce new ones. Twelve of these countries have instituted legal changes concerning contraceptive methods, ranging from greater use of nonphysicians in family planning programmes to removal of prescription requirements for oral contraceptives.

Developed as well as developing nations are moving towards using nonphysicians, firstly because of maldistribution of doctors and secondly because it is becoming increasingly obvious that family planning services can be delivered quite adequately and competently by trained paramedical personnel.

Current thinking in Australia, particularly in nursing and women's groups, favours the introduction of legislative measures to expand the role of the nurse in family planning.

The principle is strongly supported by the Family Planning Association in each State. The association in Western Australia is continually receiving requests from women's groups all over the State for the establishment of clinics or some other form of family planning service. Unfortunately, due to lack of both funds and medical personnel, the association has been unable to provide this important service in the areas requested and is limited to seven metropolitan clinics.

Because of this and a number of other factors such as shortage of doctors or unsympathetic doctors in certain country areas, the law restricting the provision of contraception to medical practitioners, poor knowledge of contraception, etc., many women are being denied this important human right of pregnancy control.

On the 1st March, 1976, Sir Charles Court was quoted in *The West Australian* as expressing concern about the shortage of doctors in the country. He said, "The number of Medical School graduates has increased, but we are still desperate for doctors in country and northern areas. The Medical Department is having to recruit doctors overseas and this is becoming increasingly difficult."

Following the 1971 census, a survey of medical manpower in Western Australia was undertaken by a committee—the Committee on Medical Manpower Needs—headed by Dr W. S. Davidson, the then Commissioner of Public Health. In its report in March, 1972, that committee stated it had found that, with an average of 817 patients per doctor, there was no real "doctor shortage" in Western Australia, but there was a maldistribution of doctors which was causing problems.

In fact the rural areas had a doctor/patient ratio over three times that of Perth. In other words there was a ratio of one doctor per 636 persons in the metropolitan area compared with one doctor per 2 094 persons in rural Western Australia.

The Committee also drew attention to the hospital in-patient discharges in Western Australia. For the year 1970, the rural area averaged 2 586 discharges per 10 000 population compared with Perth's 1 746.

The committee said, "Clearly, this should point out the role of preventive medicine in areas with a more adequate supply of doctors who can spend part of their time practising preventive care."

More recent figures show that there has not been any great improvement in this area. On the population estimates for 1974 provided by the Government Statistician, the hospital in-patient discharges for that year were 1 994 per 10 000 in the Perth Statistical Division, and 2 791 in the rest of the State.

The comments of the committee concerning preventive medicine would, I am sure, certainly embrace the practice of family planning.

Statistics related to women and childbirth in this State reveal an interesting picture.

While only about 28 per cent of all women of child-bearing age in this State live in the country, the total percentage of births registered for 1974 for the country was 34 per cent. In the same year the number of ex-nuptial births in the country represented 47 per cent of the total.

Or put another way, in 1974 the figures for ex-nuptial births as a percentage of live births were 9.3 per cent in Perth Statistical Division and 16.16 per cent for the rest of the State.

If we examine the infant mortality rate, we find that for 1974 the rate per 1 000 live births for Perth was 13.07 per 1 000, and for the rest of the State it was 22.19 per 1 000.

According to those who specialise in maternal and child health, mortality in the first year of life is not only a good basic index of maternal and child health care, but also a relatively sensitive index of social and economic development.

A factor in the high infant mortality rate in country areas is the poor health and sub-standard living conditions of the Aboriginal people.

The *Medical Journal of Australia*, of the 22nd February, 1975, carried a special supplement on Aboriginal health, which dealt extensively with the need for family planning in Aboriginal communities.

One of the contributors was Dr M. Kamien, Senior Lecturer in Medicine at the University of Western Australia who stated—

> If a woman is as poor in money, poor in housing, poor in health and nutrition and poor in education as are most Aboriginal people in Australia, then early, closely spaced and unwanted pregnancies are a perpetuating factor in her poverty. Any programme of social medicine aimed at helping Aboriginal people to improve their health would be incomplete without providing ready access to family planning.

The supplement reported on a survey conducted amongst part-Aboriginal women in New South Wales which revealed a great deal of ignorance about conception and contraception.

There were comments such as "The pill kills you or makes you terribly sick", or if a woman took it "she would go to hell" or the intrauterine device could "wander into your stomach and cause you to bleed to death" or that intercourse twice on the same day would produce twins.

This kind of misinformation would, no doubt, apply to many women in this State, Aboriginal and non-Aboriginal alike.

In view of the poor health of many Aboriginal mothers and the high infant mortality rate in the Aboriginal community, it is only humane and logical that they be given better access to family planning services to assist them to limit or space their pregnancies. Who better to deliver this service to them than the nursing sister, who on the one hand has their confidence and on the other is deeply concerned with their welfare?

In addition, of course, she would be playing an extremely important role in respect of health education and preventive health by detecting abnormality when examining the patient.

There is an increasing awareness by both the nursing profession and certain members of the medical profession that nurses are capable of a much greater role in the delivery of health services, particularly family planning, than they are playing at present.

Personnel providing family planning services are dealing mainly with people who are healthy and who have diagnosed their own problem; namely, the need to control pregnancy; However, those involved in delivering these services must have the training and ability to recognise possible abnormality in a patient which would determine the desirability or otherwise of a certain contraceptive.

In developed countries, similar to Australia, where nurses are being used in an extended role in family planning, it has been shown that they can be trained to perform very competently tasks which were formerly carried out only by the doctor—for example, taking patient histories, performing pelvic examination, breast examination, taking of pap smears, fitting diaphragms and intrauterine devices, selecting oral contraceptives, and screening for VD and iron deficiency anaemia

In some developing countries auxiliary health workers with very little formal training are used for distributing oral contraceptives by use of a medical history check list. If the woman has any of the

symptoms on the checklist, she is referred to a physician. If she has none of the symptoms she is given oral contraceptives.

According to a report from the Department of Medical and Public Affairs, George Washington University Medical Centre, this not only has made the pill available to women in rural areas where they were formerly denied it because of lack of a doctor, but also has proved safe and effective.

The same report says that those who favour the use of nonphysicians in family planning point out that such personnel—

Free physicians from routine tasks permitting them to spend their time on tasks which require their high degree of knowledge and skill;

May perform a designated task as well as or better than a non-specialised physician because training is specific and usually closely supervised and because multiple repetition of a single task results in the development of expertise in that task;

Are widely accepted in most countries;

Can learn to perform intricate medical tasks such as deliveries;

When thoroughly trained and competently supervised, have not increased the incidence of complications when performing family planning tasks;

Provide medical manpower in areas where physicians are scarce and family planning services are otherwise unavailable;

Provide services at lower cost than physicians; and

Usually understand the customs and attitudes of the people they serve because often they are local residents themselves.

In the United States of America at the beginning of last year nurse practitioners in family planning were widely employed. A survey of planned parenthood affiliates that provide medical services revealed 108 of them employed 207 nurse practitioners who had received special training from 30 different programmes in the United States.

The responsibilities were fairly uniform. Between 93 per cent and 99 per cent of them performed the physical examination, including speculum and bimanual pelvic examinations, given revisit patients; did string checks for IUDs, as well as breast examinations; took pap smears; selected and provided oral contraceptives, foam and condoms, fitted diaphragms; and made referrals for care when necessary.

Nearly as many—85 per cent—also examined new patients, while three out of four were permitted to order special laboratory tests when they felt it was appropriate. About nine in 10 took patient histories, were responsible for patient education, and screened patients for gonorrhea and vaginitis. Seven in 10 screened patients for syphilis and iron deficiency anaemia. In three out of five affiliates, nurse practitioners were permitted both to insert and remove IUDs while another 13 per cent were permitted removals but not insertions.

There were training programmes in 18 States that expected to graduate 350 nurse practitioners in 1975. Most of the programmes were sponsored by medical schools, hospitals or planned parenthood affiliates. The growing employment of nurse practitioners by family planning agencies and the continuing demand for training courses in that country suggests their performance has been satisfactory and the nurse practitioners themselves are satisfied with their new roles.

In some States action has been taken to amend the respective Nursing Practice Acts to give professional nurses diagnosing and prescribing rights in certain circumstances.

The Idaho Nursing Practice Act now permits the State Boards of Nursing and Medicine to jointly promulgate rules and regulations under which professional nurses may carry out acts of medical diagnosis or prescription of therapeutic or corrective measures.

The Nursing Practice Act of New Hampshire allows nurses to engage in diagnosis and prescription under emergency or other special conditions.

In 1972 the definition of professional nursing in the Arizona Nursing Practice Act was amended to eliminate the prohibition upon acts of medical diagnosis or the prescription of medical, therapeutic or corrective measures.

The definition of the practice of professional nursing was modified in the State of Washington in 1973 to eliminate the prohibition of acts of medical diagnosis or the prescription of therapeutic or corrective measures and to permit professional nurses to perform additional acts requiring education and training, "that are recognised jointly by the medical and nursing professions as proper to be performed by nurses licensed under the Nursing Practice Act".

In 1975 the Department of Health and Social Security in Britain and the World Health Organisation provided funds for a research project at Kings College Hospital, London for an experimental family planning clinic run by specially trained nurses.

The aim of the project was to assess the feasibility of using such nurses to give family planning advice and to "prescribe and fit all forms of contraceptives currently in use". An article in *The British Medical Journal* of the 17th April, 1976, reported on the first year of operation of the clinic. A total of 768 patients were

seen in the first year. Oral contraception was dispensed for 377 patients and 187 intrauterine devices were inserted. A further 204 IUD patients attended only for follow up visits. All side effects were adequately diagnosed by the nurse specialists.

A doctor retained overall responsibility and was available for consultation if needed. The nurses had all undergone special theoretical and practical family planning training to acquire the necessary skills of problem orientated diagnosis, pelvic examination and understanding of abnormal conditions related to contraception and the fitting of IUDs. Of the 768 patients, a phone consultation was needed to verify the history or examination of 31 patients and the doctor visited 46 patients. However, two-thirds of the doctors' visits and phone consultations occurred within the first six months. The frequency of these decreased as the experience and confidence of the nurse specialists increased.

The result of the first year indicated the ability of the nurse specialist to diagnose important side effects and contra-indications, and to competently fit IUDs. It also indicated the importance of a female attendant to the patient and the tendency for her to discuss particular family planning problems more with a nurse than with a doctor.

The most appropriate persons in this State to undertake additional training to become family planning nurses would be registered nurses with midwifery certificates.

With their specialised background of knowledge and experience related to female physiology and anatomy and the additional training in family planning and human sexuality envisaged, they would be well equipped to provide the necessary service.

It should be kept in mind that a midwife already has grave responsibilities when delivering babies. The country midwife, for example, must be able to recognise toxemia and inertia in labour. If she does not, the patient could die.

The National Training Officer of the Family Planning Association of Australia has drawn up a very comprehensive training programme for family planning nurse specialists.

It is felt the programme would fulfil the criteria laid down by Nurses Registration Boards in all States as a post-graduate course recognised for certification, and one which would be conducted at an approved school of nursing. An appropriate venue in this State would be the Department of Nursing at WAIT, working in conjunction with the Family Planning Association clinics.

The employment prospects for qualified family planning nurse specialists would be good. They could be employed, for example, by Family Planning Association clinics, community health centres, country hospitals, and the Public Health Department.

They would liaise with an appropriate doctor—for example, Family Planning Association, clinic doctor, hospital based or local general practitioner, Government medical officers or the Flying Doctor in the more remote parts of the State.

Debate has been going on for some time in Britain over whether the "pill" should in fact be taken off prescription altogether. While this is still being viewed with some caution in medical circles, support is growing for extending the prescribing rights to specially trained nurses.

A group of prominent British physicians, headed by Dr Michael Smith, Chief Medical Officer of Britain's Family Planning Association, in a letter to *The British Medical Journal* said—

> Accessibilty of initial and resupply packs of oral contraceptives is one variable determining acceptance and continuation of use, and the limitation of oral contraceptives to a doctor's prescription can increase the geographical and social distance between the user and provider as well as burdening an overstretched medical service . . . As a consequence of the present system of distribution, unplanned pregnancies and induced abortion, which might otherwise be avoided by the voluntary limitation of fertility, continue.

They therefore urged widening the range of those empowered to dispense oral contraceptives to include State-registered nurses, midwives and health visitors who have had some additional training in contraceptive practice. A doctor would supervise such distribution, and complicated cases would be referred to him. Any woman who wanted to consult with her physician about the use of the "pill" would still be able to do so.

The Lancet in an Editorial on the 19th October, 1974, said—

> The examination and advice now offered in family planning clinics is well within the compass of a specially trained nurse; indeed she may perform these tasks more satisfactorily than a family doctor who is preoccupied with other matters. By defining her task and insisting on careful records, we should be able to assess with increasing accuracy the effects both good and ill, of oral contraception. Then perhaps in a few more years we shall have the information on which to decide about untrammelling the pill altogether. With wider accessibility of oral contraception we could expect a reduction in unwanted pregnancies, a fall in the legal abortion rate, and some lessening of the

> pressures on the National Health Service. Perhaps most important of all, a loosening of the medical grip on contraception might speed the current fall in the birthrate and so hasten the day when the population of Britain will be in tune with its environment and resources. Dr Smith is right: It is time for a change in the rules.

In Western Australia the Family Planning Association fully supports the principle to change the law to enable specially trained nurses to prescribe and fit contraceptives and wrote to the Minister for Health last year requesting him to take action to achieve this.

Other State branches of the Family Planning Association also support this principle.

The Country Women's Association State Council meeting held in November, 1975, carried a motion to support the Family Planning Association in its quest to change the law for this purpose. The CWA communicated this decision to both the State and Federal Ministers for Health.

The Royal Australian Nursing Federation (WA Branch) wrote to the Family Planning Association on the 2nd July, 1975, stating the matter had been fully discussed at a council meeting and it had been decided to support it in principle and to emphasise that they would see such functions as outlined—that is, the prescribing and fitting of contraceptives—in the terms of the expanded role of the nurse.

The Women's Electoral Lobby at its general meeting in August, 1976, adopted a motion supporting in full the proposed legislation.

In addition to the foregoing, I am advised many nurses throughout the State have expressed the opinion that the change is badly needed and they support it. These opinions have been reported by participants in courses run by the Family Planning Association for nurses.

Finally, the patient herself: Does she accept the nurse as a responsible and competent person in the provision of family planning services? Experience in other countries indicates that she does.

I have already referred to the success of the experimental clinic at Kings College Hospital, London, and the growing demand for family planning nurse practitioners in the United States of America.

In a randomised controlled trial conducted in a large suburban practice in Ontario to assess the effects of substituting nurse practitioners for physicians in primary care practice, satisfaction was high among both patients and professional personnel.

In a follow-up survey, 96 per cent of the patients in the nurse practitioner group were found to be satisfied with the health services received during the experimental period, and the nurses reported increased satisfaction in the challenge and achievement associated with their job.

What must be kept in mind is that those people who prefer to be seen by a doctor would still have that right. However, those who for reasons already outlined above may not have ready access to a doctor should not be denied the services which, it has been clearly shown, can be more than adequately provided by a highly trained nurse.

I repeat what I have said before in this House: humane preventive health measures are the least expensive in the long run, both in terms of financial and human cost.

I am sure I do not have to emphasise that the provision of contraception and education in human sexuality are far more preferable to the tragedy of the unwanted baby, which so often becomes a child at risk, to abortion, to a VD epidemic and to a high infant mortality rate.

Specially trained and qualified nurses can make an extremely valuable contribution to this area of health and human relationships and they should be enabled to do so.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. N. E. Baxter (Minister for Health).

MEDICAL ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. LYLA ELLIOTT (North-East Metropolitan) [3.40 p.m.]: I move—

> That the Bill be now read a second time.

Debate adjourned, on motion by the Hon. N. E. Baxter (Minister for Health).

POISONS ACT AMENDMENT BILL

Second Reading

THE HON. LYLA ELLIOTT (North-East Metropolitan) [3.41 p.m.]: I move—

> That the Bill be now read a second time.

Debate adjourned, on motion by the Hon. N. E. Baxter (Minister for Health).

TEACHER EDUCATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 19th October.

THE HON. R. F. CLAUGHTON (North Metropolitan) [3.42 p.m.]: This Bill seeks to amend the Teacher Education Act which was enacted for the purpose of creating autonomy in the institutions dealing with the training of teachers. That action was taken for a very important reason. It was considered necessary for the development of an open-minded and stimulating

educational environment. The whole purpose of the legislation is to ensure that sort of autonomy.

The intention of the present Bill may be regarded as an antithesis of those reasons previously given. I suggest the motivation in bringing this Bill before Parliament is simply to allow the Minister to vent his spleen against the actions of one particular college board; that is, in relation to a particular decision of that board.

The present situation in regard to the area which is sought to be amended by this Bill—that dealing with the remuneration in terms of employment of the academic and other staff of the colleges—is presently dealt with under sections 50 and 51 of the Teacher Education Act. In section 51, particularly, there is provision for the Teacher Education Authority Council to approve the remuneration and conditions for employees engaged in teacher training institutions. Section 51 reads—

> 51. (1) Subject to any relevant award or industrial agreement under the Industrial Arbitration Act, 1912 and subject to subsection (2), the terms and conditions of appointment and employment of staff or employees of a college, including the salary payable, are such terms and conditions as the Minister, on the recommendation of the Council, approves.

So we see that within the Act, as it stands, there is provision for an oversight by the Minister and the council of the actual course in this area, and the responsibility of the colleges. The staff and work force of the colleges are covered by a number of unions, and employee associations. They are the WA Cleaners' and Caretakers Union; the Salaried Officers' Association of WA, Teachers Colleges; the Academic Staff Association of WA, Teachers Colleges; the Affiliated Liquor and Allied Industries Employees' Union of Australia; and the Transport Workers' Union of Australia.

I have before me a comment provided by the Academic Staff Association of WA. The organisations which cover the majority of staff are the Salaried Officers' Association of WA, and the Academic Staff Association of WA.

Sitting suspended from 3.46 to 4.05 p.m.

The Hon. R. F. CLAUGHTON: Prior to the afternoon tea suspension I was dealing with the position of the colleges in relation to staff and I gave a list of the unions involved in the colleges.

The Minister has claimed there is a problem in the present arrangements, and in support of that claim he quoted a comment of the Industrial Commission—and it should be noted that it is no more than a comment—which states—

> ...it appears to us from examination of the Act that it is the constituent colleges and not the authority which is the employer of the academic staff of the colleges.

That is contained in section 50 of the Act, which says—

> Subject to this Act, a Board may appoint such other staff or employees of its college as the Board thinks fit...

There is no dispute about that particular point, and it hardly seems to be justification for what the Minister is proposing, or a reason for it. It simply sets out the actual situation. If that is the core of the Minister's argument we must look elsewhere for the true reasons.

In point of fact, it might be said the Minister is trying to impose a grey uniformity across the colleges so that there will be no differences or individuality in their characteristics and they will all be required to follow the same lines.

The Hon. G. C. MacKinnon: That is total rubbish.

The Hon. R. F. CLAUGHTON: That is quite remote from the intention of the legislation, and if that is not the intention of the Minister, as he has claimed through interjection, it is up to him to provide better justification for what he is doing.

The Hon. G. C. MacKinnon: My intention is precisely the same as the intention of Mr T. D. Evans.

The Hon. R. F. CLAUGHTON: Not only is the Minister imposing a grey uniformity but he is also very much against any form of individuality displaying itself.

The Hon. G. C. MacKinnon: Rubbish!

The Hon. R. F. CLAUGHTON: He is attempting to crush differences which may appear. If that is not the Minister's intention, I suggest he has a duty to explain with far greater clarity the reasons for bringing this Bill before us.

As I suggested earlier, the reason for the legislation, which is not stated, is that the Minister was annoyed because one particular board refused to come to heel at his behest. He wishes to set aside a decision which was lawfully arrived at. There is very strong evidence—not only in this particular measure but in other actions of the Minister—that he is setting out to politicise the education system, and perhaps a few examples of his past misdemeanours will illustrate this point.

The PRESIDENT: Order! This is a Bill to amend the Teacher Education Act. It is not a postscript on the Minister's attitude on other matters.

The Hon. R. F. CLAUGHTON: That is very much the point I am dealing with. I am dealing with the reason for the Bill coming forward. I am saying the reason is the Minister is attempting to politicise the education system.

The Hon. G. C. MacKinnon: What is the word you used?

The Hon. R. F. CLAUGHTON: "Politicise". I am sure as the Minister for Education and a long-term practitioner of politics, the Minister would be aware of the word.

The Hon. G. C. MacKinnon: Explain it to some of the other members.

The Hon. R. F. CLAUGHTON: For example, when the Teachers' Union protested about the Liberal Party's policies and their effect on the education system, the Minister's reply to the protest was that teachers should join the Liberal Party.

The Hon. G. C. MacKinnon: If they want to write our policy that is what they should do. If they want to write your policy they should join the Labor Party.

The Hon. R. F. CLAUGHTON: The interjections from the Minister are extremely illuminating—

The Hon. G. C. MacKinnon: They are plain common sense.

The Hon. R. F. CLAUGHTON: —but in this Bill we are not dealing with what is deemed to be best for the colleges. The Minister is intent on implementing Liberal Party ideology.

The Hon. G. C. MacKinnon: What I am implementing is what the Labor Party meant and what Mr T. D. Evans said he wanted.

The Hon. R. F. CLAUGHTON: Liberal Party policy is not necessarily very good for the education system of the people at large. That is a very poor basis on which to present legislation to Parliament. If that is not the Minister's purpose, I believe it is up to him to give better reasons than he has already given for the presentation of this Bill.

There was a move by the Minister to remove Labor members of Parliament from a school council; namely, the Hon. Lyla Elliott who sits in this Chamber, and Mr Skidmore who sits in the Legislative Assembly.

The Hon. G. C. MacKinnon: I left one on.

The Hon. R. F. CLAUGHTON: There was no good basis for that action. It was not requested by the council of the school and no objections had come from the school or the people in the area. From what we heard we believe those members were doing an extremely good job on the council but because they did not fit in with the Minister's political ideology he took that action.

The Hon. G. E. Masters: He would have done the same thing had they been Liberal members.

The Hon. R. F. CLAUGHTON: If the Minister is attempting to remove the autonomy of the colleges in respect of their relationship with their staffs, I suggest it is not a very good basis for the Bill. If that is not the reason, it is up to the Minister to demonstrate what the better reasons are.

Again, we have the action of the Liberal Party in setting up students' associations in the schools. That action had no other purpose, I suggest, than to politicise the education system with the intention of subverting the unformed and forming minds of the young people.

The Hon. G. C. MacKinnon: What are you talking about now?

The Hon. R. F CLAUGHTON: If the purpose of this piece of legislation is to give the Minister greater control over the training institutions, through which he may be better able to implement the same kind of scheme of creating Liberal Party cells within the colleges, again I suggest it is not a good reason for bringing this legislation to Parliament.

The Hon. G. C. MacKinnon: You are talking arrant nonsense.

The Hon. R. F. CLAUGHTON: It is again something that would act against the best interests of the education system and of the public, generally; and if it is not the reason for this legislation coming to the Parliament, then the Minister is required to give better reasons than he has.

The Hon. G. C. MacKinnon: You have made that point. Sit down and I will give you some.

The Hon. R. F. CLAUGHTON: A further example, and one which again illustrates the manner in which the Minister has interfered with the board or authorities in the field of education, as is being done in this instance, is that of the Pre-School Education Board. Because there was a disagreement between the board and the Minister, the Minister deliberately set about to destroy the board and to create it in his own mould to make it a tame cat to him. If that is the purpose of this legislation—to create a tame cat organisation out of the college boards—then I suggest it is not good enough reason for presenting legislation, and there is a need for the Minister to explain further just what are the reasons.

I could go on to give further examples, but I think I have given sufficient to show the very serious political interference with the education system indulged in by this Minister. They are examples in respect of which the public should feel some alarm, and they are good reasons that we should tread carefully in agreeing to the proposal before us.

The real issue in what is taking place here involves the diminution of the autonomy of the boards. At this point the staffs of the colleges, if they have a problem concerning their salaries and conditions—but, more importantly, their conditions—can consult with their boards and the matter can be resolved between the boards. If it is a matter that cannot be attended to within the existing awards

applying to persons employed in the colleges, it must be taken to the Industrial Commission. It is the Industrial Commission which should resolve such problems.

The virtue of the present system is that each college can deal with its own staff. In respect of matters affecting all colleges, under the present arrangements one college is the respondent, and the others are made aware of the matter, and they act collectively. I believe a recent decision was made in respect of which a college was the respondent, and the costs of the action were shared between each of the boards. That illustrates that the Act as it is presently framed is working well and there is no conflict between the colleges as a result of its provisions.

There is provision in the Act for the Minister to oversee what takes place, but the important feature is that the colleges are able to retain their freedom to act within each college in the interests of each college. If serious problems arise we on this side would look sympathetically at any proposals to amend the Act. I do not think the Minister can claim that we have been unco-operative in this respect in the past. Where the Minister has been able to justify the action he has taken, it has not been difficult for us to see the reasons that we should support him.

It would be hoped that when dealing with the field of education there should be a common ground between the parties because it is an area which is so vital to the welfare of the community; and to a large extent that sort of co-operative approach does apply. There is a great deal of harmony in respect of what is seen as the desirable objectives in education. The Minister knows full well that in the policy proposals of his party which were put before the people before the last election, there are certain things which are significantly different from our policy. Fortunately most of those promises have not been proceeded with.

I have indicated that we on this side cannot support what the Minister is attempting to do by this Bill. We have great doubts as to the grounds on which he is attempting to make this alteration to the Act, and definite doubts have been expressed by people from the colleges.

The Hon. G. C. MacKinnon: That is a lie.

The Hon. R. F. CLAUGHTON: I refer particularly to the Academic Staff Association.

The Hon. G. C. MacKinnon: That is another.

The Hon. R. F. CLAUGHTON: That association forwarded notes to me.

The Hon. G. C. MacKinnon: Well, they forwarded them to you before they saw me.

The Hon. R. F. CLAUGHTON: Well, the Minister claims the association has no doubts. Perhaps I should read one or two of the comments at this stage.

The Hon. G. C. MacKinnon: I would have to label them as being absolutely untruthful and two-faced if they oppose it.

The Hon. R. F. CLAUGHTON: Let us examine what in fact has been said, and then the Minister will have a chance—

The Hon. G. C. MacKinnon: If they told you that they oppose the move, then they lied to me.

The Hon. R. F. CLAUGHTON: —to state categorically whether those people are being two-faced. Quite obviously the Minister has a greater knowledge than I have of what took place.

The Hon. G. C. MacKinnon: I happened to be there, and you were not.

The Hon. R. F. CLAUGHTON: I could not dispute that. The Minister most certainly was there and should be able to state what is the truth. If his comments are made in this place and recorded, others will be able to see to what extent his statements match up with their knowledge of what occurred. One of the comments made in the notes deals with the transfer of staff, and states—

> The proposed section 50A may,—

It does not say "will"; it is not categorical. It continues—

> —by making the Council the employer of all staff and employees, give Council the right to transfer staff from one college to another.

I believe that is a fair assessment of the effect of this amendment.

The Hon. G. C. MacKinnon: You might just as well state that pigs may fly, because that is a fair assessment, too.

The Hon. R. F. CLAUGHTON: It is not an untruth as the Minister was saying.

The Hon. G. C. MacKinnon: They brought that up with me and I gave them a categorical assurance. So they are being quite dishonest by bringing it up in that form, aren't they?

The Hon. R. F. CLAUGHTON: If the Minister has given a categorical assurance, then the next sentence surprises me.

The Hon. G. C. MacKinnon: That makes two of us.

The Hon. R. F. CLAUGHTON: It reads—

> If this is the government's intention, it has not been made clear at this time.

The Hon. I. G. Pratt: Is this an official communication from these people?

The Hon. R. F. CLAUGHTON: I understand it is from the Academic Staff Association.

The Hon. I. G. Pratt: Has it officially given you these views?

The Hon. R. F. CLAUGHTON: That is what I am saying.

The Hon. I. G. Pratt: I just wanted to be sure.

The Hon. R. F. CLAUGHTON: I am not in the habit of telling lies, Mr Pratt. I have said several times that these notes were forwarded to me from the Academic Staff Association . That is a plain statement of fact which requires no enlargement.

The Minister now has a chance to deny that it is the intention of the Government for the council to use its power to transfer staff. He does not deny that the council is given such power under this amendment. We know from previous statements made by the Minister that we must view his comments somewhat cautiously. For example, he said he would remove all fees payable in respect of children attending pre-schools, but he did not say when. If the staffs are concerned about the Minister's statement now compared with what might apply next year, I think on previous experience they have good reason to feel some concern.

If it is not the intention of the Government that the council should use this power to transfer staff, then let us write that into the Bill. Then there would be no cause for concern on the part of the staffs of the colleges because all the doubts would be removed completely. I would appreciate the Minister taking that action, and I am sure the staffs also would appreciate it. Again, if it is not the intention of the Government to use this amendment to transfer staff, then the amendment is not necessary and there must be some other purpose for it.

The association also said—

> The full significance of the suggested new section 50A in connection with the determination of salaries is unclear.

I am sure that could be said to be true. It continues—

> But it is possible that the new section, in the context of the Teacher Education Act, would give a Minister for Education of the day the power to influence in practical terms the salaries and conditions of service in a college, by controlling funds available to the board of that college. In other words the section may give a government the power, in practice, to impede the implementation of determinations of the Industrial Commission by restricting the funds needed for the application of these awards and so disrupting the balance of expenditure within the colleges.

That is a fairly serious matter and I believe it gives us a reason to oppose the amending legislation before us. If this is what the Bill sets out to achieve and it is not the intention of the Minister that that be so, the amending legislation should be withdrawn to give the Minister time to bring in a more acceptable amendment.

Section 51 of the Teacher Education Act makes plain the intention that the determinations of the Industrial Commission should prevail. The Minister did not state in his second reading speech that he intends that situation to continue but if the effect of the amendment is that this will happen the amendment is not desirable.

I had originally intended to raise those two matters at the Committee stage, but the Minister now has an opportunity to consider them and to make comment upon them. I repeat that the purpose of the Bill is not as stated. The purpose of the Bill is to enable the Minister, in his usual arrogant way, to exert his power upon people who have the temerity to disagree with him. I do not think that is the way we should set about our business in this Parliament. I oppose the Bill.

THE HON. I. G. PRATT (Lower West) [4.31 p.m.]: The purpose of the Legislative Council is to review legislation which is before it. I think today we are showing very well that this is the purpose of the Council and that it is fulfilling its responsibilities because in the opportunity provided to the Opposition today the chance has been taken to have a look at the Bill and discuss it. The opportunity has been taken to heap a liberal amount of abuse upon the Minister, the Government, and the Liberal Party but in an examination of the Bill itself no fault has been found.

In my examination of the Bill and of the Minister's second reading speech I can find no fault either. I must join the Hon. Roy Claughton in that manner because he also could find no fault with the Bill. I support it.

THE HON. G. C. MacKINNON (South West—Minister for Education) [4.33 p.m.]: I suppose it is par for the course, as we are getting close to an election, for members opposite to start throwing around the word "arrogant". If one does not make up one's mind about something we are said to be weak; and if one does make up one's mind about anything we are said to be arrogant.

Let us consider the degree of arrogance which has been used in this situation. There are five colleges. When the original Act was introduced by Mr Evans, the then Minister for Education, it was clear from his speech that he intended the employing authority, for the purpose of arbitration and conciliation in respect of pay and conditions applicable to pay, to be the council representing all the colleges; and not the stupid definition put up by the last speaker.

The Hon. D. W. Cooley: Do you mean Mr Pratt or Mr Claughton?

The Hon. G. C. MacKINNON: I am sorry; I mean the speaker previous to Mr Pratt; that is, Mr Claughton. Mr Pratt does not talk that sort of rubbish.

The Hon. F. R. Claughton: He talks a different sort of rubbish!

The Hon. G. C. MacKINNON: The situation was quite clear and every college understood it; but of course Mt. Lawley has to be a little different. One only has to know how Mr Skidmore was voted onto the board of that college to realise how different it can be. That college decided it would go it alone. I asked the college not to do so at the specific request of all the other colleges except one which has never got in touch with me because, I suppose, it knew what I was doing. The other colleges specifically asked me to take the action which I took.

At the college board meetings there are a number of representatives from the community and a number of academic staff representatives. Of course, the academic staff is always there; so if two or three of the community representatives stay away from the meeting the academic staff has the floor. This happens frequently.

I may as well inform the House how Mr Skidmore was voted onto the board of Mt. Lawley College. The suspension of Standing Orders was moved because it was desired to nominate another member. Mr Skidmore was nominated but it was pointed out that the meeting did not have his acceptance. His letter of acceptance was pulled out of a pocket and he was voted onto the board. This is a very ethical sort of thing to do! Mr Claughton applauds this underhand action.

Let us consider the only other matter about which Mr Claughton complained; that is, the transfer of staff. When they came to see me I said that the amendment had nothing whatever to do with that matter. They said, "Will you guarantee that there will be no transfer of staff in future?" I said, "I will not give that guarantee because that sort of grizzle is aimed at one thing alone". In the Partridge Commission report there is a recommendation that Graylands Teachers College should cease to exist. Nothing has been done about that, but they know it is in the report. There is also the recommendation that the CAE should become one multicampus college. If that were to happen the academic staff at Graylands would hope to be transferred into positions in the rest of the colleges. Does that make sense? It amounts to ordinary and decent humanity also. But there are certain very selfish elements in the Academic Staff Association which apparently wished to make damn sure that cannot possibly happen.

The PRESIDENT: Order! The Minister means "wished to make sure".

The Hon. G. C. MacKINNON: Very sure. I am sorry, Mr President; I get very upset with the selfish attitude which is conveyed in this House in the form of half-truths. There is nothing whatsoever in this Bill regarding that matter. The Bill is purely and simply what a majority of the college boards wants. If a vote of the full board of Mt. Lawley College were taken, that college would also agree to it because on the day the vote was taken on the motion to persist with the college's unilateral action in the Industrial Commission it was won by only one vote. Four of the community representatives were not present and one of those who was not present came to see me with a deputation and he was opposed to the action that was taken. So even if he had been there the vote would have been even. All the others were in favour of what I am doing.

The intention of this Bill is purely and simply that action before the Industrial Commission, the Campbell Commission, or any other commission will be taken by the council for and on behalf of the colleges. We could have said quite rightly, "We will establish one board to take the action and it will flow to all the others". That could have been done quite easily, but I would not and could not accept the proposition that each and every board could severally and separately take a case before the Industrial Commission, the Campbell Commission, or any other commission. That proposition is absurd.

I am only underlining what the Labor Party decided when it brought in the parent Act which was carried by both Houses of Parliament. When I spoke to members of the Mt. Lawley College board I got the very distinct impression that there was a certain amount of relief. I said to them, "Fair enough, the commission has said that it will accept an approach from each and every board because our interpretation of the Act—and it is a possible interpretation if one reads it carefully—is that you are all employers in this sense". They said, "We have decided to persist in order to test it". I said, "I appreciate the fact you have done this and have brought it to my attention. This is not an unusual situation. I will take it to Parliament and see whether it will agree to an amendment of the law". They said, "Can you do that?" I said, "Yes, it is done frequently." Often one believes a piece of legislation to be perfectly all right. Legislation which is years old has been taken to a judge for a ruling and suddenly we find that the law does not mean what we thought it meant. Therefore, we amend it.

The members of the board said, "That is an easy solution. It gets us off the hook and clears the air for everybody". They seemed to go away quite happily. They did not want to object. I have been

to the college since then. They asked me whether the Academic Staff Association could see me. We had a very happy discussion. They asked me a lot of questions, all of which I was able to answer, which answers they accepted—even the one with regard to transfer of staff. I said that there was no intention to change that aspect but I would not close off the matter because of the possible need of Graylands or any other circumstances.

Even if Mt. Lawley College wanted a specialist and asked the council for one to be transferred from another college, it ought to be possible to do that, even though there was no intention of making it a policy matter and I could not envisage the council wanting to do it anyway, because it is not involved in that sort of area.

I was a little alarmed at some of the accusations which were made. I suppose it is a fair indication of the paucity of the argument that Mr Skidmore, for purely personal reasons, should attack me personally and say that everyone ought to be amazed at my arrogance.

A number of other matters were raised about policy. I still believe that when one has a personal interest, for instance, when one's wife is a pre-school teacher, one should be classed as having a personal interest and not allowed to discuss the matter. I guess one would be a little biased, although I do not know why.

The Hon. R. F. Claughton: That would apply to people whose wives are shareholders.

The Hon. G. C. MacKINNON: That is the same sort of thing. I hope the House will support the Bill.

The PRESIDENT: The question is that the Bill be now read a second time. Those in favour say "Aye".

Government Members: Aye!

The Hon. R. F. Claughton: No.

The Hon. G. C. MacKinnon: I distinctly heard one voice and one voice alone from the Opposition. I know there are not many of them.

The PRESIDENT: I share the view that there was only one dissenting voice. To satisfy the situation I propose to put the question again. Perhaps members may vote in the way they wish to vote.

Question put and a division taken with the following result—

Ayes—15

Hon. C. R. Abbey	Hon. G. E. Masters
Hon. N. E. Baxter	Hon. N. McNeill
Hon. G. W. Berry	Hon. I. G. Medcalf
Hon. Clive Griffiths	Hon. I. G. Pratt
Hon. J. Heitman	Hon. J. C. Tozer
Hon. T. Knight	Hon. R. J. L. Williams
Hon. A. A. Lewis	Hon. V. J. Ferry
Hon. G. C. MacKinnon	*(Teller)*

Noes—7

Hon. R. F. Claughton	Hon. R. T. Leeson
Hon. D. W. Cooley	Hon. Grace Vaughan
Hon. D. K. Dans	Hon. Lyla Elliott
Hon. S. J. Dellar	*(Teller)*

Pair

Aye	No
Hon. D. J. Wordsworth	Hon. R. Thompson

Question thus passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. G. C. MacKinnon (Minister for Education) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 50A added—

The Hon. R. F. CLAUGHTON: In his reply the Minister gave very little extra information except—

The Hon. G. C. MacKinnon: There is no need for any extra. It was all there in the first place.

The Hon. R. F. CLAUGHTON: Members might recall that I used the term "arrogant" in reference to the Minister.

The Hon. G. C. MacKinnon: Mr Pratt said that there was everything in it that he needed.

The Hon. R. F. CLAUGHTON: We know Mr Pratt is easily satisfied, and he will be doing as he is directed.

The Hon. G. C. MacKinnon: No he won't.

The Hon. R. F. CLAUGHTON: He will vote in support of the Government. Nothing Mr Pratt said told us anything about the Bill. All he said was that he supported the Minister.

The Hon. N. McNeill: Are you going to conform to the directions you have been given?

The Hon. R. F. CLAUGHTON: Perhaps Mr McNeill might like to rise to his feet and elaborate on what he means by his interjection because his party is extremely good on directions.

The Hon. V. J. Ferry: At least we know where we are going.

The Hon. D. W. Cooley: Remember the 13th November?

Several members interjected.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Order! I have been very tolerant with the interjections. Will the honourable member please address his remarks to the Chair and confine the relevance of his remarks to clause 2?

The Hon. R. F. CLAUGHTON: Before the interjections I was dealing with the clause and saying that the Minister had given very little extra information in his reply. All he had done was to make some extended reference to the transfer of staff

and he indicated that the report on post-secondary education contained a recommendation that the Graylands college should be abolished and if that recommendation were adopted there would be a necessity to do something with the staff. In point of fact the Minister has denied that there is any intention to take action in the matter of transfers.

The Hon. G. C. MacKinnon: That is right.

The Hon. R. F. CLAUGHTON: However, in his reply the Minister indicated that there could very well be an intention to do something about transfers. If the Minister had said honestly that one of the intentions of the amendment was to allow for the transfer of staff—

The Hon. G. C. MacKinnon: That is utter rubbish. I have said there is no intention to alter the situation which already exists and has always existed with regard to this. There have never been transfers, but if they are found necessary, it is possible to effect them with or without the amendment. We do not want to block them off. That is the situation which has always applied.

The Hon. R. F. CLAUGHTON: The Minister has admitted that this amendment allows transfers.

The Hon. G. C. MacKinnon: It does not alter the situation. It makes the situation what it was thought to be before Mr. Lawley took the unilateral action. That is what I have said and said and said.

The Hon. R. F. CLAUGHTON: By making the council the employer it was possible for staff to be transferred from one college to another, and the Minister agreed that that was so.

The Hon. G. C. MacKinnon: I said it was in the Bill.

The Hon. R. F. CLAUGHTON: It is recorded.

The Hon. G. C. MacKinnon: In that case I will clarify it.

The Hon. R. F. CLAUGHTON: The Minister spent some time clarifying it, but only got himself further into trouble. I suggest that if it is not the intention of the Minister to give the power to transfer staff, then an amendment should be made to ensure that it cannot be done. The Minister has said that if Graylands is disbanded, then there will be a need to transfer staff and that under the Bill this power will be available. Surely if the Minister is a reasonable man, he will realise that this is a matter of concern to the staffs of the colleges. They want to know their position. There is no doubt that the amendment makes the council the employer and gives the council, in association with the Minister, the power in respect of the remuneration and conditions of service.

So the concern of the academic staff is real and I hope the Minister will reconsider the situation and not proceed with the amendment.

The Hon. I. G. PRATT: I thought I understood the situation, but I would like the Minister to confirm this. It appears to me that this Bill does not give the power to transfer, neither does it preclude the transfers. Therefore it appears to me that it has nothing at all to do with transfers. If there is something I have missed, perhaps the Minister could explain it.

The Hon. G. C. MacKINNON: I thank the honourable member for having allowed the scales to fall from his eyes because, in five minutes flat, I have changed from being arrogant to being a reasonable man.

The Hon. S. J. Dellar: You are versatile.

The Hon. R. F. Claughton: I was giving you the opportunity to be reasonable.

The Hon. G. C. MacKINNON: Up until about a month ago everyone believed that for the purposes of the Industrial Arbitration Act and any award or industrial agreement thereunder the council was the employer of the staff of the colleges. However, apparently the commission decided that section 50 was ambiguous, so this amendment was introduced. It states that notwithstanding section 50, and for the purposes of the Industrial Arbitration Act and any award or industrial agreement thereunder the council is the employer. Automatically of course it excludes the council as employer for the purpose of putting man A instead of man B into a job at the college itself. That position is unchanged.

The latter part of proposed new section 50A has been included for obvious reasons. All the money goes to the boards, not to the council. The situation is so simple that it really must take a tremendous exercise in white anting, or whatever it might be, to produce these doubts in anyone's mind. If Mr Claughton can do this, I am terrified he might put the doubts in to the minds of other people although I know of no-one else with any such doubts.

The provision has been included for the purposes of the Industrial Arbitration Act and any award or industrial agreement thereunder. It is for those purposes that the council is the employer. That is about the sixth time I have explained it and it is the last time I will do so.

The Hon. R. F. CLAUGHTON: The Minister has at last given a clear statement.

The Hon. G. C. MacKinnon: I have said it six times.

The Hon. G. E. Masters: You said he was a reasonable man.

The Hon. R. F. CLAUGHTON: I gave him the opportunity to be a reasonable man, and I will be satisfied with the

explanation he has given. It will now be available to others who may have had doubts.

The Hon. G. C. MacKinnon: Nobody else has any doubts.

The Hon. R. F. CLAUGHTON: The Minister may like to think so now but the comments I read out indicate there are those who had doubts. We have eventually forced the Minister to clarify the position.

The Hon. G. C. MacKinnon: By merely reading out the clause in the Bill! That is all I did; it is self-explanatory.

The Hon. R. F. CLAUGHTON: When replying to the second reading debate the Minister ignored the matter I raised concerning the determination of salaries. The question is raised by the staff association that in the context of the Teacher Education Act the Minister of the day will have the power to influence in practical terms the salaries and conditions of service in the college. Their concern is related to the fact that the Minister through the council is able to control the funds available—that is the budget of each college.

The Hon. G. C. MacKinnon: That is rubbish. They are funded from Canberra. You should talk to Senator Carrick.

The Hon. R. F. CLAUGHTON: The Minister can reply when I have finished.

The Hon. G. C. MacKinnon: I am saving you time.

The Hon. R. F. CLAUGHTON: It is not my time the Minister should be worried about. I am presenting the views of people who have made these representations and I think they are entitled to receive responsible answers.

The Hon. G. C. MacKinnon: I have given you one. Address it to Senator Carrick.

The Hon. R. F. CLAUGHTON: It is difficult to obtain sensible answers from the Minister, but I hope we will finally again get him to the position of making the situation unambiguous.

This is an area where the staff has expressed concern that the salaries and terms and conditions will be influenced by the funds available. In other words the section will give the Government power to prevent the implementation of the determinations of the Industrial Commission by restricting the funds needed for the application of their services and so absorbing the balance of the expenditure within the colleges. I hope the Minister will comment on that. Since the query has been raised I think the Minister should answer it.

The Hon. G. C. MacKINNON: I think the first comment that should be made is that we as taxpayers deplore a situation where a member of the academic staff of the colleges, which are training our teachers, should be so abysmally ignorant of the methods of funding Government money as to make that sort of complaint and ask Mr Claughton to publicise it. It is deplorable. The mind boggles at the thought that these people will be responsible for teaching my grandchildren. Is it not an alarming situation?

The Hon. N. McNeill: It would seem that there is a dismal future for them.

The Hon. G. C. MacKINNON: It does not work in the way Mr Claughton thinks it does. Mr Claughton should have been able to reply in five lines that such a thing just could not apply. The CAE is funded from the Commonwealth. It puts in its budget and a member of the staff cannot be underpaid because that would be a breach of the law. Cuts can be made by not meeting one or two undertakings; a cut can be made by omitting a programme or two if that is necessary. But the budget cannot be cut by saying "We will pay all the academic staff $1 000 less." The situation is incredible.

In fact there was a determination made by Justice Campbell—who makes the determinations for the Commonwealth Government across the board in the whole of Australia—to determine the salaries payable to academic staffs in all institutions.

He arranged for this salary determination and when it was finally made he allowed a salary of a different scale on behalf of universities, and one or two of the academic staffs at the colleges expressed alarm at this because they said their job was just as onerous as that of the people at the universities. I do not think this is a genuine complaint because I feel they should not get as much as the people in the university.

However it was suggested that an approach be made to the State Industrial Commission, and I have already explained how the commission permitted them to put their claims forward, and I have indicated that for the purposes of funding they are under the Commonwealth Government and the budget was checked on the basis of the Campbell commission determination. If a State did for some peculiar reason give Mt. Lawley or any other college an increase over that determination individually or across the board, where would the money come from? The State would not advance it. It is not listed. We do not fund the CAE; it is not part of our agreement and the colleges completely understand the position.

On the other hand if they went to the Commonwealth Treasury and said "This is the determination made by the State authority in relation to our college, will you please fund it?" I know the answer they would get from the Commonwealth Treasury, because the State commission would have no authority at all in such a situation.

The Hon. R. F. CLAUGHTON: I cannot believe the Minister is telling us that the wages of gardeners, for instance, at colleges are determined in this way.

The Hon. G. C. MacKinnon: I take it that Canberra adopts them.

The Hon. R. F. CLAUGHTON: If through the year an award is made which affects their wages I assume that would be taken up by the commission.

The Hon. G. C. MacKinnon: They may belong to a Commonwealth union.

The Hon. R. F. CLAUGHTON: Colleges can only pay these moneys out of the funds available to them under the process described by the Minister.

The Hon. G. C. MacKinnon: Send your complaint to Senator Carrick.

The Hon. R. F. CLAUGHTON: It is not Senator Carrick who is presenting this Bill.

The Hon. G. C. MacKinnon: This Bill has nothing to do with what you are talking about, and I am surprised the Deputy Chairman is allowing you to continue in this manner.

The Hon. R. F. CLAUGHTON: The people from the colleges who have spoken to the Minister are confused.

The Hon. G. C. MacKinnon: They are not confused.

The Hon. R. F. CLAUGHTON: The words I would like to stress are that for the purposes of the Industrial Arbitration Act and any award or industrial agreement thereunder the Council is the employer.

The Hon. G. C. MacKinnon: That is right.

The Hon. R. F. CLAUGHTON: It deals with the salaries and terms and conditions of those who are very much concerned with this Bill. I do not know why the Minister should tell us it does not. It surely concerns the wages of a gardener.

The Hon. G. C. MacKinnon: You are talking about the funding; the money comes from Canberra.

The Hon. R. F. CLAUGHTON: Under this Bill the Minister and the council will determine what the salaries and terms and conditions will be. If through the year a change is made in the salaries and wages I assume the Minister will expect the commission to pay this increase. Would that be true?

The Hon. G. C. MacKinnon: I guess so. It always has.

The Hon. R. F. CLAUGHTON: Then that makes nonsense of the Minister's previous comment.

The Hon. G. C. MacKinnon: Of course it does not.

The DEPUTY CHAIRMAN (The Hon. R. J. L. Williams): I would refer the honourable member to Standing Order 89. I have been extremely tolerant and I will continue to exercise that tolerance but I will not permit continuous and tedious repetition under this Standing Order. I do not propose to subject members to continuous and tedious repetition.

The Hon. R. F. CLAUGHTON: I will not quarrel with you on that, Mr Deputy Chairman, but I will stay on my feet until I get a satisfactory answer from the Minister.

The Hon. G. C. MacKinnon: You have proved that is impossible.

The Hon. R. F. CLAUGHTON: That is not so. We proceed from the previous discussion and anyone reading it would get the answer they were after. The Minister, however, has thrown the matter into further confusion, and it is not a satisfactory manner in which to leave it. The Minister has said that if we leave the situation as it is then a college which may or may not be acting as a respondent for all the other colleges will be entitled to approach the Industrial Commission and make a representation so far as the terms and conditions of the employees within its sphere are concerned.

The Hon. G. C. MacKinnon: I did not say that.

The Hon. R. F. CLAUGHTON: I find it very difficult to understand precisely what the Minister has said. He has objected to the current situation. According to the comment of the court, each of the colleges is regarded as an employer, but the Minister says that is wrong. One assumes there must be some reason for its being wrong.

If it is wrong for a college to act before the court, then what makes it right for the council, on behalf of the college, to act before the court? Will the situation really be improved? If the various unions or staff associations put a claim before the court and a determination is made giving an increase in salaries or wages, then if the Minister has informed us correctly, I would assume that amount will be paid by the Australian Government.

On the other hand, if this Bill proceeds, it will not be a college or the colleges collectively appearing before the commission, but the council will appear before the Commission with the union. If a similar determination is made, I assume the funds will be provided as under the present Act.

Given that situation, where is the justification for what is happening here? The Minister told us that a difficulty has arisen, but he has not told us where the difficulty is. He indicated that maybe the colleges will not be able to obtain funds from an Australian Government source. However, on examination, we find that is not so. Whatever changes take place under awards, the funds automatically come through the Tertiary Education Commission. I can say only that the Minister is being deliberately misleading, or that he does not understand the legislation he has brought to us.

The Hon. G. C. MacKINNON: I understand the amendment, and the amendment will not affect this in any way at all. I do not know what the honourable member's comments are all about.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

SKELETON WEED (ERADICATION FUND) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 19th October.

THE HON. J. HEITMAN (Upper West) [5.19 p.m.]: It is common knowledge that everyone expected the introduction of this Bill to keep the skeleton weed eradication fund going for another three years or more. Since the first finding of skeleton weed, more outbreaks have been found. It has become necessary to put the responsibility back on the farmer to help pay for some of the work necessary to eradicate the weed.

Quite a few new outbreaks of skeleton weed have been found in the last 12 months, and I would like to talk particularly about the latest one in the Eradu district. It appears that this outbreak has been present for something like 10 years, but the sharefarmer on the property did not worry about it because he did not own the property. The owner of the property did not live there and he has now bought big properties adjoining the original one until he now owns an area of about eight miles by three miles, or some 10 000 to 12 000 acres.

In this area sheep have been transported from farm to farm and from paddock to paddock, and it is quite likely that the skeleton weed has been transported also. It has been discovered that the particular sharefarmer to whom I referred harvested his crops last year and went over such large patches of skeleton weed that they must have been obvious to anyone. However, he made no attempt to report the weed or even to go around it.

Stock does eat skeleton weed, and it is only when farmers crop certain areas that they are aware of its presence. Even when the stock eats the weed down to ground level, it will still send up shoots and seed and propagate itself into large areas.

Last year in this area some 80 or 90 farmers took part in the search and eradication scheme. Letters were written to farmers within 100 miles of the area in an endeavour to find at least 200 farmers who would guarantee to take a part in the search and to state the days that they would be available when the search recommences.

If the farmers do not help in the search, the weed can spread further and further. As it is the most obnoxious weed to come to this State for some time, it behoves everyone to do what they can to assist in its eradication. It is not good enough for a farmer to say, "I am paying my $30 a year so I will sit back and let others do the searching".

If one watches a search in progress, one sees the farmers walking back and forth in the paddocks within two or three feet of each other. When they go through a paddock, they turn around and retrace their steps. Perhaps they will find another outbreak, because the weed is very hard to find at a certain stage.

It is very necessary that the Agriculture Protection Board inspectors should have help from the farming community despite the fact that the farmers pay something for the eradication.

My purpose in speaking to the Bill is to be able to congratulate the Agriculture Protection Board and the Government for extending for another three years the fund provided by the farmers. I hope that the farmers around the area I referred to will assist in the search and eradication of skeleton weed and thus save the State from a much bigger outbreak. I support the Bill.

THE HON. N. McNEILL (Lower West—Minister for Justice) [5.23 p.m.]: I wish to acknowledge the support that the Opposition and Mr Heitman have given the Bill, and to repeat that this legislation is important, as most speakers have acknowledged. I join with Mr Heitman in the sentiments he expressed a moment ago in regard to the activities of the officers of the Agriculture Protection Board. His remarks will be conveyed to the department and I am sure they will be appreciated.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

JOONDALUP CENTRE BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

PSYCHOLOGISTS REGISTRATION BILL

In Committee

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

Clauses 1 and 2 put and passed.

Clause 3: Interpretation—

The Hon. GRACE VAUGHAN: The extent to which I can explain why I wish to delete the interpretation "hypnosis" will be determined by your tolerance, Sir.

In my second reading speech I announced that unless I could get some satisfaction from the Minister as to his awareness of what this Bill will do, I would move amendments.

The definition of "hypnosis" is related to another amendment I have on the notice paper whereby I propose to ask the Committee to vote against clause 52. If the Committee agrees to vote against the clause, we will then not need the definition of "hypnosis".

I said before that in attempting to define any psychological practices, we are treading on dangerous ground.

This definition includes a wide range of practices, including hypnotism, mesmerism, and any similar act. The statement was made that a person could be hypnotised by being touched on the back of the neck. I cannot agree with this. I admit some people may feel very relaxed and happy with a little touch on the back of the neck—I do not mind it myself—but I hardly think it would bring about the sort of state the Bill is attempting to describe.

The Hon. N. E. Baxter: Who said that?

The Hon. GRACE VAUGHAN: Mr Williams made that statement.

The Hon. R. J. L. Williams: I did not; I may have said that neck manipulation could bring about a state of hypnosis.

The Hon. GRACE VAUGHAN: It would take a volume to describe the practice of psychology if one were to adopt a scientific approach and include all the limitations, variations and hypotheses, and I do not intend to go into that now. I do not believe a psychological practice can be defined, and I believe the Bill is attempting to do a dangerous thing by setting up a psychological board which decides who shall and shall not be described as a hypnotist. I move an amendment—

Page 2, lines 9 to 15—Delete the interpretation "hypnosis".

The Hon. N. E. BAXTER: I am not prepared to accept the amendment. I explained clearly during the second reading debate the reason for including hypnotists in the Bill; namely, to avoid the possibility of people suffering traumatic experiences while under hypnosis. There have even been cases of rape by people under hypnosis. Another reason for their inclusion was that they are included in the respective Acts of other States and it would be quite ridiculous to establish in Western Australia a separate piece of legislation just for that purpose.

Amendment put and negatived.

Clause put and passed.

Clause 4: Act does not apply to certain persons—

The Hon. GRACE VAUGHAN: I intend to move for the deletion of the first two subclauses, which seek to exempt certain people from the provisions of this legislation. It is obviously a response to a request from pressure groups within the community; in fact, these people were not exempted in the original draft of the Bill. I presume the clause will exempt these people from everything, including clause 22, which confers on certain people the right to be called a psychologist; namely, only those who are registered. Does that mean medical practitioners may now call themselves psychologists? This is a very wide-ranging statement, and I believe this clause is inconsistent with the rest of the Bill.

A legally qualified medical practitioner certainly is not qualified to carry out psychological practices. The course he undertakes would include only a few mandatory lectures on psychology, depending upon the medical school he attended. Certainly, he is taught matters of physiology related to psychology, but it does not follow that because a doctor is aware of the physiology of the body, he is aware of the psyche.

In fact, a leading medical educationist recently proclaimed that the average medical practitioner was ill-equipped to face the problem of relating to other human beings because most of his time had been spent in the acquisition of the vast amount of technical knowledge necessary for him to pass his examinations and put up a shingle stating that he is a medical practitioner. But that does not make him a psychologist, well versed in psychological practices, any more than the lectures in physiology or anatomy which are a mandatory part of any medical course would make him a physiologist or qualified in those subjects.

In any willy nilly exclusion of medical practitioners there is immediately the supposition they know everything about psychology and psychological practices; it implies that people who are versed in allied practices are not to be exempted because they come under clause 5. Therefore medicos are immediately placed in a

privileged position which any person well versed in the discipline of psychology would know is quite unwarranted.

In the second subclause there is a clumsy attempt to exclude religious counselling from the provisions of the Act; the people who are to be exempt are those who are licensed to celebrate marriages. If this provision had been inserted so that certain people in the community who appear to be a threat may be silenced, there may be some justification for it. But the Government cannot do it in this sort of way. It must be honest and say, "We are going to introduce certain legislation in order that we can stop certain people from doing specific things."

I do not believe it is necessary to introduce such sweeping exemptions. If there are people who want to call themselves psychologists, or include some sort of title after their names in their dealings with the public this is covered specifically in other areas of the Bill. I do not understand to what this clause applies. Are these people also to be exempt from the provisions of clause 22? Subclause (2) of clause 4 says only that they are exempt from all provisions except sections 52 and 53, which relate to people purporting to be psychologists.

I do not believe there is a need for either of these subclauses; it appears to be an illogical move caused by some sort of pressures from a certain section of the community. It is a dangerous precedent, because the practice of psychology should be undertaken only by properly trained people. Certainly, just because a doctor says, "I have some theories about psychology, and about the practice which has emanated from those theories" he is not entitled to call himself a psychologist.

I recently read an article by the Professor of Psychology from the Institute of Psychiatry, London (Professor Eysenck), who very much questioned the sorts of psychological practices which are being accepted as reliable and valid when in fact he says they are based on very shaky theories.

If we are making an attempt to control the number of people who set themselves up as psychologists, then I think it is a worthy move, but we should be careful not to elaborate too much. All that is necessary is contained in the parts of the Bill which I have not attempted to amend, and they are worth-while provisions.

I feel that by including the provisions in subclauses (1) and (2) we are making a very serious mistake in exempting only certain classes of people. In particular it is a mistake to provide for the wholesale exemption of medical practitioners. We should provide that these practices may be carried out by medically qualified psychiatrists, and use appropriate wording to frame the provision.

To include the words "in the ordinary course of medical practice" is to make the exemption very sweeping. I do not know why ministers of religion authorised to celebrate marriages are to be exempt. By including them under a specific exemption provision we are saying that other people in the community who carry out counselling related to psychological practices are not specifically exempted.

In my second reading speech I mentioned that some of these people feel they are breaking the law if they engage in some form of psychological practice. In this respect I have placed on the notice paper amendments which seek to delete the reference to "performance of psychological practice".

Immediately we get into that area we are making an attempt to define psychological practice. According to the Minister it would be foolish to attempt to do that, but in fact he is doing that by defining "hypnosis" and prohibiting certain people from using hypnosis. I should point out that further on in the Bill there is exemption of what might be termed psychological practices. Many social scientists and physiologists would question that hypnosis is a psychological practice.

For the reasons I have given I move an amendment—

> Page 3—Delete subclauses (1) and (2).

The Hon. N. E. BAXTER: I have never heard so much waffle as I heard from the honourable member. She seems to be the odd person out, because the States of Victoria, South Australia, and Tasmania have Acts which deal with the registration of psychologists. She is implying that the working party involved in the drawing up of the Bill before us, the working parties involved in the drawing up of the Bills in the three States I have mentioned, and the Parliaments that passed that legislation are all wrong.

Subclause (1) merely provides that the Act will not apply to anything done by a legally qualified medical practitioner in the ordinary course of medical practice. If a medical practitioner in the course of his practice counsels patients, there is no way under this legislation for action to be taken against him. The provision makes it clear that medical practitioners are to be exempt, because they carry out the practice of psychological counselling.

Dealing with the exemption of ministers of religion who are authorised to celebrate marriages, irrespective of what Mrs Vaughan has said about the original draft of the Bill, I should point out that we are now dealing with the Bill before us; and this Bill provides for the exemption

of priests and ministers of religion who are authorised to celebrate marriages. They are the only class of people exempted. This exemption will give them the right to continue what they have been doing over generations as ministers of religion.

The Hon. GRACE VAUGHAN: The Minister has not answered the queries I have raised. He should tell us from what these people are exempted. Dealing with subclause (1) I am aware that it contains a plain statement of fact and it applies to legally qualified medical practitioners who practise psychology in the ordinary course of medical treatment.

The Hon. N. E. Baxter: There is no argument about that exemption.

The Hon. GRACE VAUGHAN: The query I raise is this: If we go to the extent of exempting certain classes of people, then implicit in that is the fact that only medical practitioners and ministers of religion are exempted, whereas other people are not unless they are granted exemption under clause 5.

Anyone who has an understanding of the solution of social problems and the assistance given to people to enable them to adjust in society will know that psychological counselling, such as that performed by ministers of religion and medical practitioners, is used also by many other classes of people. Social workers, physiologists, penologists, welfare officers, and people who assist in psychiatric hospitals certainly carry out psychological practice.

There is a wide range of people in the professions who also do this, and they include teachers who, from the knowledge they gain in qualifying to become teachers, use a certain amount of psychology.

The Hon. N. E. Baxter: They are not excluded under subclause (3).

The Hon. GRACE VAUGHAN: But the Minister has not included them specifically in the exemption provision.

The Hon. N. E. Baxter: You should read the provision in clause 5.

The Hon. GRACE VAUGHAN: It states that the Minister may, on the recommendation of the board, grant exemption to any class of persons. Supposing the board decides that all matters relating to psychological practices must be referred back to a psychologist who is registered with the board, what confusion would result?

The Hon. R. J. L. Williams: None whatsoever. You are confusing the issue.

The Hon. GRACE VAUGHAN: The honourable member may have a limited knowledge of psychology. He knows he would have no problem in using psychology, because he has been a teacher in the Education Department.

The whole Bill refers to psychology and psychological practices. It does not relate to enclaves of people or bits of professions concerned with the welfare of people and their psychological adjustment and health.

By exempting certain classes of people, it is implicit in that part of the Bill that other people are not exempted, and anyone wishing to obtain exemption must apply under the provision in clause 5. The board would then decide whether or not to recommend to the Minister that such a person be exempted.

I say there is no need to spell out exemption for ministers of religion to enable them to counsel people in a spiritual and practical way. Ministers of religion are very useful in the community in helping people to adjust, and in doing practical things to help people to continue living in what they regard as a rat-race society. These remarks also apply to medical practitioners. There is an assumption that people like marriage guidance counsellors and those working in voluntary social welfare agencies are not permitted to use psychology to help others to adjust. If the Minister wants to exempt those people he should have said so.

The Hon. N. E. Baxter: I have not said that I intend to.

The Hon. GRACE VAUGHAN: By including only two classes of people under the exemption provision, there is an assumption that the other classes are not exempted.

The Hon. N. E. Baxter: Does not subclause (3) apply?

The Hon. GRACE VAUGHAN: These people have to make special application to the Minister for exemption. It is very disturbing and unsatisfactory that they have to apply to the Minister who, on the advice of the board, may grant exemption.

The comment of the Minister that certain other States have enacted similar legislation does not worry me. I am the president of the national social workers association; and I attended a conference at the weekend at which all the delegates from the other States expressed concern about the introduction of the Bill before us, because they thought that it would make psychological counselling and counselling practice the preserve of psychologists.

I am not arguing that psychologists should not be the principal people to be concerned with the discipline of psychology, and the psychological practices that emanate from that discipline.

The Hon. N. E. Baxter: You are doing a pretty good job arguing that way.

The DEPUTY CHAIRMAN (Clive Griffiths): Order! The honourable member is making it very difficult for me to associate what she is saying with subclauses (1) and (2).

The Hon. GRACE VAUGHAN: I do not wish to make your position difficult, Mr Deputy Chairman. I am trying to point out from the woolly thinking of the Minister that in presenting the Bill in which he exempts two classes of people, he is making the position difficult for others.

The Hon. N. E. Baxter: Who said that?

The Hon. GRACE VAUGHAN: The Minister said that marriage guidance counsellors and people involved in voluntary social welfare agency work would be able to use psychological counselling. Does he propose to exempt them?

The Hon. N. E. Baxter: I did not say they were exempted.

The Hon. GRACE VAUGHAN: I am pointing out that they are not exempted specifically, and that only two classes of people—medical practitioners and ministers of religion authorised to celebrate marriages—are exempted The assumption is that ministers of religion who are not authorised to celebrate marriages are not exempted.

The Hon. N. E. Baxter: That is what the Bill provides.

The Hon. GRACE VAUGHAN: But those ministers of religion also have to counsel people.

In order for a Minister to give advice to his flock he will have to have a little bit of paper from the Federal Parliament to say he can celebrate marriages. That is a ridiculous situation. We are further reducing the number of people in the community upon whom the legislation will smile. The Bill provides for some people to be able to do psychological counselling, as long as they do not call themselves psychologists. However, a medical practitioner will be exempted from the provisions of the Act, and he will be able to put up a notice to say he is a psychologist. Does that mean the Act will not affect medical practitioners at all?

The Hon. N. E. Baxter: No, if you read the Bill properly you will see it does not mean that.

The Hon. GRACE VAUGHAN: I have read the Bill. A medical practitioner will be able to put up a board to say he is a psychologist because the Bill specifically states that he is exempt.

It is my strong belief that the Minister has not seen the problems and the possibilities that could arise from venturing into an area and allowing people to do certain things irrespective of what the Act states. A psychologist may have done some economics as a unit in acquiring his or her knowledge, but such a person does not set himself or herself up as an economist or a sociologist. There is a difference between the acquisition of the knowledge of psychology and the performance of a psychologist.

I can assure the Minister I have received many calls and letters from people in the community who feel that to single out medical practitioners and ministers of religion is a disadvantageous decision in regard to other people who are professionals and who are well and truly trained in interpreting psychological problems in the carrying out of their profession.

The study of psychology is now encouraged to be taught to architects, environmentalists, and engineers. There is a need for those people to have a knowledge of psychology because all those professions fit in together. Medical practitioners are beginning to include psychology in their courses.

The Hon. N. E. Baxter: Are you dealing with the amendment, or are you making another second reading speech?

The Hon. GRACE VAUGHAN: I am emphasising the implications of the two subclauses under discussion, in the hope that the Minister will begin to understand the problems and possibilities of interpretation, and begin to understand how unnecessary they are in the Bill.

The Bill can be passed and become an Act, and put into effect, and the board will still have plenty of things to do. Another provision in the Bill sets out that the board has the right to grant registration subject to certain limitations. It may well be that the board will grant registration to psychologists with certain limitations. The Minister need not worry that the board will have nothing to do if my amendment is accepted. To allow a qualified medical practitioner to be exempted from the Act puts the Bill in the position where it can be questioned.

Will it be necessary for pressure groups to approach the Minister? When social workers and other people looked at the Bill they thought it was rather innocuous, but when it was found that certain people were to be singled out, it became obvious that other people in other professions were to be ignored. I know that under the Cabinet system of government, pressure groups have a say.

The Hon. N. E. Baxter: Pressure groups had nothing to do with this Bill, at all. You are only flying a kite.

The Hon. GRACE VAUGHAN: Pressure groups do have a say under the party system of government. Members of the medical profession are to be exempted, willy-nilly, from the provisions of the Bill.

The Hon. N. E. Baxter: There will be no "willy-nilly" exemption, and you know it.

The Hon. GRACE VAUGHAN: Most of the professional people who knew about the introduction of the Bill were very pleased that there was to be a registration board and that qualifications would be necessary in order to be registered. However, they certainly did not dream that by implication they were to be left out. It is not a matter of the Minister saying that goodwill will prevail; it is a matter of what is printed in the Bill, and the interpretation of the contents of the Bill.

It is a dangerous business simply to register psychologists and exempt other people. I am well aware that in this House one can win all the arguments and lose all the divisions, but I again warn the Minister that this is a dangerous business.

We want a properly constituted board and a set of rules, and a more professional approach to the profession of psychology. We will have many problems consequent upon the passing of this Bill in its present form. Surely a practising psycholigist should be able to be seen as a specialist, and to have patients and clients referred to him by doctors and by other psychologists.

The Hon. N. McNeill: You are showing very poor psychology tonight, if I might make that observation.

The Hon. GRACE VAUGHAN: Why, what have I done?

The Hon. N. E. Baxter: You are only waffling along for time, we know that. Get on with your speech so that I can go to sleep.

The DEPUTY CHAIRMAN (Clive Griffiths): Order!

The Hon. GRACE VAUGHAN: Am I entitled to speak in this Chamber, Mr Deputy Chairman, or can the Minister tell me not to speak?

The DEPUTY CHAIRMAN: The honourable member is entitled to speak, but you should have due regard to repetition, and speak to the Bill.

The Hon. GRACE VAUGHAN: I do not think I have specifically repeated myself at all.

The DEPUTY CHAIRMAN: I suggest the honourable member should get to the point quickly.

The Hon. GRACE VAUGHAN: Considering the lateness of the hour, and the fact that I am probably bashing my head against a brick wall, I will close with the exhortation to the Minister that he considers very seriously the consequences of including subclauses (1) and (2).

Amendment put and negatived.

Clause put and passed.

Progress

Progress reported and leave given to sit again, on motion by the Hon. N. E. Baxter (Minister for Health).

BILLS (4): ASSENT

Message from the Governor received and read notifying assent to the following Bills—

1. Hire-Purchase Act Amendment Bill.
2. Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Bill.
3. Prevention of Cruelty to Animals Act Amendment Bill.
4. Artificial Breeding of Stock Act Amendment Bill.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. N. McNEILL (Lower-West—Minister for Justice) [6.16 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 2nd November.

Question put and passed.

House adjourned at 6.17 p.m.

Legislative Assembly

Thursday, the 21st October, 1976

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

QUESTIONS ON NOTICE

Postponement

THE SPEAKER (Mr Hutchinson): I advise members that questions will be taken at a later stage of the sitting, probably after the afternoon tea suspension.

ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL (No. 3)

Introduction and First Reading

Bill introduced, on motion by Mr O'Connor (Minister for Transport), and read a first time.

STANDING ORDERS COMMITTEE REPORT

Procedure for Consideration

MR THOMPSON (Kalamunda) [2.17 p.m.]: I move—

(1) That the consideration of the Standing Orders Committee Report, laid on the Table of the House on 19th October, 1976, and ordered to be printed, be made an Order of the Day for the next sitting of the House; and