Legislative Council

Tuesday, 28 October 1980

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

BILLS (3): ASSENT

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

1. Metropolitan (Perth) Passenger Transport Trust Amendment Bill.
2. Murdoch University Amendment Bill.
3. Rural Relief Fund Act Repeal Bill.

QUESTIONS

Questions were taken at this stage.

LEAVE OF ABSENCE

On motion by the Hon. M. McAleer, leave of absence for six consecutive sittings of the House granted to the Hon. R. J. L. Williams (Metropolitan) on the ground of private business overseas.

SALARIES AND ALLOWANCES TRIBUNAL AMENDMENT BILL

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Leader of the House), and passed.

FIREARMS AMENDMENT BILL

Third Reading

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [4.53 p.m.]: I move—

That the Bill be now read a third time.

I would like to make two comments. Firstly, the Hon. W. R. Withers asked a question about a particular weapon, and I understand he is to discuss this matter with the appropriate Minister. The other query was raised by the Hon. Des Dans who asked whether these weapons could be demonstrated. The reply to his query is that these weapons will be demonstrated, on request, at the rifle range at the Police Academy at Maylands.

Question put and passed.

Bill read a third time and passed.

LIQUEFIED PETROLEUM GAS SUBSIDY BILL

Second Reading

Debate resumed from 22 October.

THE HON. J. M. BERINSON (North-East Metropolitan) [4.54 p.m.]: As explained by the Minister, this Bill is made necessary by constitutional requirements in order to give effect to the Liquefied Petroleum Gas (Grants) Act 1980 of the Commonwealth Parliament. The Commonwealth Act provides a subsidy of $80 a tonne for certain users of LPG and the purpose of the subsidy is to partly relieve domestic and some non-profit organisational consumers of the full effect of the Commonwealth's decision to subject LPG to export parity pricing.

As best I can judge it, the subsidy will equal about half the increase in prices over the last year or so arising from that policy decision.

Under this measure—as in an increasing number of areas—the State is acting simply as a clearing house for Commonwealth payments. One would think it would be easier, more efficient, and even cheaper if the States were to vest temporarily in the Commonwealth some restricted relevant powers. While members opposite might well see in this some dreadful peril to State rights, I must confess that if there is any such peril it eludes me. In any event the Opposition is quite happy that at least some Western Australians will receive back from one hand of the Commonwealth what the Commonwealth takes with the other hand. The Opposition supports the Bill on that basis.

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [4.56 p.m.]: I thank the Opposition for its support of the Bill. On the question of whether the State should refer powers—if that is what the honourable member meant when in relation to this he referred to the vesting of powers in the Commonwealth—it is not anticipated this is a matter which would require the reference of powers, nor do I believe that this particular transaction would require the engagement of additional staff or people other than those presently employed by the State. I hope that this will be a comparatively simple exercise, and that this legislation, which is in a form suitable to the Commonwealth and is uniform in all States, will achieve its purpose.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. I. G. Medcalf (Leader of the House), in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Calculation of subsidy—

The Hon. J. M. BERINSON: I rise at this point simply for the purpose of requesting further information. The second reading speech is rather sparse in respect of what I would have thought was a fairly serious question; that is, the amount of subsidy involved. Therefore, I take this opportunity to ask the Leader of the House whether he can inform us of the amount of subsidy which under this legislation it is anticipated will flow to Western Australian distributors. It would be helpful also if he could give some information on the number of registered distributors.

I might point out that my inquiry does not arise from idle curiosity, but relates to questions of administration which I intend to come to later.

The Hon. N. E. BAXTER: I would like to raise an issue about this clause which provides that the subsidy is payable to registered distributors in accordance with the scheme. As these payments will be retrospective to 28 March, can the Leader of the House tell us who will receive the benefit of the retrospective payments?

It looks as though the beneficiaries will be the distributors, but will this include a company such as Kleenheat Gas, which is not an actual retailer to a customer? From my own experience, I know that a cylinder of gas which contains about 40 litres costs $22.50. That is a high price; and there is no suggestion of receiving any of the subsidy. There has been no suggestion by way of a letter or anything else that there will be any credit against the price I and others in the country have paid to Kleenheat Gas for gas for domestic purposes.

Can the Attorney General tell us who will receive the money? Will the distributor have to assure the paying authority that the gas has been delivered at a price less the subsidy that has been allowed by the Commonwealth Government?

The Hon. I. G. MEDCALF: Firstly, in connection with the point raised by the Hon. Mr Berinson, I am afraid it is not possible for me to answer in detail the question as to the number of distributors within the State. I do not have that information here. I will obtain it, because he is entitled to seek that information. As I am not the Minister in charge of the Bill, that is something I would have to obtain from the appropriate source.

I understand the Commonwealth subsidy is $80 per tonne on eligible gas. That is the only information I have. I will try to find out the details sought, and also any other information in respect of qualities or categories, and so on.

In regard to the question asked by the Hon. Mr Baxter, it is true that the clause applies back to 28 March. Indeed, that is one of the reasons we have to pass the Bill during the current session—to ensure that the payment is made as soon as possible. It is true also that, on the face of it, it is being paid to the registered distributors. There are clauses which require the distributors to account for the payments. I understand that will flow through to the users.

I will have to obtain the information from the appropriate Minister so as to satisfy the honourable member. I am subject to the views of members, and I could suggest that we adjourn the matter so I can obtain this information. It would however be preferable for us to proceed through the Bill so I can receive any further queries which members may have. I will obtain the information and give it to them either in the Committee stage or on the third reading, as members may require.

Clause put and passed.

Clause 5 put and passed.

Clause 6: Authorized officers—

The Hon. J. M. BERINSON: This clause raises some questions which, I suspect, the Leader of the House may not be in a position to answer at this stage. How many authorised officers are there likely to be? In his concluding notes on the second reading, the Leader of the House indicated that it was not anticipated that any extra staff would be required; and that whatever work was necessary could be performed by existing State officers. It is difficult to confirm or reject that, without knowing the number of people with whom we are dealing, and the volume of gas with which we are dealing.

The authorised officers will check on claims; they are being given power to enter premises and vehicles; they are given authority to call for the production of papers and accounts; and they are given authority to require certain people to attend on them, together with papers and accounts for examination. It does not take a great stretch of the imagination to envisage a substantial potential for paperwork and personal inquiries. On the face of it, even without resorting to whichever one of Parkinson's laws would be appropriate, it is not hard to realise the potential for a measurable increase in Public Service manpower.

This is relevant not only to the comment made by the Attorney General earlier today, but also to the assurance given in the second reading speech that there would be no financial impact on the State arising from the administration of this Commonwealth scheme. That point ought to be pursued further. In the absence of Commonwealth funds directed to meeting the costs of administration, it is possible that the State will have to foot a considerable bill. With

that in mind, I ask the Leader of the House to accept notice that we should be informed of the number of authorised officers required for the administration of this scheme. It would be preferable to have some indication also of the anticipated administrative costs; and it would be helpful if we could be advised whether the provisions of the parent Act made allowance for administration costs incurred by the State in giving effect to the Commonwealth legislation.

The Hon. I. G. MEDCALF: As the honourable member anticipated, I will have to seek information on these points. Clearly they are matters which will have to be answered by the appropriate department or the appropriate Minister.

I will obtain the information about the anticipated administrative costs; but the honourable member can rest assured that if the State Treasury has investigated this and is prepared to say it will not involve any additional costs to the State, that is so.

The Hon. J. M. Berinson: I would have thought any additional work must involve additional costs. I do not understand that proposition.

The Hon. I. G. MEDCALF: I can only say I have great confidence in the State Treasury. However, it may be that there are some administrative costs that the Commonwealth is paying. I will obtain that information.

Clause put and passed.

Clauses 7 to 18 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

HIRE-PURCHASE AMENDMENT BILL

Second Reading

Debate resumed from 22 October.

THE HON. H. W. OLNEY (South Metropolitan) [5.10 p.m.]: The Opposition supports some aspects of this Bill to amend the Hire-Purchase Act, but in one particular respect it opposes one of the changes being made.

As outlined by the Minister, the Bill seeks to make a number of running repairs to this legislation pending the ultimate introduction of uniform credit legislation throughout Australia. As I understand it, it was as long ago as 1971 that the idea of uniform credit legislation was first floated. Apparently it is an acceptable idea to the finance industry. Certainly it is an acceptable idea to the Opposition in Western Australia, consistent with the views we have expressed here a number of times, even during this session of Parliament.

This is obviously an industry which requires regulation on a national basis by uniform national legislation. Whether we do it by a piecemeal, State-by-State process, or by some "dreadful", socialist, national legislation does not matter much, as long as we have the ultimate result of satisfactory legislation, which apparently everybody wants to achieve.

In introducing the Bill, the Minister indicated that it will take even further time before national legislation can be introduced. Therefore, certain amendments found necessary have been introduced.

One amendment is to give to the Deputy Commissoner of Consumer Affairs certain powers presently granted to the commissioner only. Those powers relate to the granting of relief to hirers in respect of cases of hardship. The Act requires these applications to be dealt with by the commissioner, but the amendment will allow the deputy commissioner to act in the matter, and we raise no objection to that.

In his speech, the Minister said that, in recent years, under section 36A there has been an increase in the number of applications for relief from the provisions of a hire-purchase agreement. He has attributed this increase to the fact that the provisions of the Act have become better known. That may be the case. However, I suggest there may be other contributing factors, one of them being the high rate of unemployment. Many more people are reaching the situation where they no longer can afford to meet commitments under hire-purchase agreements entered into at a time when they were in employment.

It is always theoretically possible—in practice sometimes possible—for a hirer of goods who is in trouble to go to his finance company and request some sort of deal for the extension of the term of his hire-purchase agreement or to obtain some sort of temporary relief from payments and in close circumstances the practice has been that hire-purchase companies impose an additional interest charge on the hirer for that extension or relief.

The power presently held by the commissioner to grant relief to hirers in difficulty is in fairly limited terms. He normally may grant relief for no greater than a three-month period, but in exceptional circumstances he may do so for up to six months. In either event a further charge is not imposed upon the hirer. Therefore the present situation is that if a hirer in difficulty goes to his

finance company and obtains relief, he will be required to pay additional interest, whereas if he goes to the commissioner and succeeds with his request he is able to obtain relief without having additional interest imposed. With the passing of this Bill that situation will change.

I suggest that one of the reasons for the increase in the number of applications to the commissioner under section 36A is that finance companies in their granting of concessions are now a bit tougher than they used to be. As I said, section 36A gives the commissioner and the deputy commissioner certain powers to defer payments, but only in a limited range of circumstances. Those circumstances are when the applicant hirer, by reason of sickness or unemployment that was not reasonably foreseeable by him at the time of his entering the hire-purchase agreement, is temporarily unable to discharge his obligation under the existing Act.

The commissioner and the deputy commissioner have limited scope. Their powers are limited, as I stated, to granting concessions for a period up to three months or in exceptional circumstances for a period up to six months.

The principal Act provides that an owner, a hirer or a guarantor under an agreement who is aggrieved by any decision of the commission may appeal to a Local Court and that the Local Court may vary or set aside the decision of the commissioner. So, there is a fairly wide range of options in the proposed legislation to both the hirer and the owner of any goods.

The objectionable aspect of the proposed legislation is that it intends to introduce a deferral charge into this system of granting relief in circumstances of sickness or unemployment, as the case may be. The contemplated deferral charge relates to the additional amount of interest that would have been charged by the finance company if the original term of the agreement were such that it covered the period of the extension of time granted by the commissioner.

As I said, the period of deferral can be no greater than three months under normal circumstances or six months under exceptional circumstances, and this relief can be granted only if the hirer, because of sickness or unemployment that could not have been foreseen, cannot meet his obligations. The proposed introduction of this added burden seems harsh. In the past it has not been applied in circumstances where obviously a person who will have to meet the burden is ill equipped to do so; and in fact, it is his inability to meet existing obligations which gives rise to the provision of a power to grant relief, yet this proposed legislation seeks to impose an additional burden upon a hirer who cannot meet his commitments. The Opposition does not view with any approval that aspect of the amendment.

Members may be interested to know the statistics relating to applications for relief under proposed section 36A. That information can be found at page 1825 of this year's *Hansard*. In answer to a question on notice the Minister for Consumer Affairs gave some interesting figures. It appears that during the financial year ended 30 June 1976, no applications for relief were received; in the year ended 30 June 1977, five applications were received but none were granted; in the year ended 30 June 1978, 120 applications were received, of which 79 were approved and 42 were rejected; in the year ended 30 June 1979, 740 applications were received, of which 380 were approved and 360 were rejected; and in the year ended 30 June 1980, 751 applications were received, and of the 734 applications processed, 420 applications were approved and 314 were rejected.

It can be seen from those statistics that whatever the reason, there has been a dramatic increase over recent years in the number of people seeking and, indeed, in the number of people granted concessions under section 36A of the Act. That situation is not surprising in view of the current level of unemployment in this country.

The Opposition objects to the imposition of an additional charge upon applicants for relief.

The Opposition raises no objection to a further aspect of the Bill. By this proposed legislation the Government intends to keep finance companies a little more honest than they have been. One would have thought that such a reputable section of the community such as finance companies would not need legislation to make it honest, but it appears as though there may be a few rotten apples in every barrel.

The Hon. P. G. Pendal: Don't forget we have to have legislation to scrutinise lawyers' activities as well.

The Hon. H. W. OLNEY: My comment would probably apply in that situation. In October 1978 the Commissioner of Consumer Affairs found it necessary to take action against a major finance company. It was not a fly-by-night company, but a company with a reputable name. It was charged with quoting an incorrect pay-out figure to a hirer who sought it.

The Hon. Peter Dowding: It was worth hundreds of thousands of dollars!

The Hon. H. W. OLNEY: The tribunal found that there was no strict obligation under the Act

for the finance company to provide the correct payout figure. The proposed legislation will introduce an obligation upon hire-purchase financiers to give correct payout figures upon request, and if they do not a heavy penalty will be imposed upon them. We deplore the need for such a penalty, but human nature being what it is, we have to accept that unless there is some sanction against such offenders there will be always somebody who does not play the game as it should be played.

With the reservation in regard to the deferral of payments, the Opposition supports the Bill.

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [5.25 p.m.]: I thank the honourable member and other members of the Opposition for in the main supporting this Bill. I think it is fair to say that we consider it necessary to make the proposed amendments. When national legislation comes forward I anticipate it will solve existing problems in the area of hire-purchase agreements, but I do not think we should wait for years and years on the assumption it will be tomorrow or the next day that such legislation will come forward. However, I accept the honourable member's comments in regard to the Bill. The number of applications for relief certainly has increased over recent times for one reason or another.

The Hon. Peter Dowding: It was because of the Commonwealth Government's policies.

The Hon. G. E. MASTERS: I think that is rather unfair.

The Hon. Peter Dowding: It is also the State Government's policies.

The Hon. G. E. MASTERS: I could commence a debate about who is responsible; however, I accept that an increased number of people for one reason or another have come forward to seek relief from hire-purchase agreements. The main area of concern has been referred to by the Opposition. It relates to the question of placing a fee or, if one likes, a deferral charge, upon applicants for relief. We believe that charge will be fair. I am sure members understand that the commissioner or the deputy commissioner may—I emphasise the word "may"—introduce a deferral charge.

In recent years the commissioner and the deputy commissioner have been lenient and understanding. An applicant may be in the situation of having a temporary illness or being unemployed for a short period. In that case it would be fair to place the extra charge upon him as if the hire-purchase agreement has been over an extended period. The proposed legislation provides for situations in which a hire-purchase company is not involved, but a private citizen is involved. Such a person may depend to some extent upon the repayments under a hire-purchase agreement; and their discontinuance may cause him some embarrassment. A number of reasons could exist.

Again I say we regard the imposition of a charge as fair and that the operative word is "may". The commissioner and the deputy commissioner have been most lenient in their consideration of applications.

I thank Opposition members for their support.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. R. Hetherington) in the Chair; the Hon. G. E. Masters (Minister for Fisheries and Wildlife) in charge of the Bill.

Clauses 1 to 9 put and passed.

Clause 10: Section 36A amended—

The Hon. H. W. OLNEY: The Minister was quite right when he said that the power conferred by the Bill to impose a deferral charge is discretionary in the hands of the commissioner. Of course, it may be imposed when the financier asks for it to be imposed, and one would expect that the financier would ask on every occasion, and unless a deferral is for a minor period of a week or even a month, the commissioner would in most cases impose the deferral charge.

The point I make, firstly, is that the legislation will protect the financier to the extent that a deferral charge may be imposed, and hopefully may induce the commissioner to be more liberal in his granting of deferrals, although it does appear that in recent times the rate of approvals and rejections of applications has run at about 50 per cent to 50 per cent.

It would seem, however, there are quite a number of disappointed applicants who have been sent away. Of course, we do not know the reasons for that. The reasons could be that the applicants are not unemployed or sick and therefore do not fall within the criteria laid down by the legislation.

I rose simply to comment that it is to be hoped now the financiers are receiving this additional protection, the commissioner will be more liberal in the exercise of his powers than he was previously.

Clause put and passed.

Clauses 11 and 12 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

WESTERN AUSTRALIAN MARINE AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [5.32 p.m.]: I move—

That the Bill be now read a second time.

The Western Australian Marine Act provides for those matters concerning the safety of life at sea and is relevant to both the commercial and private boating community. It provides authority to regulate to ensure the safety and well-being of all persons using State waterways.

There are certain areas of water which, because of adverse weather conditions, become seasonal hazards to the boating community and, in particular, to the inexperienced. A case in point is the sand bar across the entrance to the Mandurah Estuary, which becomes extremely hazardous during the winter months of each year.

Members will recall that recently a double fatality occurred on the Mandurah sand bar when a small craft capsized. Another fatality occurred this year when flood conditions at the mouth of the Murchison River resulted in the capsize of a 38-foot vessel.

At present, the only statutory authority available for closing waters requires the promulgation of a notice in the *Government Gazette*. This involves a minimum of three days and is obviously not suitable in emergency situations.

The Bill seeks to rectify the position by permitting the department to direct an authorised person to close to navigation specific areas of navigable waters which, for reasons of safety, should be closed to all or some vessels whilst the particular hazard remains.

The closure will be effective for seven days, unless it is previously renewed or cancelled.

Authorised persons are defined as a member of the Police Force, an inspector of the Harbour and Light Department, or any person so authorised by the department in writing.

The proposed amendment would provide for a maximum penalty of $500 for failure to comply with an order.

The Bill also seeks to provide power to make regulations to enable the Harbour and Light Department to exempt certain vessels or classes of vessels from the requirement to carry all or some of the prescribed safety equipment when they are competing in aquatic events approved by the department.

Exemption would be provisional on the department being satisfied that sufficient precautions have been taken to ensure the safety of competitors. It is unreasonable and impractical for small craft, such as catamarans, whilst racing in closed inshore waters to carry items of equipment such as anchors and distress flares where adequate supervision by way of, say, rescue boats has been provided.

The Bill does not seek authority to exempt small craft travelling individually, but only those competing in company.

The final provision in the Bill is cosmetic only. There has been a long-standing problem in relation to the regulation-making powers of the Act.

The Act is divided into a series of parts, each dealing with a different aspect of marine affairs, and with its own authority for making regulations.

When the legislation was originally drafted, it was intended that the section authorising the making of regulations—section 17—should be of general application, but this does not appear from the particular regulatory powers contained in the various parts and has been frequently overlooked, leaving problems with both the amendments and their administration. The opportunity is being taken to remedy this defect.

However, the regulatory provisions of the various parts have not been altered other than to include a reference back to regulation 17, making it clear that the general regulatory powers apply throughout the Act.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. J. M. Berinson.

RECORDING OF PROCEEDINGS BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Leader of the House), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.38 p.m.]: I move—

That the Bill be now read a second time.

The Recording of Evidence Act, was enacted in 1975 to give statutory authority to the recording of court proceedings. However, due to a number of technical difficulties associated primarily with the drafting of regulations, it has not been possible or practicable for the Act to be proclaimed.

The difficulties which arose were studied in detail by senior Crown Law Department officers and it became apparent that it would not be possible to cover the needs of the various courts and tribunals due to the variety of situations to which the Act needed to relate. As a consequence, a decision was made to draft a new Act and repeal the existing legislation.

In preparing the Bill which is now before the House, care has been taken to ensure that, as far as is practicable, future technological changes will not present any problems or conflicts with the proposed provisions.

The definitions contained in the Bill are largely self-explanatory, but the attention of members is drawn to two of these.

"Proceedings" for the purpose of this Bill are defined as oral proceedings before a tribunal, but do not include committal proceedings under part V of the Justices Act or proceedings which have an order issued by the Attorney General in the terms of the proposed section 7.

The definition of "Tribunal" means any person or body constituted as a court under the law of Western Australia or any person who by law, or with the consent of the parties, has authority to hear and examine evidence, or a Royal Commisson.

Power is also contained in the Bill for the provisions to apply to any tribunal declared to be so for the purposes of the Bill. Such a declaration can be varied or revoked.

The order, when given, means that the proceedings can be recorded or transcribed and this becomes the official record of the tribunal. There is power also for such a tribunal to apply the provisions to all or part of the proceedings.

The decision as to whether this is done rests with the tribunal which has been declared as such for the purposes of this Bill and would depend upon the importance of the case, convenience, and economy.

The Bill contains provisions regarding applications for copies of the transcript where a person is a party to the proceedings and in instances where he is not.

It is proposed that certain persons will be appointed recorders for the purposes of this legislation and whilst they are so appointed will be officers of the tribunal. Recorders or registrars of tribunals will be empowered to certify transcripts which are required to be produced as evidence in any hearings.

Custody of the record of proceedings or transcript will be vested in the registrar or a person specified as the custodian of records.

Attention has been given to the destruction of records and varying time limits will apply before this can be done, depending on the nature of the proceedings dealt with by a particular tribunal and whether such a tribunal has requirements to keep records under the provisions of another Act of Parliament.

The Bill deals with formalities associated with the judicial recognition of the signatures of recorders, or officers certifying a transcript under this Bill, definition of offences and penalties for the commission of an offence.

Finally, the Bill makes provision for the Attorney General or registrar, as the case may be, to delegate the powers and functions contained in this Bill other than the power of delegation.

In summary, the Bill will provide procedures for the control and security of the recording of proceedings in the Supreme Court, District Court, and Family Court, and provide a system which will allow the extension of that control to selected other courts, tribunals, and to Royal Commissions.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. J. M. Berinson.

ROAD TRAFFIC AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), read a first time.

Second Reading

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [5.42 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to give effect to a number of changes to fees levied under the Road Traffic Act as announced in the Treasurer's Budget speech. At the same time, it is proposed to rationalise the procedure for obtaining a motor driver's licence, including the charging of a single composite fee in place of a series of minor charges levied at present.

The Bill also provides for a change in the distribution of motor drivers' licence revenue between the Consolidated Revenue Fund and the Main Roads Trust Account.

Seven sections of the Act and one schedule are involved in the proposed amendments, which will be covered in the order in which they are contained in the Bill.

Vehicle licence fees comprise two elements—a recording fee of $4, which applies to all vehicles on the occasion of each renewal of a licence, with the balance of the licence fees being a tax levied for road construction and maintenance, which varies with the class of the vehicle.

The recording fee is paid to Consolidated Revenue to recoup the cost of administering vehicle licensing, and has remained at $4 since it was introduced in 1975. However, a recent review of the costs incurred in administering the licensing functions of the Road Traffic Act revealed that the cost of administering motor vehicle licensing currently averages $5.58 for each registration and renewal.

As the original intention was that the recording fee should cover the cost of licensing, it is proposed that the fee be increased to $6 from 1 January 1981.

As it will be necessary to vary the recording fee from time to time to offset the effects of inflation, and as the fee is a cost-related charge and not a tax, it is proposed that in future the fee will be prescribed by regulation and will not be specified in part 1 of the second schedule to the Act as at present.

It should be noted that administrative procedures for the issue of renewal of motor vehicle licences and motor drivers' licences are efficiently handled and that in recent years a very large increase in the volume of transations has been absorbed with little increase in the staff involved.

This is because the procedures were transferred some years ago to computer, enabling the very large volume of transactions that have to be processed each day to be undertaken at minimum cost.

It is to be expected that any increase in the recording fee in future years will be much less than the corresponding rate of increase in wage and other costs.

Currently, when a vehicle licence is cancelled a fee of $1 is charged on the refund of the unused portion of the cancelled vehicle licence. It is considered that the cost involved in processing refunds should be covered by the vehicle recording fee and it is therefore proposed to abolish the vehicle refund cancellation fee.

At the present time, a person wishing to obtain a driver's licence pays separate fees on taking out a learner's permit, which is valid for three months only, on applying for a driving test, and then, if successful, on applying for a licence. The total of these charges could vary from $7 upwards, depending upon the length of time and the number of tests taken.

Research has shown that 88 per cent of applicants obtain their driver's licence on either the first or second test, with the remaining 12 per cent requiring three or more tests.

Based on these figures, it is considered that the concept of one fee being levied to cover the whole process of obtaining a driver's licence should also include extension of the period for which a learner's permit is valid from three months to 12 months and also cover two practical driving tests.

The administrative cost involved in processing an applicant from the learner's permit stage, including two practical driving tests, is currently over $24. It is therefore proposed that from 1 January 1981, learners' permits will be issued free of charge and be valid for 12 months.

On application for a licence, including examination and testing, a fee of $20 will be charged which will also cover a second driver's test should that be necessary. The estimated cost to the Road Traffic Authority is $9.64 for each practical driving test, and it is therefore proposed that if an applicant is unsuccessful after two tests, a fee of $10 will be charged for each subsequent test.

The Bill provides that in future as with the vehicle licence recording fee, these fees be prescribed by regulation.

The fee charged for the issue of licence plates is currently $3, which compares with an estimated cost of purchase and handling of over $4 with costs in this area constantly rising. It is therefore

proposed that a fee of $5 will be charged from the commencement of next year.

Dealers' plates are currently charged at $20, may be transferred from vehicle to vehicle, and can be used six days a week for moving vehicles on the road, demonstrations, etc. The fee is small compared with the licence fees paid by ordinary motorists and an increase to $40 is proposed.

As these fees already are able to be prescribed by regulation, no amendment to the Act is necessary to implement these measures, and they are mentioned solely for the information of members.

For many years, revenue from motor drivers' licences has been divided 50 per cent to Consolidated Revenue to offset the cost of collection and also to make some contribution towards meeting the costs of motorist-related services such as ambulance, medical, and road safety services, and 50 per cent to the Main Roads Trust Account.

The examination of administrative costs, which was referred to earlier, shows that currently the cost of administering motor drivers' licensing is $5.94 per licence against a licence fee of $7. Thus, of estimated collections of $4.6 million this year, of which $2.3 million is to be paid to Consolidated Revenue, the cost of collection and administration borne by Consolidated Revenue will amount to $3.9 million, a loss of $1.6 million.

At the same time, the Government has introduced a fuel franchise levy for the purpose of obtaining additional funds for necessary road works. The levy is paid by Government departments, including the Metropolitan Transport Trust, which has added to costs, and therefore represents an additional payment from Consolidated Revenue to the Main Roads Trust Account.

In 1979-80 an amount of $640 000 was recouped to Consolidated Revenue from the Main Roads Trust Account to offset this additional cost pending resolution of this matter.

As it was the intention of the fuel franchise levy legislation that the charge would be paid by all users without exception, it has been decided that the proper course is for Government departments to pay the levy without a recoup being obtained, and to reconsider the distribution of motor drivers' licence revenue with this in mind.

It is proposed that from 1981-82 the whole of motor drivers' licence revenue will be paid to Consolidated Revenue to offset the cost of collection, and also the impact of the fuel franchise levy on departmental and Metropolitan Transport Trust costs, leaving the whole of the proceeds of the fuel franchise levy available for expenditure on roads.

To allow the Main Roads Department time to adjust the financing of the road construction and maintenance programme to the new funding arrangements, the Bill provides for a transitional year in 1980-81 with 33 1/3 per cent of motor drivers' licence revenue being credited to the Main Roads Trust Account, and 66 2/3 per cent to Consolidated Revenue.

The proposed amendment is such that the Act will not provide for any specific distribution of these fees in 1981-82 and subsequent years so that under the provisions of the Constitution Act the whole of the proceeds will be paid to Consolidated Revenue.

The proposed changes are in part designed to obtain additional revenue to offset increased costs involved in the licensing process, and also to achieve a desirable rationalisation of charges currently levied to remove some irritants to the public inherent in the present multiple-fee system.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. J. M. Berinson.

BANANA INDUSTRY COMPENSATION TRUST FUND AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [5.52 p.m.]: I move—

That the Bill be now read a second time.

Banana growers at Carnarvon have expressed dissatisfaction with the compensation that was paid from the Banana Industry Compensation Trust Fund following cyclone "Hazel" in March 1979.

After a series of meetings and petitions, it became clear that unless the Act was amended growers would vote for its abolition. This would be unfortunate, as the compensation scheme has been the means whereby the plantations have been able to redevelop following cyclone damage.

Suggestions for changes to the collection and disbursement of funds were put before the growers in a referendum, and the majority favoured the proposals which gave rise to the amendments contained in this Bill.

The main features of the proposals are to provide compensation to meet claims for damage to banana crops where such damage is assessed at more than 10 per cent. It is considered desirable to have a grower contribution.

It is intended also to raise the rate of compensation payable from $1.30 per 16 kilogram carton of bananas to $1.75 per carton. Growers pressed for an even higher rate, but $1.75 was considered the maximum that was reasonable in view of the proposal to pay on the full assessed damage and the need to keep levy payments as low as possible.

The increases in compensation rate and damage assessment payments will not be practicable without some rise in levy; and the proposed new rate of levy is 20c per carton, compared with 14c previously. The Government contribution will increase proportionately from 7c to 10c per 16 kilogram carton.

Since it is not possible to predict the frequency or destructiveness of cyclones, it is necessary to make provision for backing from public funds if severe losses occur in successive years. In that event, and if the trust fund balance is insufficient to make payments for assessed damage at the proposed new rate, the Treasury will support the fund to the extent that at least 80 per cent of the compensation due is paid.

In addition, the Bill provides that the Act shall apply to the Carnarvon district only. Areas such as the Ord and Kimberley which are capable of producing bananas and are much less prone to cyclone damage are excluded from the provisions of the amending legislation.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. J. M. Brown.

COLLEGES AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [5.56 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to clarify eligibility for membership of the Western Australian Post-Secondary Education Superannuation Scheme. This scheme was carried over from the Western Australian Teacher Education Authority and is an alternative superannuation provision to that available through the State Superannuation Board.

The intention and practice have been to confine membership of the superannuation scheme to permanent full-time staff.

The amendment makes it clear that academic staff members who are employed on a part-time or contract basis are not eligible to join. The conditions for eligibility and non-eligibility will then be consistent with those that applied under the former scheme and with those under the State Superannuation Scheme.

I commend the Bill to the House.

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. D. J. Wordsworth (Minister for Lands), and passed.

CEMETERIES AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), read a first time.

Sitting suspended from 6.00 to 7.30 p.m.

Second Reading

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [7.30 p.m.]: I move—

That the Bill be now read a second time.

Although a comprehensive review of all the provisions of the Cemeteries Act is at present under way, the need has arisen for the amendments contained in this Bill to proceed immediately.

The Bill provides for the Cemeteries Act to be amended in two ways. Firstly, it will allow the trustees of a cemetery to construct buildings that are required for cemetery purposes or for the use of visitors to the cemetery.

The Karrakatta Cemetery Board wishes to modernise the main cemetery entrance, including the provision of a new kiosk to replace the present, inadequate building.

However, the Cemeteries Act does not confer authority on trustees to undertake works of this nature and legal advice given to the Karrakatta Cemetery Board indicated that it had no power to proceed.

The provisions of this Bill will rectify that deficiency by conferring power on trustees to construct such buildings as are required for cemetery purposes or for the use of visitors to a cemetery.

Trustees also will have to be able to arrange for buildings in the latter category to be let out or leased.

Secondly, the Bill provides for the Auditor General to be responsible for the audit of all cemetery accounts. At present, Local Government Department inspectors are required to conduct the audits of those cemeteries where municipal councils have been appointed as the trustees. This change in audit arrangements is part of a proposal for the Local Government Department audit branch to be amalgamated with the State Audit Department.

Amendments to the Local Government Act in this regard will shortly be presented to Parliament.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. J. M. Brown.

CHIROPRACTORS AMENDMENT BILL

Second Reading

Debate resumed from 22 October.

THE HON. PETER DOWDING (North) [7.34 p.m.]: The Opposition does not approve of this legislation. In due course I shall detail the reasons for the Opposition's lack of support for the measure.

The Act is seen as inefficient and out of date. The measures contained in it are unsuitable for dealing with present conditions and the information demonstrating its unsuitability has been available to this Government for a considerable time. However, the Government has been incapable of doing anything positive about the matter.

The Hon. D. J. Wordsworth: For how long?

The Hon. PETER DOWDING: No doubt, if the Minister can control himself for a moment, he will learn about the information which has been available to the Government. In 1959 a Select Committee was appointed to inquire into this matter. That Select Committee became an Honorary Royal Commission. It considered matters which are the subject of this legislation.

That commission brought down five proposals which were as follows—

1. Chiropractors should be registered;
2. unlicensed chiropractors should be prohibited;
3. there should be a grandfather clause in favour of existing practitioners;
4. a board should be established to administer the profession, such board to consist of a Queen's Counsel as chairman, two medical practitioners, and two chiropractors; and
5. there should be an avenue of appeal against any unfavourable decision of the board in regard to chiropractors to a judge of the Supreme Court.

The Honorary Royal Commission submitted those findings to this Parliament in 1959.

It is interesting to note that, in his second reading speech on the Bill, the Minister made no reference to the numerous studies which have been made in respect of the registration and control of chiropractors and other similar professional people.

The Webb report was brought down in April 1977. That report was compiled by a committee of inquiry set up by the Australian Government. Membership of the committee was made up of some of the most eminent academics and people involved in this area. This Government has ignored completely the recommendations contained in that report.

I cannot understand how the Minister could put his mind to the introduction of legislation of this nature without having considered fully the implications of the Webb report.

I should like to mention two matters in particular on which the Webb report made recommendations. These are—

(a) that a registration board be established which should be composed in the majority of competent practitioners; and
(b) the representatives should be drawn in balanced proportions from lists submitted by the major responsible organisations.

The problem is that the Bill takes no account of the real difficulties confronting registration of chiropractors. The Government has succumbed to the temptation to have regard for only one of the bodies involved in the accreditation and training of chiropractors.

The other major aspect of the Webb report which members of the Government have either failed to read or have ignored, is the recommendation that the Australian Council of Chiropractic Education Ltd. should not be recognised by the Government or a registration board as an accrediting agent for chiropractic colleges.

As members opposite are so concerned about the political allegiances of the people who make these reports, I should point out it was a Liberal Government in New South Wales which set up this committee which reported in 1974 and, as one of its recommendations, the committee suggested the Sydney College of Chiropractic be recognised as a body to give the necessary training to chiropractors to operate in that State and throughout Australia.

That recommendation is contained on page 1 of the report and on page 26 the following recommendation was made, acknowledging the difference between American-trained practitioners and Australian-based practitioners—

> To avoid perpetual cleavages in the profession any board set up in New South Wales to register chiropractors should include equal representation from the Australian Association of Chiropractors and the Australian Chiropractors' Association. The committee suggests that each association have two representatives on the board.

In other words, the major recommendations of all these various august bodies which have looked into the registration of chiropractors, have coincided in two main areas. The first is that, as far as possible, we should have uniform legislation throughout Australia. That recommendation has been ignored completely by the Government when drafting this legislation. Secondly, there should be a registration board comprising members of the two responsible organisations; that is, the Australian Chiropractors' Association and the UCA of Australia. Of course, the Government has not taken that recommendation into account when compiling this amending legislation.

The Government has not explained why there is no recognition of these recommendations in the Bill. These responsible and august bodies have inquired into the matter and have brought down recommendations which the Government has ignored, and the Minister has not explained the reason for that.

I understand the position in South Australia, New South Wales, and Queensland is similar to the situation proposed in the recommendations to which I have referred; but this Government has chosen to ignore that.

Some members opposite may be familiar with the divisions in the groups seeking to approve the registration of chiropractors in this State and they may be aware that this Bill recognises the existence of one faction only and totally ignores the other.

The major problem in this area is that of qualifications. The Victorian based association is related largely to the United States qualifications. The Australian-trained chiropractors who do not relate to the United States training, are not given consideration in this legislation.

As I understand the position from people involved closely in chiropractic work, this means there is a closed shop which, in turn, leads to much higher fees and the easier operation of a monopoly. As I understand the platform of members opposite, such a situation would be opposed totally to their principles.

The Sydney College of Chiropractic is training chiropractors who are recognised in that State and in most other States of Australia; but they will not be able to obtain registration in this State unless they conform to the requirements of the other faction. The Victorian ASC is based on the USA syllabus. I am not suggesting for a moment, and the Opposition does not believe, they should not be recognised. Indeed, it is suggested equal recognition be given to both factions.

I should like to deal with the specific clauses of the Bill. The Opposition does not oppose clause 16 (a) and (b). The provisions contained therein are long overdue and the fact that they should have been introduced a long time ago is apparent from the recommendations of the various committees to which I have referred.

It is obvious this board should keep proper accounts and should submit reports. It is equally appropriate, in the view of the Opposition, that the board should be answerable to the Ombudsman, the Minister, and Parliament.

Clause 4 refers to the Australian Council of Chiropractic Education Ltd. which is a company incorporated in the State of Victoria. This measure is contrary to the recommendations of the Webb report. On page 166 of that report the following recommendation is made—

> More recently the Australian Chiropractors' Association and the New Zealand Chiropractors' Association have been responsible for setting up an Australasian Council on Chiropractic Education, which would perform a similar function within Australia to that performed

> in North America by the Council on Chiropractic Education, which would perform a similar function within Australia to that performed in North America by the Council on Chiropractic Education there . . .
>
> The Committee of Inquiry does not recommend that status be given to the Australasian Council on Chiropractic Education by Registration Boards or Governments. The definition of acceptable educational standards must ultimately be a matter for the State Registration Boards.

So much for the Minister for Federal Affairs and members opposite who cry for autonomy within this State.

Clause 4 of the Bill places responsibility for qualifications of chiropractors in the hands of a company incorporated in Victoria and over which the State Government has no influence. For that matter, the board has no influence over that company either, except to the extent that it is the faction solely represented on the board.

To continue the quote—

> It would, however, be highly desirable for standards to be uniform throughout the Commonwealth. This would be achieved if they accepted as a yardstick the new qualification based on the Government-supported course discussed in the last section, after this has been approved by the Australian Council on Awards in Advanced Education. Alternatively a National Advisory Committee could be set up under the aegis of the Post-Secondary Education Commission to approve professional courses in chiropractic.
>
> Such a Committee should have representatives from the two main professional associations of chiropractors, the Australian Chiropractors' Association and the United Chiropractors' Association.

That statement flies directly in the face of this Bill. If the Minister understands the complexities of this Bill, I would like him to explain why this State Government is prepared to effectively gain control over the approval of the qualifications and the registration of chiropractors and then to place it in the hands of a company incorporated in Victoria. It is not only an abandonment of its sovereignty to the extent that it places the obligation on another State to make that decision: but it also flies in the face of professional and highly qualified conclusions. No doubt the Minister will be able to tell us why the State Government chose to obtain its rights in that way and then decided to fly in the face of expert advice.

As I understand the situation, the Hon. Tom Knight and others went to Victoria and inspected the college. There is no suggestion that it ought not be recognised in respect of the practice of chiropractic. In effect, what will happen is the Western Australian board will have to consult with an Eastern States company, owned by the Australian Chiropractic Association of Victoria. In other words, the company is incorporated in another State and it is owned exclusively by a body in another State.

It is the view of the Opposition that the penalty provisions in clauses 5, 7, and 8 are excessive. Again, like so many of the second reading speeches we have had in this House over the last few weeks, no adequate explanation has been given for this amendment. Only two successful prosecutions have been made since 1964 for breaches of the Act. So, what is the justification for increases in the penalties?

There is no evidence that there is lawlessness amongst the people who are using the name of chiropractor, and yet no registered chiropractor—

The Hon. D. J. Wordsworth: If you were the Minister introducing this you would not update?

The Hon. PETER DOWDING: One does not go out automatically updating penalties. One does two things: one ascertains whether they are needed and whether they are effective. There have been two prosecutions only in a period of 16 years. Even the Minister should be able to come to the conclusion that there is not a need to introduce a further penalty.

The Hon. D. J. Wordsworth: Quite a number of them are very effective.

The Hon. PETER DOWDING: I am told there have been three breaches of the regulations and there is simply no justification for the incredible mentality we see from the Government benches which requires the increase in penalties.

There is no evidence of lawlessness amongst the people of this State who are practising under the name of chiropractic. The real problem is not with the people using the name chiropractic, it is with the unqualified quacks who are practising. These people can call themselves anything they like and the Government does not seek to control them.

This chiropractic Act applies only to people who call themselves chiropractors. There are people who call themselves manipulative therapists, osteopaths, or whatever; it is exactly the same sort of thing but with no control.

It is the view of the Opposition that it is not appropriate for a man's livelihood to depend on

the opinion or otherwise of a magistrate. This is the provision in clause 6 of the amending Bill. A number of magistrates are untrained in the sense that they have trained as lawyers, they have sat for some examinations, and they may have been only Clerks of Courts. There is no doubt that they do an excellent job in the limited jurisdiction they have, but it is the view of the Opposition that the Government should not fly in the face of earlier recommendations and the recommendations of the Royal Commission of 1959.

Clause 6 allows for such matters to be taken by an appeal to a magistrate of a local court. If my own professional qualifications were in issue, I would rather be dealt with by a judge. The Opposition believes that a judge is by far the more appropriate to decide an issue of that weight.

The Hon. D. J. Wordsworth: I am sorry you have such a poor opinion of magistrates.

The Hon. PETER DOWDING: If the Minister wants to criticise me in that way then he may do so, but it indicates he has not listened to what I have said. I do not criticise magistrates. I am just saying that there is a hierarchy in the judiciary. A magistrate is at the lower end and the judge is at the higher end of the scale. If there is to be a decision between the levels at the lower end and the higher end of the scale as to whether or not a man may practise his profession, the Opposition believes—and most Western Australians would believe—it ought to be made at the top end of the hierarchy.

However, the Government members do not have that view. The Opposition members believe that a man's livelihood and work prospects ought to be dealt with by a judge of the Supreme Court.

The Opposition has constituted that view; it is not saying it was right or wrong in the past. I am just relating what the Opposition now believes. Members opposite who may have appeared in the local court or a magistrate's court will share my concern. These courts do a very good job with regard to traffic offences and matters involving a maximum of $3 000. However, the question of a man's livelihood is far too important a matter to place in the hands of a court at the lower end of the scale.

I have the utmost confidence in 99 per cent of the judiciary at the lower end of the scale. However, one of the most horrendous aspects of this matter is that not only does this Government wish the question of a man's livelihood to be determined at the lower end of the judicial scale, but there is no appeal. That is the most outrageous fact—that a question of a man's livelihood is dealt with at the lower end of the judiciary scale, without any right of appeal.

The Hon. D. J. Wordsworth: There is an appeal to a magistrate.

The Hon. PETER DOWDING: The Minister cannot manage to understand that. I would have thought he could understand that. I am sure members opposite can understand, but I will say it again slowly, for the Minister.

The Hon. V. J. Ferry: You are being sarcastic.

The Hon. PETER DOWDING: I take the view that if members cannot understand that there ought to be an appeal in respect of an issue of such utmost importance, then I should repeat what I have said. We have a magistrate at the lowest judicial level deciding a man's livelihood, but that is not the view taken in respect of such matters as workers' compensation and litigation on matters which involve amounts of money over $3 000. Surely a man's professional reputation is worth more than $3 000.

I would have thought that at the very least the Bill would have been providing an avenue of appeal.

Several members interjected.

The PRESIDENT: Order!

The Hon. PETER DOWDING: I wish to make the point that at the lowest end of the judicial scale there ought always to be an appeal from a magistrate's decision, especially in a matter of such importance and in many other areas where a magistrate is able to make decisions on matters of such weight. This is required to protect a man's livelihood; it should go to a judge of a Supreme Court.

THE HON. T. KNIGHT (South) [7.55 p.m.]: I wish to say from the outset that I do not consider the legislation has gone far enough, especially when we look at some of the statements made by the Hon. Peter Dowding. I think he would agree with me when I say that if the penalties do not fit the crime, the crime will never be stopped; although the judge is in a lower court than the Hon. Peter Dowding would wish.

I believe by imposing a higher penalty the consequence of the crime is brought to the attention of the public. Some people believe that because a particular penalty imposed upon a person is so low, it is almost impossible ever to police the crime. This has applied to the chiropractic Act in the past.

On page 36 and 37 of the Webb report a definition of chiropractic is given. It reads—

> Chiropractic is that science and art which utilises the inherent recuperative powers of

> the body and deals with the relationship between the nervous system and the spinal column, including its immediate articulations and the role of this relationship in the restoration and maintenance of health.

When we talk in terms such as that, we are speaking about people who are operating within this field. The penalty has to fit the crime because we are interfering in some way with people's lives, welfare, and well-being. In some cases people may be paralysed or disabled for life. The International Chiropractic Association defines "chiropractic" as—

> The philosophy of chiropractic is based upon the premise that disease or abnormal function is caused by interference with nerve transmission and expression, due to pressure, strain or tension upon the spinal nerves, as a result of bony segments of the vertebral column demoting from their normal juxtaposition. The practice of chiropractic consists of analysis of any interference with normal nerve transmission and expression and the correction thereof by an adjustment with the hands of the abnormal demotions of the bony articulations of the vertebral column for the restoration and maintenance of health without the use of drugs or surgery.

Unless the penalty fits the crime, we will be allowing a chiropractor or any one else to operate on someone without any control. We have to determine that fact when we are looking at something which involves the protection of people.

The Hon. Peter Dowding: There are no provisions to prevent anyone from practising chiropractic, if he doesn't call himself one.

The Hon. T. KNIGHT: There is no need at all, because they are known as manipulative therapists and osteopaths. To continue, on page 49 the Western Australian Chiropractic Association defines chiropractic as—

> The attitudes of those who had never been treated by a chiropractor were compared with those who had received previous treatment by a chiropractor. Both groups strongly evaluated chiropractors as being more expensive, less available, and less regarded by society than general practitioners. The group which had not received previous treatment tended to regard chiropractors as being equal to general practitioners in technical competence but slightly superior in inter-personal characteristics. By comparison, the group which had received previous chiropractic treatment regarded chiropractors as more technically competent and superior in inter-personal skills.

So we get the situation that chiropractic, as a profession, has not been brought to the fore in the healing or adjustment of problems experienced with the human body. Somewhere in the Webb report a statement is made that people within the medical profession who do not understand and appreciate the benefits of chiropractic techniques should not be in the medical profession. In the past the Hospital Benefits Fund and Medibank have not paid out on expenses incurred with chiropractors unless a patient has been referred by a doctor. I went to a doctor because of a back problem and he said to me, "I could give you a cortisone injection; if this does not work you could have a small operation to insert a wire to hold the spinal column in place." I told him that I did not want either of those treatments, and I asked what other choices did I have. He told me that I could go to a chiropractor, and that was the best suggestion ever made to me.

The Hon. D. K. Dans: Did he refer you to a chiropractor?

The Hon. T. KNIGHT: No, and that was the unfortunate part of it. I discovered that had I asked him to refer me to a chiropractor, my medical expenses would have been accepted by the hospital fund. Many people are not aware that their expenses will be refunded if they are referred by a doctor and so they do not seek chiropractic treatment because they cannot afford it.

The same situation has arisen in regard to repatriation pensioners whose medical expenses are paid by the Federal Government. Under the Commonwealth scheme, chiropractic treatment is not paid for although in many cases it has been proved that chiropractors could cure the medical problem. I have written to the Federal Minister involved and he said that if the cost of chiropractic treatment for repatriation pensioners were borne by the Government it would be beyond the Government's means to meet it at this stage.

I agree with the comment made by the Hon. Peter Dowding earlier; we need uniform legislation throughout Australia. The Hon. Peter Dowding referred to page 166 of the Webb report, but he did not carry on to page 169 which sets out the recommendations. I would like to refer particularly to section 4 on page 170 which reads as follows—

> Government funds should be made available to support the development of one such course in an existing tertiary institution;

preference should be given to an institution within the Victoria Institute of Colleges system.

The legislation before us will put into effect that particular recommendation, yet the honourable member said we have completely ignored the Webb report. I could pick out many similar instances in the Webb report. On page 171, section 10 reads as follows—

> Consideration should be given by the Commonwealth and State Governments to legislation which would prevent any institution purporting to conduct a course and award a qualification which purported to qualify an individual to offer his services to the public for the treatment of ill-health, unless that institution is licensed by an authority set up for that purpose.

Then section 11 reads—

> Financial support should be extended to the development of postgraduate courses in manipulative therapy for physiotherapists, at Universities and Colleges of Advanced Education now offering a primary degree in physiotherapy.

At the Preston Institute of Technology, the first three years of the course are the same as the first three years of a medical course. At the end of that period the student can decide whether to carry on in medicine or chiropractic. So the system of education has changed considerably since the Webb report was brought down—in fact, it has changed considerably in the last two years. Section 12 states—

> Medical schools should be invited to consider including in the undergraduate curriculum some discussion of spinal manipulative therapy, sufficient to give some understanding of its uses and contra-indications.

This illustrates that we need an institution to train chiropractors in Australia. As the Hon. Peter Dowding said, I did inspect the Preston Institute of Technology of Victoria a few years ago.

The Hon. Peter Dowding: As a matter of interest, did you visit the Sydney college?

The Hon. T. KNIGHT: I will come to that. I inspected the facilities available and I was informed of the course offered at the Preston Institute of Technology. The United Chiropractors' Association is the major body with which the Sydney College of Chiropractic is affiliated and I received from that organisation literature about its three and four-year courses. From this literature it was obvious that the curriculum of that college was not up to the curriculum of the Preston Institute of Technology.

Shortly after that the President and Executive Director of the Sydney College of Chiropractic visited Western Australia. These gentlemen met with the committee set up by the joint parties to look into chiropractic. From the literature it was obvious that a non-certificated high school student could study and complete a part-time course in chiropractic in four years.

The committee asked the gentlemen from the college about the standard of its curriculum and one of these gentlemen told the committee that the curriculum had been altered and that a copy of the new curriculum would be forwarded within the next week. That was 12 to 15 months ago and we have not received anything as yet.

A fortnight ago the Federal Government decided to carry on funding the course at the Preston Institute of Technology. The course is conducted by the International College of Chiropractors, and the fact that the Federal Government has made this decision indicates to me that it is an accredited course. This means that we have an accredited tertiary training system for chiropractors in Victoria. At this time I do not think we can seek to spread institutions to train chiropractors all over Australia. Our society needs only a certain number of chiropractors.

The United Chiropractors' Association was asked to join the Australian Chiropractors' Association, and members of the first organisation were told they would be registered in Western Australia, and if this legislation was passed, the training standards laid down would have to be equal to those of the Preston Institute of Technology and the Australian Chiropractors' Association. I believe the Federal Government would fund at the Sydney college a course similar to the course at the Preston Institute of Technology if the standard of training were equal to that available at the Preston Institute of Technology.

The Hon. Peter Dowding: Did you have a look at it?

The Hon. T. KNIGHT: I will refer to another report brought out by the Victorian Government in November 1975. It is entitled, "Report upon Osteopathy Chiropractic Naturopathy". Under the heading "Educational and Training Institutions" on page 49 of the report, paragraph 10.8 reads—

> 10.8. The Committee was not impressed with the educational standards of the Sydney

College of Chiropractic. The reasons were that—

(a) facilities appeared to be inadequate;
(b) scientific and laboratory facilities were lacking;
(c) there was no evidence of any type of research;
(d) the faculty (staff), although well-intentioned, did not possess the academic qualifications that the mainstream of tertiary education in Australia expects—only two members of the administration and faculty possessed qualifications other than "Doctor of Chiropractic".

I make that point to back up my comments. All we are working towards is a level of training that is acceptable to the people of Australia. We must be constant in what we do, and we should follow the standard laid down by the Preston Institute of Technology. As the Hon. Peter Dowding said, legislation should be introduced State by State in keeping with Federal legislation. In this way the chiropractors' courses will be funded by the Federal Government, and hopefully backed by the Australian Medical Association. Then the members of the medical profession will refer patients to chiropractors as an acceptable section of the medical profession. In this way patients will be able to claim for chiropractic treatment from hospital funds.

I compliment the Government on the introduction of this amending legislation. It is trying to do something to bring the Act up to date. However, I believe the legislation is nowhere near that for which we should be striving. It could go a great deal further.

The Hon. F. E. McKenzie: Was the report from which you quoted a Victorian report?

The Hon. T. KNIGHT: It is a Victorian report, ordered by the Legislative Assembly to be printed on 27 November 1975, under the authority of C. H. Rixon, Government Printer, Melbourne.

The Hon. Peter Dowding: Who constituted the inquiry?

The Hon. T. KNIGHT: I have undertaken my own research to date, and the honourable member can check that out himself. This document I have here is entitled "A Brief on Chiropractic" and it is then subheaded "A Referencing of the Formal Investigations into Chiropractic from 1950 to 1980; and Chiropractic's role in Today's Health Care System".

The introduction to this document commences—

> The profession of Chiropractic has from 1950 to 1980 been the subject of six Royal Commissions, three Commissions of Inquiry, and three Reports. All of these studies, without exception, support one another in acknowledging that Chiropractic vertebral manipulation is a valid form of treatment, and that Chiropractors are specialized and skilled spinal therapists. Other major conclusions have been (1) superior cost effectiveness of Chiropractic Care; (2) Chiropractors are the most qualified health professionals to manipulate the spine.
>
> "The New Zealand inquiry was authorized to determine the desirability of providing health benefits under the New Zealand Social Security Act (1964), along with medical and related benefits under the New Zealand Accident Compensation Act (1972) in respect of the performance of Chiropractic Services."

In Western Australia I understand that under the Workers' Compensation Act the insurers will pay a small percentage of a patient's chiropractic treatment. I would like to think that where chiropractic treatment is considered necessary to get a man back to work, the chiropractor's accounts should be fully covered. The report continues—

> "What was to be a two month national study, required almost two years, with the Commission expanding it's studies to the North American Continent and Australia . . ."

I remind members that the report was presented in October 1975. It continues—

> Their finding totally reversed their attitude. "Modern Chiropractic is far from being an 'unscientific cult' . . . Chiropractors should, in the public interest, be accepted as partners in the general health care system. No other health professional is as well qualified by his general training to carry out diagnosis for spinal mechanical dysfunctions or to perform spinal manual therapy."

The chiropractic courses referred to increasingly are attracting students of high educational and socio-economic backgrounds. Indeed, a large percentage of the students have a university background. The report continues—

> In fact, most students are now completing a university degree before applying to chiropractic college.

So the increase in the standard of entrance to the courses and the standard of chiropractic is going along hand in hand.

It will not be long before the State Government must look again at the legislation we are amending tonight. It will not be long before the Federal Government must look at the support and funding of chiropractic training institutions for the furtherance of chiropractic in Australia.

The quote continues—

> "So it would seem that chiropractic is acceptable as a career to an expanding range of candidates who view it as an acceptable health profession."
>
> "Candidates for chiropractic college are selected on the basis of their personal interests and characteristics, and those who do not show an ability and a desire to give personalized, conscientious health care are weeded out."
>
> "Medical schools are reported to be discovering, however, that the dedicated scholar who achieves high grades does not necessarily have the kind of compassion and empathy that patients appreciate in their health practitioners. In contrast to the way chiropractic students are selected, the current medical approach to selecting recruits seems to favour the selection of highly competitive, academically skillful, science-oriented persons for what is essentially a people-oriented profession."
>
> Who are the People that Chose to have Chiropractic Health Care?
>
> "They were typically between the ages of eighteen and sixty-five years (82.5 per cent of the sample), slightly more likely to be female (54 per cent), and married (72.5 per cent)."
>
> "They were drawn from the whole range of occupational categories. The survey revealed that of those employed 62.7 per cent of the patients were in either skilled occupations or higher status ranked occupations (that is, clerical and sales, managers of small firms, semi-professional, managers of large firms, and professionals), while 25.2 per cent were in semi-skilled and unskilled occupations. Farmers and farm workers constituted only 7.9 per cent of the sample."

In the past, people would have it that the tradesmen, the farmers, and the people working with their hands and their backs, were the ones who would require manipulative therapy. The research carried out proved this to be totally incorrect.

If a chiropractor or manipulative therapist looked at the seating in this Chamber, he would say that the seating is not conducive to good backs. In fact, I had that said to me; and it is a fact that in a profession where we push a pen and talk, we are as subject to back problems as are labourers, farm managers, carpenters, and tradesmen.

The quote continues—

> "The patients we interviewed expressed a very high degree of satisfaction with their chiropractic treatment."
>
> "Of the patients interviewed, 93 per cent thought chiropractic treatment had helped them . . . .

The Hon. Peter Dowding: Was this board constituted by chiropractors, or what was the constitution of it?

The Hon. T. KNIGHT: I mentioned earlier that this was the New Zealand inquiry; and its briefs were from the Canadian inquiry into chiropractic.

The Hon. Peter Dowding: Who was on the inquiry?

The Hon. T. KNIGHT: I quote—

> "The New Zealand Commission was conducted by Mr B. D. Inglis, Q.C., B.A., J.D., L.L.D.;—

The Hon. Peter Dowding: Some would say that did not give him any qualifications.

The Hon. T. KNIGHT: I continue—

> —Betty Fraser, M.B.E., M.A. and Mr B. R. Penfold, M.Sc., Ph.D., F.R.S.N.Z. By admission the members of the Commission had no real contact with Chiropractic, their general impression of Chiropractic was one shared by many in the community; that Chiropractic was an unscientific cult, not to be compared with orthodox medical or paramedical services."

Those people came out with a report such as the one I have mentioned. We are starting to realise chiropractic is a subject which has to be considered. We have pushed it into the background for too long. Now it will come forward. We have to update and amend the legislation.

Let us be honest. Some members may not agree with all the legislation; we must look at the overall situation.

I now consider the statement made by the Hon. Peter Dowding—

The Hon. Peter Dowding: Can you say why you cannot recognise both colleges?

The Hon. T. KNIGHT: I mentioned that a training curriculum is the standard on which we

have to assess the whole profession. There is a training curriculum at the Preston Institute of Technology which is vastly superior to that offered by the UCA—

The Hon. Peter Dowding: Did you go to the UCA?

The Hon. T. KNIGHT: I have seen the training curriculum for both colleges—

The Hon. Peter Dowding: Did you go to the UCA?

The Hon. T. KNIGHT: No, I did not. While the Hon. Peter Dowding was sitting in his place, I read out the statement that the United Chiropractors' Association and the Sydney College of Chiropractic were not up to the standard expected of trained people in chiropractic in Australia.

The Hon. Peter Dowding: Was not that just a Victorian view?

The Hon. T. KNIGHT: That has all been pointed out.

To continue with the quote from *A Brief on Chiropractic*—

> "Since most chiropractic patients have tried other forms of treatment before chiropractic, they are in a position to look at the results comparatively."
>
> "It is from the individual patient that Chiropractic has found it's greatest support. In fact, much of it's acceptance in other areas is the result of the loyalty of patients who have been willing to defend, and fight for Chiropractic health care.

I place myself in the same category. I would be happy to recommend people to visit the chiropractors I have attended. They have helped me, my family, and my friends who have suffered from back complaints. I am willing to back up the statement I just read.

The Hon. D. K. Dans: You know one of the most successful chiropractors in this State had no training whatsoever?

The Hon. T. KNIGHT: I continue—

> We have found that patients are not only willing to utilize Chiropractic care themselves, but tell others that they receive this care, and recommend it to them. Since it is the patients who recruit most of the clientele for Chiropractors, we may say that there is widespread acceptance of Chiropractic by patients, at least for the limited range of problems they bring to the Chiropractor."

I would like to quote from an article in *Globe and Mail* on 2 June 1980, headed "$500 000 study applauds chiropractic care", as follows—

> Chiropractors are being denied access to laboratories and the right to visit their patients in hospitals because of "political" squabbles with medical authorities, according to a $500 000 study of chiropractic care.
>
> The study, by three prominent Canadian sociologists, says chiropractic care deserves wider acceptance at all levels of health planning.
>
> "What has happened in the past is that government bodies have given to chiropractic legal or legislative recognition, but have not exploited its potentialities. Chiropractors could usefuly be included more broadly in such bodies as community health councils, and in general programs in health promotion and health education."
>
> The study, financed by the federal Department of Health and Welfare, has been published by Fitzhenry and Whiteside as a book entitled, Chiropractors: Do They Help?
>
> Merrijoy Kelner, senior investigator in the study and a professor in the University of Toronto medical school's behavioral science department, said in an interview yesterday, that she and her colleagues were impressed by the efficacy of the care offered by chiropractors and the high degree of satisfaction expressed by patients.
>
> Her associates in the study were Oswald Hall, who has served on the Royal Commission on Health Services and the Committee on the Healing Arts in Ontario, and Ian Coulter, administrative assistant to the vice-provost of health sciences at U of T.
>
> Prof. Kelner said she was able to see a marked improvement in many patients being treated by chiropractors, and added that 93 per cent of the patients interviewed during the three-year study indicated they were pleased with their treatment and would recommend chiropractors to others.
>
> "Patients don't expect a great deal from chiropractors. They go with a very specific complaint. The patients' expectations are modest; but they are fulfilled."

I believe honestly and sincerely that within 12 months we will have further amendments to this Act. I hope that the Federal Government carries on with the funding for the Preston Institute of Technology. I understand the funding will

continue until 1983, when a review will be carried out.

I will be honest and say I would like the United Chiropractors' Association, through the Sydney College of Chiropractic, to adopt a similar curriculum for training so that the members could be accredited and supported by Government finance. The main argument is that we accept a good and acceptable standard of chiropractic. That means that the educational training must be acceptable to all Governments in Australia. We must work hand in hand to ensure that Medibank and the private health funds cover chiropractic care, to ensure that the people with illnesses who cannot be helped by the medical profession are able to receive the assistance they need. I hope the AMA will wake up to the situation that the medical practitioners treat all people, and that they can be part of the deal along with the chiropractors, the physiotherapists, the naturopaths, and so on.

I support the Bill.

THE HON. V. J. FERRY (South-West) [8.24 p.m.]: I support the Bill before the House; and, like the Hon. Tom Knight, I believe that this will be the forerunner to further amendments of the Act in the light of further experience. I compliment the Hon. Tom Knight on his presentation tonight. I know that over a number of years he has made a fairly close study of chiropractic methods and treatment. He has done that on a personal basis; and he has undertaken a great deal of study. That has been proved by his presentation tonight. In addition, he has visited the Eastern States to examine the Preston Institute of Technology in Melbourne. I am also aware that in Western Australia he has had many discussions with people who have learned opinions on the subject.

I have been studying the subject for a number of years; and I am grateful to chiropractors. I have attended a chiropractor in one form or another for something like 24 years. I am grateful for the assistance I have been given. Certainly I would hesitate to go to someone whom I did not think was reasonably qualified. That is what the Bill is all about. It is designed to provide for an acceptable standard of treatment, and an acceptable standard of competence by chiropractors.

After all, we are endeavouring to protect people from themselves. We are endeavouring to protect those who are seeking chiropractic treatment. Therefore, it is of prime importance that those who are registered to practise in this field of medical endeavour are competent to bring benefits to people, rather than allowing them to bring greater disadvantages to their patients' health. I know that this can occur if one has incorrect treatment in any form. Sometimes it can be disastrous to that person's health, whether the treatment is chiropractic, medical, dental, or whatever.

When one chooses a practitioner in any area of health care, one hopes that one is choosing a person who is qualified to bring relief rather than greater suffering. It is my concern that there should be an acceptable standard. There is provision in the Bill to grant accreditation to the International College of Chiropractic in Melbourne. I agree with that; and, like the Hon. Tom Knight, I look forward to the day when the Sydney college, or any other college in Australia, updates its curriculum to provide an acceptable standard for its students so that they can qualify at the higher standard. At the present time, I believe their graduates have an inferior standard.

I have had the benefit of talking to people from the Preston Institute of Technology in Melbourne, and also to people from the Sydney college. I have had the opportunity to question them in relation to their methods. I am not satisfied that the Sydney college is up to the standard I would like.

The Hon. D. K. Dans: What is the criterion you used? At what level do you say the chiropractic is good or bad?

The Hon. V. J. FERRY: I am using my own judgment, on what I have learnt of chiropractic.

The Hon. D. K. Dans: What if you went to Chris Martinovich's son? He has not been to a college.

The Hon. V. J. FERRY: I am endeavouring to make a contribution, but I am interrupted by members who ask all sorts of questions. I do not mind one question at a time, but I would prefer not to have successive questions. To go back to the first question—

The Hon. Peter Dowding: When was it you spoke to the Sydney college?

The Hon. V. J. FERRY: Here we have another bird chirping across the benches.

The PRESIDENT: Order!

The Hon. V. J. FERRY: I would like to say the standard was based on my judgment. That is why I am standing in my place tonight, saying that in my judgment—

The Hon. D. K. Dans: That is what I wanted to know.

The Hon. V. J. FERRY: I am saying it is based on my judgment; and I am explaining how I have arrived at this judgment over some years. My

judgment is based on my personal treatment by chiropractors; on the reading of a number of reports of inquiries—not only the New Zealand one that has been referred to, but others; and also as a result of my talking to people who are practising in the profession, not only in this State, but in New South Wales, Victoria, and so on. I made my judgment; and I have the right to deliver it, because I am a member of this place, and I reserve that right.

I will refer to the right of appeal provision which is admirable. It may not suit everyone to have this form of appeal, but one of the basic tenets of out society is that we should have the benefit of an appeal.

The Hon. Peter Dowding: What is wrong with going to a judge?

The Hon. V. J. FERRY: The honourable member can go anywhere he likes. I am concerned about chiropractors who may be aggrieved by the provisions under the proposed legislation. I think the provision of an appeal to a magistrate serves a purpose, at least for the immediate future. In the passage of time it may be shown that this opinion needs reappraisal, and I would be the first to acknowledge that I look forward to that need. If the need exists we will attend to it. The proposed provision is a step forward and I applaud it.

The Hon. Peter Dowding: Why not start at the top and work down?

The Hon. V. J. FERRY: There are some members in this Chamber who deal with legislation in two ways; one is with reason and the other is with sarcasm. Some members use sarcasm rather than reason as a form of argument.

The Hon. D. K. Dans: I think the Hon. Peter Dowding put forward a reasoned argument.

The Hon. V. J. FERRY: When we deal with this subject it is better that we use reason rather than sarcasm. I am disappointed that the Hon. Peter Dowding used sarcasm in his speech earlier this evening.

I will conclude my brief contribution to this Bill by supporting the hope expressed by the Hon. Tom Knight that patients on a regular basis may be referred to chiropractors by members of the medical profession.

The Hon. D. K. Dans: No chance!

The Hon. V. J. FERRY: I know that some medical practitioners in this State and certainly in other States refer patients to registered chiropractors. I hope this practice becomes common and routine because cases exist in which chiropractors who know their stuff are able to give tremendous benefit to patients, whereas a member of the medical profession is not competent in the chiropractic area. A number of medical practitioners have admitted this fact.

The Hon. D. K. Dans: You cannot say that doctors have said they are inferior to some chiropractors.

The Hon. V. J. FERRY: Some medical practitioners are not trained in the chiropractic area or are not sufficiently trained to the same extent as is a thoroughly trained chiropractor. I am looking to the day when this type of referral becomes accepted.

I support the Bill.

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [8.33 p.m.]: I thank the two members on this side of the House who spoke in support of this legislation. Their speeches indicated the amount of research they did.

The Hon. D. K. Dans: What did you say!

The Hon. D. J. WORDSWORTH: Members of the back bench can play a vital part in the formulation of legislation. Members are aware that Government members have visited Victoria to investigate this matter, and that they carried out a considerable amount of work. Unfortunately the Opposition's contribution did not go further than a reading of *Hansard*. That is all its members have done. They have just followed the words of Mr Hodge in another place, and that is disappointing because it does not do them credit.

One of the matters they raised was that the five recommendations of the Select Committee—later an Honorary Royal Commission—of the Legislative Assembly were ignored. That was not so because those recommendations listed by the Hon. Peter Dowding were in the 1964 legislation. The only one that was not incorporated was the recommendation that an appeal should be heard by a judge of the Supreme Court. After the findings of that Select Committee we introduced a Bill which later became an Act for the registration of chiropractors. It had a grandfather clause and a clause that prohibited unlicensed practitioners or those using the word "chiropractor"—

The Hon. Peter Dowding: They are not the same people.

The Hon. D. J. WORDSWORTH: That is a matter of opinion. I believe they are the same.

The Hon. Peter Dowding: You have not stopped people working as chiropractors, you have merely stopped people calling themselves chiropractors.

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

The Hon. Peter Dowding: That is not the same thing; surely you can see that.

The Hon. D. J. WORDSWORTH: The proposed legislation is an endeavour to establish the field of chiropractic as a scientific and highly trained practice. That is the essence of this debate. I accept that anyone can call himself a manipulator, or whatever.

The Hon. D. K. Dans: Some people have done so highly successfully.

The Hon. D. J. WORDSWORTH: The purpose of the proposed legislation is to properly train people who are called "chiropractors".

The Hon. Peter Dowding: You do not ban people who practise as doctors, but you ban people who practise as chiropractors.

The Hon. D. J. WORDSWORTH: I will not bandy around names.

The Hon. Peter Dowding: But that is the substance of the thing.

The Hon. D. J. WORDSWORTH: We propose to give a group the opportunity to call themselves chiropractors. The proposed legislation reflects the recommendations of the Honorary Royal Commission, but the Opposition wants to make ground with the point as to whether someone should be able to appeal to a judge or a magistrate.

The Hon. Peter Dowding: But that was the recommendation.

The Hon. D. J. WORDSWORTH: If our 1964 legislation is so bad, why did not the Labor Government do something about it? When Mr Tonkin was a member of the Select Committee he did not do anything about the situation, and he had three years to do something about it as Premier. I believe the legislation we introduced was acceptable to the Opposition at that time and when it became the Government.

It has been said that the Webb report of 1977 was ignored. I do not believe that is so. After all, one of the recommendations states, and believe it or not, it is at the same page as quoted by the Opposition, page 166—

> ... registration of practitioners in Australia ought not to be linked to a foreign accreditation ...

By our recognising the International College of Chiropractic which of course was established at Preston in Victoria we have managed to reach an accepted standard of education in Australia so that we do not rely upon academic qualifications from overseas.

The Hon. N. E. Baxter: It is too hard for them to be educated over there.

The Hon. D. J. WORDSWORTH: We are now not entirely relying on overseas qualifications. As was pointed out, nothing stops the board from recognising other qualifications—

The Hon. Peter Dowding: But it is one faction, would you not agree?

The Hon. D. J. WORDSWORTH: Not necessarily. Let us get to the point of how today's board is constituted. The interesting point is that while we are told we accept only one side of the profession, one must remember that the board consists of one legal practitioner who is the chairman, two representatives of the Australian Chiropractors' Association, one representative of the United Chiropractors' Association, which is the body the Opposition has referred to as superior, and one chiropractor who is not affiliated with either.

The Hon. Peter Dowding: That is one person in favour of the ACA. Surely you can see that.

The Hon. D. J. WORDSWORTH: The Hon. Peter Dowding complained that it was not run by chiropractors.

The Hon. Peter Dowding: I pointed out that it was run in favour of the ACA.

The Hon. D. J. WORDSWORTH: Whether it is—

The Hon. Peter Dowding: Is it, or is it not run in favour of the ACA?

The Hon. D. J. WORDSWORTH: There are two members who represent the ACA and two who do not.

The Hon. Peter Dowding: Two represent the ACA.

The Hon. D. J. WORDSWORTH: The other is not affiliated with either.

The Hon. Peter Dowding: That flies in the face of all the recommendations.

The Hon. D. J. WORDSWORTH: I do not believe it does. The Hon. Tom Knight explained to this House that a need exists for some standards of education and that such standards prevail at Preston in Victoria. I think the college must be congratulated for what it has done. I took the opportunity to study the report *Chiropractic in New Zealand* which was presented in 1979 and which was quoted by the Hon. Tom Knight. I think it is rather interesting that the commissioners who conducted the investigation

felt a little as I did when they set out to make that report.

The report states—

> If we had any general impression of chiropractic it was probably that shared by many in the community; that chiropractic was an unscientific cult, not to be compared with orthodox medical or paramedical services.

Fortunately I have never had to go to a chiropractor, but I know that a number of people who have had to go have received considerable benefit. When one reads the summary of the principal findings in that report one realises that it is the most extensive report ever made in any country. The commission's findings were that modern chiropractic is far from being an unscientific cult.

The Hon. Peter Dowding: We all agree with that.

The Hon. D. J. WORDSWORTH: There are a lot of people who do not hold the same view. If one reads the report one will see that some members of the medical profession raised the question of whether chiropractic is a scientific cult. The report states—

> Chiropractors are the only health practitioners who are necessarily equipped by their education and training to carry out spinal manual therapy.
>
> Generally medical practitioners and physiotherapists have no adequate training in spinal manual therapy.

The Hon. D. K. Dans: From where are you quoting?

The Hon. D. J. WORDSWORTH: I am quoting from the summary of principal findings of the *Chiropractic in New Zealand* report. It pointed out the training taking place in Victoria, and I believe that the college has a very high standard.

The Hon. Peter Dowding: The Opposition does not say that the Government should not recognise the college.

The Hon. D. J. WORDSWORTH: It is recommended that students complete a three-year Bachelor of Science course and then complete a two-year chiropractic clinical course at Preston college which would turn out a person with five years' training, and that is the standard which Western Australia accepts.

Like the Hon. Tom Knight I only hope that the college continues, but it has financial difficulties.

The only point I have not covered relates to an appeal to a magistrate. It is argued that one should be able to appeal to a judge. I believe the Hon. Peter Dowding was insulting to his colleague across the bench who has been a magistrate for some time and a very good one. He put him at the bottom with the JPs.

I thank members for their support.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. D. J. Wordsworth (Minister for Lands) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 18 amended—

The Hon. PETER DOWDING: I want to respond briefly to some comments made by the two speakers from the Government back bench and the comments by the Minister. I am sure the Hon. Tom Knight and the speakers for the Government were sincere in their views about the importance of chiropractic, but its importance is not the basis of our opposition to this Bill.

If this place is to be a Chamber of Review members opposite will have to put their minds to the provisions of clause 4, and not to the peripheral question as to whether cover is to be given. It flies in the face of the Webb report. Whether a group of innocent bystanders in New Zealand was consulted, or a group of people in Canada was consulted, the fact remains that the Webb report was prepared by a highly respected group in the community. Members of Parliament have an obligation not to impose their own subjective views on the findings of that committee. They should look at what the experts have to say. The committee comprised Emeritus Professor E. C. Webb, Deputy Vice-Chancellor (Academic), University of Queensland, and later Vice-Chancellor of the McQuarrie University; Professor M. J. Rand, Professor of Pharmacology, University of Melbourne; and Emeritus Professor R. H. Thorp, Professor of Pharmacology, University of Sydney.

It would be fairly hard to find another body as august and as experienced in matters of analytical inspection of this type of issue which concerns health. This high-powered committee analysed the position after three years' findings. When dealing specifically with this particular issue, at page 131, the committee reported—

> Chiropractors with qualifications from the major overseas institutions, particularly in North America, and the two better institutions in Australia (the Sydney College of Chiropractic and the Chiropractic College of Australasia) will probably be found acceptable for initial unconditional registration.

How members opposite can support clause 4, which excludes Western Australia from determining qualifications, and requires consultation with a Victorian privately-owned company, is beyond me.

The Hon. T. Knight: Would you be happy with a high school student moving into the legal profession?

The Hon. PETER DOWDING: A high-powered and able committee of inquiry took three years to examine the issues and the evidence, and that committee found in favour of recognising the Sydney college.

The Hon. T. Knight: You should read your facts.

The Hon. PETER DOWDING: If the Hon. Tom Knight can be persuaded to read the relevant part of the Webb report he will find what is recommended. The point is not whether the UCA has been proved to be better; the point is that to acknowledge the split between the profession is like making an analysis of the professional conduct rules of the legal profession in this State and ignoring the fact that there are barristers. That is as silly as ignoring the UCA.

The Hon. T. Knight: You are missing the point. If they had the same standards of training, everyone would be happy.

The Hon. PETER DOWDING: The member acknowledges there is a split, but a little pressure group happens to have the ear of the Minister for the time being. That is not regarded as being acceptable to provide for qualifications.

If the Hon. Tom Knight really wanted to consider this matter, as a member of a Chamber of Review, as a back-bencher he would be pushing the Government to provide some objective group which would analyse the qualifications of chiropractors without requiring consultation with one group only.

Why not require consultation with the UCA? It does not make sense except that it is a pressure group and it has the ear of this Government which is ignoring the voice of the UCA.

The Hon. T. Knight: Do you listen to pressure groups?

The Hon. PETER DOWDING: Of course we listen to pressure groups. Every Government and every Opposition does. The point is one does not listen exclusively to one particular group.

The Hon. I. G. PRATT: I would be interested to hear the Hon. Peter Dowding's opinion of the New South Wales college when he visited it. On several occasions he suggested that the Hon. Tom Knight should have looked at the New South Wales college.

The Hon. T. KNIGHT: I visited the Preston Institute of Technology in Victoria, but I did not go to the Sydney College of Chiropractic for very good reason. I saw the curricula laid down for training at both institutions. When we asked the United Chiropractors' Association for a copy of its curricula, we were told the curricula was to be changed and a copy would be forwarded to us. We have not received anything. However, within one month of that assurance I received through an associate of mine a copy of the curricula dated three weeks after the visit, and the old curricula was included. There is no point in embarrassing me or them by making another approach.

The Chair of Chiropractic at the other university was held by the dean of the faculty.

The Hon. D. K. Dans: What university?

The Hon. T. KNIGHT: The Preston Institute of Technology.

The Hon. D. K. Dans: That is not a university.

The Hon. T. KNIGHT: All right, it is an institute. It was stated its members visited the top training institutions in America and other parts of the world. Its training curricula had been set down the previous year. The standard at Preston was based on the major training institutions throughout the world.

At that time the Sydney College of Chiropractic had not seen fit to lift its standard of education. The Hon. Peter Dowding asked why we should not consult both groups. I am prepared to back both groups provided the training is similar.

The Hon. Peter Dowding: But your Government is not prepared to back both groups.

The Hon. T. KNIGHT: If the Sydney College of Chiropractic lifted its standard to that of Preston I have no doubt that after discussion the Minister would be prepared to accept that standard. In fact, that suggestion has been made. If there are not two standards for the training of lawyers, why should there be two standards for the training of chiropractors?

The Hon. Peter Dowding: There are seven institutions. No, actually there are about 11.

The Hon. T. KNIGHT: No-one can indicate to me that the standards of legal training vary to the degree where the level of entry for one person is matriculation at a university, for another person, a certificate from a high school, and a third person could be a non-certificated high school student doing a part-time course. In regard to chiropractic training, I can prove this is so, to the member opposite if he persists with his stupid attack. I am afraid he is not interested in the standard of chiropractic training which is for the benefit of the Australian public.

The Hon. PETER DOWDING: I would like the Minister to tell us why this Government legislation proposes to fly in the face of the recommendations of the Webb report. Perhaps the Hon. Tom Knight can assist and explain why this august place is being asked to pass such legislation. I ask the member opposite to look at page 170 of the Webb report. The recommendations set out by the Australian Council of Chiropractic are not to be recognised by this Government or registration boards as an accrediting agent for chiropractic colleges. The point is that the agent is not concerned with chiropractic practice, but with chiropractic colleges. There is a schism between the groups and it is so great we are not able to get an objective comment.

If the Hon. Tom Knight is so interested why did he not visit both colleges? The Government is not prepared to trust its own board to make a decision without consulting the Victorian board. It will not be able to exercise its unfettered decision. The Government does not trust the board to operate without receiving advice from the ICA. Members opposite have not been able to say successfully why the board should not consult with the two bodies.

The Hon. T. KNIGHT: When a criterion is established it is done so on the basis of the training of the people who will go into the public. That training should be the highest which is available. Several sections of the report can be interpreted as one wishes. It was stated that when the committee visited the Sydney College of Chiropractic it approached one trainee student and asked him what he was doing. He said he was not aware of what he was doing. He had been asked to carry out the exercise because visitors were expected.

The Hon. Peter Dowding: That is not relevant.

The Hon. T. KNIGHT: There are sections of the report which completely back up what the board and the Government are trying to do. The Government simply is trying to establish a recognised and acceptable training standard for people in Australia. If the principle set out in Western Australia is followed by the other States, the profession will benefit generally.

The Hon. I. G. PRATT: It is quite clear the Government is choosing the better set of qualifications.

The Hon. Peter Dowding: It is not choosing them; it is saying the board has to consult with them.

The Hon. I. G. PRATT: I will give the Hon. Peter Dowding the advice he gave to me a while ago: Be quiet and do some listening. I will get on to something else with that gentleman in a moment.

Why is there any argument about choosing the better qualifications? Why should people consult somebody with a lower qualification when they want advice?

The Hon. Peter Dowding: Because the Webb report says so.

The Hon. I. G. PRATT: We have been told tonight that we should not use magistrates because they are too lowly—that was the inference to be drawn—but that we should go to the top. Now we are getting the opposite argument in respect of the chiropractic profession, and we are being told by the Hon. Peter Dowding that we should go to the bottom. He cannot have it both ways.

The Hon. D. K. Dans: That is pitiful.

The Hon. Peter Dowding: You should read the Act.

The Hon. I. G. PRATT: The Government has been lambasted tonight by a member of the Opposition, who has chosen to become involved in this debate, because it has not accepted every recommendation of a committee. I would ask the honourable member opposite: Would the Opposition give a pledge tonight that if it were in Government—heaven forbid!—and had a series of committees inquiring into a series of circumstances, it would accept every recommendation put to it by those committees?

The Hon. P. G. Pendal: It probably would!

The Hon. I. G. PRATT: Would members opposite accept the recommendations made by experts?

The Hon. Peter Dowding: And ignored by you.

The Hon. I. G. PRATT: A decision must be made by the people who have the responsibility of making decisions. They have looked at recommendations, read the report, and made the decisions. That is how it should be.

What a weak, watery argument it is to say that the Government has done everything, but has not agreed to one recommendation, so it is not doing the right thing. What absolute rot!

The Hon. Peter Dowding: What if it is important?

The Hon. I. G. PRATT: We do not believe that recommendation is correct. We believe the line we are taking is the correct one. The Hon. Peter Dowding has been told this on many occasions, but it does not seem to sink in to this young gentleman who is so sarcastic about the ability of other people to absorb facts. He has been told several times tonight that an assurance has been given by the Minister that if the New South Wales college were to raise its standards to an acceptable level, its graduates would be acceptable. What is wrong with that proposition?

The Hon. Peter Dowding: The Webb report recommended that college.

The Hon. I. G. PRATT: It is about time we stopped this rot and took a vote, and then got on with the business of governing.

The Hon. T. KNIGHT: I had hoped to receive my notes back from *Hansard*. The Hon. Peter Dowding still has his notes, and perhaps he may care to look at them and report to the Chamber on the number of training institutions in Australia at the time of the Webb report. Probably there were 20 of them. Tasmania, South Australia, New South Wales, Queensland, and Victoria all had training institutions; in fact, I think there were three in Victoria and either three or four in Queensland. Bearing that in mind, why do not we accept graduates from all those institutions? The reason is that the training curricula laid down by them was not up to the standard that we expect to be implemented in Western Australia.

The Hon. Peter Dowding: The answer is that the Webb report did not recommend it.

The Hon. T. KNIGHT: I know that, but the point is that Mr Dowding asked why we did not look at the International College of Chiropractic. The fact is that the Sydney College of Chiropractic under the United Chiropractors' Association does not come up to the expected standard. If the member looks at the training curriculum, which I have said I will make available to him, he will find that in all honesty he could not agree with it. If we were to accept the standard laid down by the UCA we would not be doing the right thing by the people of this State, because it is below the standard that we demand, and the standard to which the Liberal Party is trying to uplift the chiropractic profession in Western Australia. We are trying to introduce into the profession people with a background of scientific and medical education who are able to stand up to public criticism. We want chiropractors who are acceptable to the public of Western Australia, and Australia in general.

The Hon. N. E. BAXTER: I have listened with great interest to the arguments from both sides of the Chamber. I think we must get back to the simple facts. This is a recommendation made to the Minister and to the Government by a board which is empowered under the Act to advise and make recommendations to the Minister in respect of any matter affecting or relating to the profession of chiropractic.

The board over the years has been fully cognizant of what is available in Australia in respect of chiropractic education. When I was the Minister for Health consideration was given to whether graduates of the Melbourne University should be admitted to practise, and it was decided the university had not progressed far enough and its standard of education was not of a high enough degree to enable graduates to be accepted into the chiropractic profession in Western Australia.

This Bill simply proposes that before making the rules in respect of eligibility to practise, the board shall consult with the Australian Council on Chiropractic Education. That council came into being only within the last five or six years, and the board in its wisdom has decided that the council should be consulted in regard to chiropractic education in this country.

The Hon. Peter Dowding: The Government has decided that, not the board.

The Hon. N. E. BAXTER: The board has advised the Government; the Minister does not go off on his own and decide what to do.

The Hon. Peter Dowding: Do you know that the board recommended that?

The Hon. N. E. BAXTER: Under section 17 of the principal Act, the advice must come from the board. The board and its members are there to handle the registration of chiropractors and to carry out all duties and functions in respect of the practice of chiropractic in this State. Members of the board are the ones who advise the Minister in regard to amendments to the Act. If amendments are acceptable to the board, they should be acceptable to the Government. The Minister and his officers do not go off on their own to get recommendations in respect of amendments to the Act.

The board recommended this amendment. That is it in a nutshell, and any other argument is superfluous.

The Hon. D. J. WORDSWORTH: I thank members for their support of the provision. In this case the Minister has very little to answer.

The Hon. Peter Dowding referred to the innocent body of bystanders in respect of the commissions writing a report, and his remark was particularly insulting when one appreciates the standard of the work done. I think the body he referred to was the body which compiled the report in New Zealand.

The Hon. Peter Dowding: You said before they knew nothing about chiropractic.

The Hon. D. J. WORDSWORTH: I said when they started out they had no bias towards chiropractic. They travelled not only throughout New Zealand, but also throughout the world in their studies on this subject, and they visited every college they considered worthy of visiting. The colleges visited included the Preston Institute of Technology, the Anglo-European College of Chiropractic at Bournemouth in England, the Canadian Memorial Chiropractic College in Toronto, the National College of Chiropractic in Illinois, the Palmer College of Chiropractic in Idaho, and the Los Angeles College of Chiropractic. That indicates that they carried out extensive studies. They also considered the various establishments in Australia and came down heavily in support of the International College of Chiropractic at Preston.

The Hon. Peter Dowding: You prefer the New Zealand report to the Australian report, do you?

The Hon. D. J. WORDSWORTH: If nothing else, the New Zealand report is a later one. It was presented in 1979, whereas the Webb report was presented in 1977 after several years' study. In fact, the college at Preston has had a chance to establish itself since then. I believe that when the Webb inquiry commenced, the Preston Institute of Technology was perhaps not fully established.

Another matter was raised by the Opposition in respect of allowing the board to decide what the standard shall be. I would like to quote from a letter written by the Registrar of the Chiropractors Registration Board to the Federal Minister for Education (the Hon. W. Fife). The letter concerns funding through the Tertiary Education Commission.

The Hon. Peter Dowding: Can you table all these papers?

The Hon. D. J. WORDSWORTH: Yes. The registrar was supporting the proposition that funds should be made available to the Preston Institute of Technology. What he said is relevant to this argument in respect of clause 4. I quote as follows—

> Apart from the knowledge gained by most members of this Board when they have separately visited the International College of Chiropractic, the Board was guided in its decision to have the name of that college only incorporated in the Chiropractors Registration Board Rules for Western Australia. This guideline came largely from the "Report of the Committee of Inquiry into Chiropractic, Osteopathy, Homoeopathy and Naturopathy" Australian Government Publishing Service, Canberra 1977. This report is often referred to as the Webb Report, which I have mentioned above.

That indicates that board members have themselves independently selected the Preston college as being the authority.

Clause put and passed.

Clause 5: Section 19 amended—

The Hon. PETER DOWDING: With respect to the information provided by the Hon. Tom Knight, who is making a very useful contribution to the debate this evening with his penetrating points, I would indicate to him that he has missed the meaning of section 19 of the Act.

That section does not prevent somebody from practising the profession of chiropractic, as the legislation governing medical practitioners and legal practitioners prevents persons from practising those professions.

If what the Hon. Tom Knight says is correct and the increase in penalties is justified because somebody might go around as a quack and manipulate people without having the qualifications to do so, then the point I make is that section 19 does not prevent that. If the Government was so concerned about that, one would have thought it would consider an amendment to section 19. That section prevents people calling themselves chiropractors. They can call themselves anything they like and can advertise they are skilled in manipulation and chiropractic-type work, but they cannot call themselves chiropractors.

That seems to me a rather odd response to the evil to which the Hon. Tom Knight has referred. If it were the case that unskilled people should not do manipulation of the spinal column, then why is it not an offence to do that? By all means if that is what concerns the Government and the Hon. Tom Knight, and if that is what justifies an increase in the penalty from $200 in 1964 to $1 000 now, simply because one calls oneself a chiropractor, then let me point out there is no need for it.

If members opposite are offended by my sarcasm and at times find my arguments difficult to swallow, then that is merely the hurly-burly of politics. But they might like to give some thought to this proposition: If it is the case that only two prosecutions have occured in 16 years, where is the justification for increasing the penalty when the penalty does not relate to the gravamen of the problem? The Hon. Tom Knight has pointed out the evil, and that evil is not covered by the Act.

If the Government really understands the evil it is trying to eradicate, why does it not do something with this Bill? For an evil which has not raised its head on more than a couple of occasions, we have provisions covering it in the Bill.

The Hon. T. KNIGHT: As a legal man, the Hon. Peter Dowding has overlooked possibly the most pertinent point; that is, interpretation. It is okay for someone to say he is not operating as a chiropractor and that he is a manipulative therapist. The interpretation in the regulations is as follows—

> Chiropractic means a system of palpating and adjusting the articulations of the human spinal column by hand only and correcting without the use of drugs or operative surgery, interference with normal nerve transmission or expression.

The Hon. Peter Dowding: Where is it stated that is an offence; where is it stated it is an offence to do it without qualifications?

The Hon. T. KNIGHT: As a lawyer, the Hon. Peter Dowding would know that the intended word or the inferred word is just as acceptable; it is legal jargon.

The Hon. Peter Dowding: Where in this Bill is it stated that it is an offence for a person to practise without being a chiropractor?

The Hon. T. KNIGHT: If a person operates on someone and says he is a butcher, he is actually carrying out an operation illegally. He is considered to be overlapping into the medical field. The Hon. Peter Dowding is looking for ways by which to delay the legislation. I have said that I expect there will be further amendments to the legislation in the next 12 months. If the honourable member can prove what I have said is incorrect, perhaps he can make a suggestion which we could follow up.

The Hon. PETER DOWDING: I am sorry some members opposite find the democratic process tiresome; I am sorry the Hon. Ian Pratt finds it tiresome, although it is typical of him. I have much more respect for the views of the Hon. Tom Knight. The provisions of the Chiropractors Act of 1964 reveal that it is not an offence to manipulate people. For someone to call himself a chiropractor is not an offence.

The Hon. I. G. PRATT: I have never said I have found the process of democracy tiresome, but I do find some people extremely tiresome.

Clause put and passed.

Clause 6: Section 20A inserted.—

The Hon. PETER DOWDING: I must say that I find the submission of the Government against the appeal argument put forward by the Opposition really extraordinary. We have a system in this country whereby magistrates' decisions are reviewed; they are reviewed by more senior judicial officers whose decisions are reviewed by even more senior judicial officers, the point being that the more senior the officer, the more important and more useful is his overseeing role. Because I suggested magistrates should not be the sole arbiters for employment opportunities, in the Government's view I am being unfair to magistrates. All I am saying is that similar provisions for appeal should apply in this legislation.

If members opposite feel it is acceptable to leave a person's entire livelihood in the hands of a magistrate, when our entire judicial system contemplates that in every other case the magistrate's decisions can be subject to review, the Opposition cannot help but find that view offensive.

The Hon. D. J. WORDSWORTH: I find that the Hon. Peter Dowding is arguing against himself. A moment ago he was arguing that we were making it illegal for a person to carry out the practice of chiropractic. We are making it illegal only if a person is not qualified. We are not cutting off a person's livelihood. A magistrate is quite a suitable person to hear an appeal.

The Hon. PETER DOWDING: The Minister's remarks are a tiresome failure to come to grips with the real issue. A man who has gone through training as a chiropractor and who wishes to call himself a chiropractor and to do the right thing by society will have his entire future determined by a magistrate without any judicial review opportunities being made available. That is not the situation in many areas in which a magistrate is involved, such as with the registration applications under the land agents' legislation, where people have the right to go to the Supreme Court. But for some reason the Minister simply draws the line and says this is all the Government will do. Why is this so? Why is it the case that people applying to a magistrate cannot have the

right that other citizens enjoy; that is, to have some superior court review the decision?

Clause put and passed.

Clauses 7 and 8 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

POLICE AMENDMENT BILL

Second Reading

Debate resumed from 22 October.

THE HON. PETER DOWDING (North) [9.23 p.m.]: Once again I find myself in a position of adopting a stance which no doubt members opposite will find irritating. I will take some time to make my points, as there are issues in the present amendments with which the Opposition strongly disagrees.

There is no objection to clause 3 because it provides a useful way by which to avoid what obviously is the cause of some administrative problems. However, in my respectful submission clause 4 is a good example of what the dictionary defines as, "an abnormal tendency to suspect and mistrust others"; that is, paranoia. That is exactly what this Government suffers from.

It is a tragedy in a democratic community that a Government should fear public opinion so much that it seeks to prevent its proper and reasonable voicing. We have had notice that the Minister proposes to introduce some amendments which it appears are to make reference to the definition of "civil emergency". With all due respect to members opposite who think that is an appropriate way to resolve the problems in this legislation, Opposition members feel they are wrong.

Section 34 of the Police Act relates to the appointment of special constables and dates as far back as 1831 when the United Kingdom Parliament introduced the Special Constables Act. Since 1831, no democratic community has found it necessary to provide for the appointment of special constables for any circumstances apart from tumult, riot, or felony.

What is it in the Minister's speech which justifies the introduction of this legislation? In my respectful opinion there is nothing which justifies it.

How often have special constables been appointed; how often has there ever been a requirement that they be appointed? The answer is that very rarely has it been necessary and there is no evidence that it has ever been required in circumstances such as those covered by the use of all these words.

No doubt in due course we will have a chance to talk about the proposed amendment, but I will speak to the provision as it exists in the Bill before the House.

An appalling thing has occurred in this State over the last 14 days. This Government has proposed legislation which affects the police officers of this State, the operation and the conduct of these officers in the exercise of their duties, and specifically the people with whom they are required to stand shoulder to shoulder in times of trouble; that is, in times of tumult, riot, or felony. The people with whom they are required to stand side by side are untrained.

The Government has not been prepared to consult with the Police Force as a whole over the introduction of these provisions. It is a sad day for this country and for this State when the Government wants to ram through legislation which may affect the day-to-day operation of the Police Force without consulting with it. The Minister has poured scorn on the suggestion that he might have asked the union, as the representative of the man on the beat, about what he thinks in times of a civil emergency and working in conjunction with untrained constables whose sole qualification is that they have been able to persuade two JPs that they are respectable people to be appointed.

We know there are JPs in this State, operating far from the assistance with which JPs in the metropolitan area operate, who have no legal training in the implications of much legislation and who do not pretend to be authorities in this sort of issue, but who will have to appoint special constables.

No question has been raised by this Government with the very policemen who will have to put up with the activities of those special constables. The members of the Police Force in this State are growing increasingly concerned at the way in which this Government is prepared to push them out in the front of political disputes such as the one in respect of Noonkanbah and union disputes that have occurred in the last few years, without giving any thought to the way in which they wish to act in society. Its own commissioner has been prepared to go to the Press and make clearly political, highly-charged speeches on matters of great political sensitivity. It is my view that there are many people in the Police Force who are becoming increasingly

disquietened about the actions of this Government.

There is no pretence in the Minister's second reading speech on the Bill that he has any special reason for introducing clause 4. An occasion on which clause 4 was required has in fact never been shown.

Some areas in my electorate, specifically Hedland and Goldsworthy, have experienced natural disasters and the civil emergency service and the voluntary emergency service have been prepared to co-operate with the Police Force without the necessity for the appointment of special constables. It would be abhorrent to police officers to be forced to work alongside people who have no training in this sort of situation.

There is no adequate definition of what is meant by the words "civil emergency". The Government is not game enough to set out in the Bill what is meant by a civil emergency. The Government is not prepared to put its money where its mouth is and say, "By 'civil emergency' is meant such-and-such". The proposed amendment goes no further than to say that a civil emergency includes certain things. If members opposite have a copy of the Bill, they will see the Government is not prepared to define what is meant by "civil emergencies".

A civil emergency includes certain things and it is proposed to include a natural or man-made disaster which causes or threatens to cause loss of life, etc. What else does a civil emergency include? Why will not the Government say what it means by a "civil emergency"? The Government should delete the word "includes" and insert the word "means".

There would be nothing against the Government taking such action as far as the principles of drafting are concerned. Indeed, principles of drafting require the greatest clarity possible. I believe firmly that members of both Houses of this Parliament have allowed sloppy legislation to be passed. A classic example of this is section 54B of the Police Act which has eluded clear expression on a number of separate occasions.

Why is the Government afraid to be specific about what it means? The answer is that the Government is acting in a paranoid manner. The Government is acting as if it were afraid of something. It needs to build up an armoury of legislation in order to enforce its political will and to stamp out people who wish to oppose it in a peaceful and law-abiding way.

The Government has not demonstrated the need for this amendment. I do not believe members of the House should be asked to pass legislation without clear and unequivocal statements of the need for it. Where is the clear and unequivocal necessity for the introduction of clause 4? We have managed quite well over the past 150 years with the current legislation. The United Kingdom has been able to operate without a provision similar to that contained in clause 4. Other States do not have such a provision; therefore, why is it necessary for this State to have this vague provision as it stands in the Act at the moment, and the equally vague amendment proposed in the Bill?

Clause 5 is of equal concern to the Opposition. The Minister is not being frank when he talks about the effect of the amendment to section 80 of the Act. The present provision of section 80 of the Police Act refers to the offence of wilful damage and reads, in part, as follows—

> Every person who wilfully or maliciously destroys or damages any real or personal property. . . is guilty of an offence.

The sort of conduct which ought to be dealt with criminally is the conduct for which there is a *mens rea*. If members opposite are not familiar with the phrase, I should like to point out I am not referring to one's derriere; I am speaking about the intent. We should not create offences in situations where there is no intent. Section 23 of the Criminal Code provides a specific exception to acts occurring out of a person's intent. However, section 80 provides the requirement that it must be wilful or malicious. The word "wilful" simply means the offence was intended to be committed.

If I walk along a street and fall over accidentally and break a pane of glass in a shop window, that action is not wilful. Should it be an offence, I have committed a breach of the criminal law if that occurs. Under section 23 of the Criminal Code there is an argument that it would in fact be an offence. I believe that to be an equivocal proposition. If one removes from a Statute a clear requirement for *mens rea*, it may be that the requirement is absent. Why is it necessary to amend a perfectly satisfactory law which has worked quite adequately for 150 years in this State? The Act was repealed and re-enacted in 1970 and 1975. Where is the need to create an offence which occurs without intent?

The Minister says it is necessary to do this in a situation in which someone is drunk. No doubt the Minister for Education will know something about these sorts of problems.

Government members interjected.

The Hon. PETER DOWDING: It is a fact. Do Government members want to deny it? This is put

up as a proposition based on the need to convict someone who is so drunk he does not know what he is doing, but who, nevertheless, causes damage.

It is my view that is not the effect of this amendment, and even if it is, I do not believe it is a proper law to pass. It is not a party political matter, although no doubt members opposite will trot along with their Minister as they have done since I have been a member here which, admittedly, is a brief time.

No doubt we will not be given an adequate explanation as to why section 80 needs to be amended. Alcohol has played a big part in the life of this State over the last 150 years. Therefore, why is it necessary suddenly to amend section 80 to create a special situation if people are so drunk that they do not know what they are doing and cause damage in that condition? If in fact people are as drunk as that, they commit other offences. There is a great deal of opportunity to constrain people and convict them when they are in that condition.

If a person is drunk and causes a disturbance, he may be guilty of an offence in that regard. I take the view one ought not to be responsible for damage if it has occurred outside the exercise of one's will. If one did not intend to cause damage, but did so accidentally or at a time when one did not understand what one was doing, I do not believe it should be a criminal offence.

Under clause 6 it is suggested there is a need for a criminal trespass law and such a need has been demonstrated by past events. This is a situation in which I suggest the Government is acting in a paranoid manner. It is suggested that people who go about exercising their lawful, democratic right to demonstrate against an issue in a public place do not commit an offence under the present legislation. Therefore, the Government seeks to create a law to stop people doing that.

With all due respect, that is a nonsensical approach to government and to the creation of criminal laws. It is claimed an offence is committed if people demonstrate in a public place, whilst not being disorderly or behaving in an offensive manner. It is easy to behave in a disorderly way under the law. In fact, in Victoria it has been held that if one hands out pamphlets supporting conscientious objectors, one is behaving in a disorderly manner. One does not have to do much to be disorderly.

If one is acting quite properly, but enters a public place, or even a private place to which one has been invited, if the owner or occupier asks one to leave, and one does not do so immediately, an offence is committed.

For 150 years we have managed quite nicely without a criminal trespass law. There have been plenty of occasions on which people have demonstrated their points of view and there have been torrid times in the past when people have been opposed violently to the Government's policies and have expressed their views more vehemently than has occurred in recent times. However, this Government is creating a situation in which people will be polarised as a result of the Government's armoury of self-protective laws designed to prevent lawful and public disagreement with its policies.

No case is made out for the amendment of section 80. The Government wants to pass this amendment because somebody has done something and it has not been able to prosecute him. The Opposition believes this is quite wrong. Some members have said there is a need for this amendment, because if gatecrashers at a party refuse to leave, there is nothing the police can do about them. I should like to point out the police have been able to manage the situation quite happily for 150 years and surely members opposite are not so naive as to think the problem of gatecrashers at parties is something which is of recent occurrence only.

It is ludicrous to amend the criminal law simply for that purpose when no need for such provision has been indicated. I challenge the Minister to tell us whether the police have asked for this particular measure. When I say the "police" I do not refer to the commissioner, but to the men on the beat who are faced with this problem regularly and who have apparently over the last 150 years been capable of resolving it without a special section being inserted in the Police Act.

The tragedy is this Government is building up an armoury of laws with one specific intent; that is, ultimately to deprive the public of a reasonable opportunity to voice their disquiet over the actions of the Government.

I should like to point out a situation which could occur. Some shopping centres have extremely large car parks which cater for thousands of cars. These are public areas and people may go there at any time of the day or night and occupy themselves as they see fit, including the spending of money in the shopping centres. Let us say a shopping centre owner does not want a person of a particular political persuasion to go into the car park or stand talking to people there. Such people can be asked to leave. Why is it necessary for the Government to

adopt this type of provision in a democratic society?

This is the sort of legislation which exists in Eastern European countries and South American dictatorships. It is not appropriate to democratic communities and it is particularly inappropriate when the Minister is unable to demonstrate a serious justification for it.

The Hon. N. E. Baxter: You are stretching a very long bow, aren't you? You should read proposed new section 82B (3).

The Hon. PETER DOWDING: Perhaps the member will be able to tell us in due course why he thinks that.

The Hon. N. E. Baxter: Read proposed new subsection (3); that will tell you.

The Hon. PETER DOWDING: That provision does not protect anybody, because if he looks at—

The Hon. N. E. Baxter: If you are in a car park going about your lawful activities, you are not covered by this provision.

The Hon. PETER DOWDING: The member has taken an interesting point, but I should like to refer him to proposed new section 82B (1) (a) and (b) which reads as follows—

> 82B. (1) A person shall not, without lawful authority, remain on any premises after being warned to leave those premises—
>
> (a) in the case of premises occupied by the Crown or a public authority, by a person in charge of the premises or by a member of the Police Force;
>
> (b) in the case of premises other than premises occupied by the Crown or a public authority, by the owner or a person in charge or occupation of the said premises or by a member of the Police Force.

So, proposed new subsection (3) does not provide protection to the owner or occupier and does not prevent him from allowing a person to remain when he is doing something lawfully.

The Hon. N. E. Baxter: When you have a public place, such as a car park, it is a different situation from that which you are quoting.

The Hon. PETER DOWDING: Why is it?

The Hon. N. E. Baxter: Proposed new section 82B (3) applies to an area such as a car park.

The ACTING PRESIDENT (the Hon. T. Knight): Order! Could all remarks be addressed to the Chair. The honourable member who is interjecting may have his say when the Hon. Peter Dowding has concluded.

The Hon. PETER DOWDING: If the Hon. Norman Baxter wishes a response to his remarks he should listen. He may find that proposed new section 82B (1) (b) allows an owner or occupier to tell anyone to leave whether or not he is going about his lawful business. Proposed subsection (3) does not prevent either the occupier or owner from telling a person to leave when he is going about his lawful business. Paragraphs (a) and (b) enable an owner or occupier or a member of the Police Force to tell a law-abiding and law-respecting citizen to get out.

Proposed subsection (3) simply adds an additional offence. For instance, if the owner or occupier told a person to get out and if the owner or occupier approaches a person and says, "Go" and a person obstructs or hinders him, he is liable to a $500 fine or six months' imprisonment, in both cases. He can be guilty of both offences, at the same time, and be liable to a $500 fine or six months' imprisonment. One can be fined for hindering and one can be fined for obstructing. If a person says, "No, I will not leave" he is guilty of two offences.

I am not making a political point. Members opposite bleat about the need for constructive debate, but when we put forward constructive arguments they make up ridiculous nonsense which anyone in his right mind could not possibly think of. They make remarks without any foundation and go off on a frolic thinking they can convince themselves that they are doing the right thing. Perhaps if members opposite took a deep breath and thought for a minute, they may wonder how on earth they could justify such actions.

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [9.48 p.m.]: The honourable member spoke about bleating, but I think he did a very good job on his own without our interfering too much. I would suggest to the honourable member that people who live in glass houses should not throw stones.

The Hon. Peter Dowding said that the Government is paranoid. That is quite ridiculous and again, we have to look only at the honourable member to bring to our minds what paranoid means.

The definition of a "civil emergency" in the proposed amendment is set out clearly.

The Hon. D. K. Dans: Why don't you say what it is?

The Hon. G. E. MASTERS: I said the definition of "civil emergency" is explained clearly and it is understood by people without any legal background. In fact, I understand it fully.

The Hon. D. K. Dans: Tell us what it does mean.

The Hon. G. E. MASTERS: We will discuss that during the Committee stage, but, as far as I am concerned and, as far as the other members on this side of the House are concerned—and that includes the Attorney General, a very learned gentleman—

The Hon. Peter Dowding: Has not had much police work!

The Hon. G. E. MASTERS: —we do take notice of the Police Force and we have taken into account the advice of the officers of the force.

It would be quite wrong to suggest anything else because we as a Liberal-Country Party Government have always had a very good close association with the Police Force. We have supported the Police Force, and Government members in this House and in another place have never suggested anything else. If anyone has been critical of the Police Force in this State then he would certainly be a member of the Australian Labor Party.

The Labor Party has often supported elements within the community which wished to see the laws disrupted and do not wish to allow the public to go about their legal and proper activities.

It is apparent from the reaction of the Hon. Peter Dowding that he understands fully what I have said. I do not propose to name the groups I have spoken about, but some include Labor Party members who would be Labor Party politicians.

The Hon. Peter Dowding: Terrible! Naughty!

The Hon. G. E. MASTERS: In clause 5, which amends section 80, we discussed the use of alcohol and drugs. There is more drug-taking now than ever before and we maintain that it should not be a defence to say the action was not met because the person was drunk or under the influence of drugs at the time. The Hon. Peter Dowding spoke about the Criminal Code and section 23. A defence is provided under section 23 of that Code.

The Hon. Peter Dowding: Where is that from?

The Hon. G. E. MASTERS: The Crown Law Department.

The Hon. Peter Dowding: Have you an opinion? Are you prepared to table it?

The Hon. G. E. MASTERS: We have had the very best advice on this matter and that advice is more learned and experienced than that of young Mr Dowding who shouts very loudly. It is understandable that Mr Dowding should grin at this time; he knows what I am saying is true.

The Hon. D. K. Dans: I want to hear something about the Bill.

The Hon. G. E. MASTERS: I am telling the House that as far as we are concerned a person who is under the influence of alcohol or drugs should not necessarily be able to hide behind that fact when he carries out his action. If a person said he carried out an action because he was drunk and after carrying out that action then made himself drunk—it could be done—then there can be no excuse for his actions.

The matter of trespass is one which interests me greatly. The Hon. Peter Dowding said that members have had no experience of the problems encountered by people in the electorate.

The Hon. Peter Dowding: No I didn't.

The Hon. G. E. MASTERS: I thought the honourable member said that. I have certainly had the experience in a number of cases with people in my electorate who have had people gatecrash their parties. They have not known what to do about it. When people do take part in such activity there is no means whereby they can be fined or can be taken to task over their trespassing.

As far as the members of the Government are concerned, trespass should be an offence. There are people who gatecrash parties and there are people who seek to prevent works being undertaken legally and properly.

Several members interjected.

The ACTING PRESIDENT (the Hon. T. Knight): Order!

The Hon. G. E. MASTERS: If there are people in the Opposition who support such activities and people operating in this way then the public should be made aware of this fact. People who seek to prevent work being undertaken or who seek to disrupt such works and seek to prevent the public going about their lawful duties, should be called to task for their actions.

It is a tragedy the Opposition cannot agree with this matter. It is clear that Opposition members are nailing themselves to the wall. I am sorry they oppose the Bill. The Government is heartily in support of it.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. G. E. Masters (Minister for Fisheries and Wildlife) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 34 amended—

The Hon. G. E. MASTERS: I have indicated to the Chamber that I have an amendment. I move an amendment—

Page 2—Delete all words in lines 15 and 16 and substitute the following—

(a) inserting after the section designation "34" the subsection designation "(1)";

(b) deleting "or felony" and substituting the following—

"felony, or civil emergency"; and

(c) inserting the following subsection—

(2) In this section, "civil emergency" includes a natural or man-made disaster which causes or threatens to cause loss of life or property or injury to persons or property or distress to persons.

The Hon. PETER DOWDING: I ask the Minister to explain whether "civil emergency" is intended to cover natural or man-made disasters of a particular type?

The Hon. G. E. MASTERS: "Civil emergency" includes a natural or man-made disaster which causes or threatens to cause loss of life or property or injury to persons or property or distress to persons. That is exactly the intention of the amendment.

The Hon. J. M. BERINSON: The Minister does not help us at all by simply reading the passage in his amendment. I will read it back to him and direct a consequential question. The proposed amendment says, "In this section, 'civil emergency' includes a natural or man-made disaster . . ." Will the Minister be so good as to say what else the term "civil emergency" includes?

If he is saying it includes nothing else, then I invite him to explain to us why he will not accede to the very reasonable request of the Hon. Peter Dowding to replace the word "includes" with the word "means". If the Minister believes that the term "civil emergency" means only a natural or man-made disaster, why should he not say so? I invite him to tell us that, rather than to fob us off by reading an amendment which we can all read for ourselves. Let me be more direct by putting a further question to him. Let us say there is a disruption to fuel supplies caused by a strike of tanker drivers. Is it the Minister's belief that that would not be a civil emergency as provided for in the Bill because it would not come under the definition of a natural or man-made disaster? Would he tell us what the Government really has in mind?

The Hon. G. E. MASTERS: I still maintain it is quite clear in its intent. It includes a natural or a man-made disaster. A natural disaster could be an earthquake, a cyclone, or something like that.

The Hon. J. M. Berinson: Or a strike?

The Hon. G. E. MASTERS: I am talking about civil emergencies or a man-made disaster—

The Hon. Peter Dowding: Civil emergencies or a man-made disaster?

The Hon. G. E. MASTERS: —which causes or threatens to cause loss of life, etc. If in fact anything happens that causes great distress to persons, the justices of the peace may declare certain people to be special constables in a civil emergency. In that respect I guess the—

The Hon. R. Hetherington: You cannot guess.

The Hon. J. M. Berinson: Would you be distressed by being deprived of petrol because of a tanker drivers' strike?

The Hon. G. E. MASTERS: I would say personally I would not be.

The Hon. H. W. OLNEY: I rise to pursue the point my two colleagues have raised with the Minister. Again I put to him that by saying the term "civil emergency" includes those circumstances set out in his formula, he is saying also that it includes other things. The Opposition wants to know what other things apart from those stated in the amendment?

The term "civil emergency" is one not generally used in legislation. It does not have a special connotation established in the Interpretation Act or by judicial decision. In those circumstances effect would have to be given to the ordinary usage of the word. So by saying this term includes those things set out in the amendment, the Minister is doing nothing to advance the point of defining what civil emergency the Government wants to cover.

That point aside, one wonders why indeed this particular section is chosen for the introduction of this concept of civil emergency. Section 34 of the Police Act deals with the appointment of special constables, and at present it is stated in these terms—

> In all cases where it shall be made to appear to any Stipendiary Magistrate or any two or more Justices, upon the oath of any credible person, that any tumult, riot, or felony has taken place, or may be reasonably apprehended . . .

And I will paraphrase the rest of the provision which is to the effect that the magistrate or justices may appoint special constables.

The jurisdiction to appoint special constables arises after an application has been made and where such magistrate or justices are of the opinion that the ordinary constables or officers appointed for preserving the peace are not sufficient for the preservation thereof. So we have a situation where this section is designed for the purpose of preserving the peace. As has been said, it has been operative in this form for something like 150 years. The provision aids the regular Police Force in preserving the peace.

The Bill proposes to introduce into that context the term "civil emergency". If we then amend clause 4 to include a definition of the term "civil emergency", we are dealing with circumstances quite different from the need to preserve the peace. It is fair enough that when we have or reasonably apprehend a tumult, riot, or felony, we could expect there to be a disturbance of the peace. However, I ask what purpose a special constable would serve in the case of a civil emergency if that civil emergency were in fact a natural or man-made disaster that caused loss of life or property or distress of persons.

If a person is distressed by an earthquake, what would a special constable appointed under this provision do? Indeed, I draw the attention of members to the oath taken by these special constables when they are sworn in. After saying such a person will do certain things without affection, malice, or ill-will, he must say—

> . . . I will to the best of my power cause the peace to be kept and preserved, and prevent all offences against the persons and properties of Her Majesty's subjects . . .

Obviously the role of the special constable is to preserve the peace. That is what it has always been, and that is what the section is aiming at. Even if this amendment means only what it says in proposed new subsection (2), the special constable has no role in peace keeping. If it means a riot, tumult, or felony, it is already covered in the Act.

I suggest to the Committee that Mr Dowding is probably right when he says that someone is paranoid about the amendment that has been put forward. There simply is no need for the amendment. It is a bit of sabre rattling, I suggest, to show the public how tough the Government is.

The Hon. Peter Dowding: Iron Noddy!

The Hon. H. W. OLNEY: Well, the Hon. Peter Dowding went to school with him so he would know. There is no need for this amendment, and therefore, we oppose it.

The Hon. P. H. LOCKYER: I would just like to take the point that the Hon. H. W. Olney raised. He said he cannot see the requirement for a special constable after a natural disaster. It seems quite obvious that the honourable member has not been in such a situation. Some members of this Chamber have been. The role of special constable appointed by a justice of the peace after a natural disaster is a very important one. I will use the example of a cyclone, because it is the one with which I am most familiar. Special constables could assist with the evacuation of people. A high degree of law and order is necessary to prevent pilfering in damaged homes.

The Hon. H. W. Olney: That is covered by "felony".

The Hon. Peter Dowding: It is already covered.

The Hon. P. H. LOCKYER: I would like to point out to the Hon. Peter Dowding that I did not interrupt him tonight, and I would like him to show me the same courtesy. It is not often that I show him that courtesy.

The Hon. D. K. Dans: That is the truest statement made tonight.

The Hon. P. H. LOCKYER: So I hope the Hon. Peter Dowding will not try to inject his own bad manners into my speech. Before I was rudely interrupted—

The Hon. D. K. Dans: Why don't you stamp your foot?

The Hon. P. H. LOCKYER: In the case of looting from damaged property—

The Hon. Peter Dowding: Thieving is covered by the term "felony".

The CHAIRMAN: Will the honourable member address the Chair?

The Hon. P. H. LOCKYER: I am trying to do that, Sir. It is a great shame that one cannot walk across this Chamber and back-hander a couple of people.

Several members interjected.

The CHAIRMAN: The question before the Chair is that the amendment be agreed to. I would appreciate the honourable member addressing his remarks to that proposition.

The Hon. P. H. LOCKYER: I am attempting to, Sir, but it is very difficult at times.Prevention is the role of special constables. And it is not necessary that a felony has been committed. Prevention is so important after natural disasters.

The Hon. Peter Dowding: It says "reasonable apprehension". That is all you need.

The CHAIRMAN: Order! The honourable member on his feet has the floor.

The Hon. P. H. LOCKYER: Thank you, Sir. It is very difficult at times. The justices of the peace

must have the ability to appoint special constables to take the pressure off the constabulary available for these particular duties, to protect the general public from pilfering, or to organise the evacuation of the residents.

The Hon. N. E. Baxter: And to protect people from dangerous buildings.

The Hon. H. W. Olney: They have no power under this section to do that.

The Hon. P. H. LOCKYER: The Hon. H. W. Olney made the point that he could see no role for special constables after a natural disaster. I am saying there is a role and I believe it is an important one.

The Hon. PETER DOWDING: I am sure the Hon. P. H. Lockyer's plea for law and order at a time of a natural disaster strikes a chord in the heart of everyone who has ever experienced such a disaster. However, the Minister is being asked: Is it intended that civil emergencies will be related to natural disasters, or is the Minister contemplating that the term has a broader meaning? If it has a broader meaning, would he tell the Chamber what it is?

The Hon. G. E. MASTERS: A civil emergency can be many things, and we have said it should include a natural or man-made disaster. It could be something like a plane crash or a rail crash and it may be that in such a disaster special constables would be required to keep the peace and to maintain law and order.

If such a disaster occurred in a remote area, almost certainly there would be a lack of an adequate number of policemen to deal with it. Decisions would have to be made rapidly.

I ask members to bear in mind that this definition was prepared at the request of the Opposition in another place. It was put forward clearly by the Minister in charge of the Bill. I believe it will satisfy the requirements of most sensible people.

The Hon. R. HETHERINGTON: I had not intended to join in this debate, but the more the Minister talks, the more I become dissatisfied.

The Hon. G. E. Masters: You said that the other day.

The Hon. R. HETHERINGTON: I know. Unfortunately, I am constantly drawn up because when my learned colleagues are answered or not answered by the Minister, I become more perturbed.

One of the things we have to worry about in times of civil emergency is the question of civil liberties. This Government is careless about that area. It tends to erode the whole question of civil liberties. We need a more precise definition. The definition proposed becomes very subjective.

I foresee a time when a clause like this could be used by an improper Government in an improper way. We should be more careful about precision in definition. Nothing the Minister has said in this debate has satisfied me. I do not know whether he has satisfied my colleagues; but certainly he has not satisfied me.

This is another case of carelessness in definition, or a broad, all-purpose power, or perhaps a deliberate intrusion on civil liberties in the future. I do not like it at all; and the amendment should not be accepted.

Some of the members opposite in this Chamber of Review might review the amendment; and some of the people who claim to be liberals ought to think about the civil liberties and consider the amendment.

The Hon. J. M. BERINSON: I do not know that there is a great deal of point in pursuing this matter further. I make one last appeal to the Minister that if we are to stay with the proposed definition, we may as well not have any definition at all. It adds nothing, because everybody knows that a civil emergency would arise in the case of a natural disaster which causes or threatens to cause loss of life or property and injury to persons, and so on.

Everyone accepts that a civil emergency arises when there is a man-made disaster which causes or threatens the same sorts of problems. That is simply comprehended by the term "civil emergency"; and there is no need to define it. If there is a definition, it is an attempt to make sense of the drafting. There is the possibility that the Government and its officers meant to have the word "includes" carry the connotation of the word "means"—in other words, the intention was to provide a definition which is exclusive and allows everyone to know what the limits are.

On that basis, I suggest to the Minister that we do not attempt to finalise this matter now, but that progress be reported. The Minister should take further advice from the Minister with primary responsibility in this matter, if necessary in association with his legal advisers. I cannot believe that the Minister primarily responsible, or his legal advisers, would be putting to the Parliament seriously that it should go through these manoeuvres to provide us with a definition which means nothing. That would result in an amendment serving no purpose.

I suggest we would be better served by allowing the responsible Minister further time to consider

the matter. I invite the Minister in this Chamber to move that progress be reported.

The Hon. G. E. MASTERS: There would be no purpose in delaying the passage of this Bill through the Committee stage. We would not ever be able to satisfy the Opposition.

The Hon. D. K. Dans: He is not even trying to satisfy us.

The Hon. G. E. MASTERS: We are becoming involved with a lot of legal jargon and legal interpretation. It is clear that by including natural or man-made disasters we indicate that there may be other definitions of "civil emergency".

The Hon. Peter Dowding: Like what?

The Hon. G. E. MASTERS: I am not prepared to define them.

The Hon. Peter Dowding: You should know. You are in charge of the Bill.

The Hon. G. E. MASTERS: There are situations which may be interpreted as civil emergencies.

It was quite improper for the Hon. Robert Hetherington to suggest that the Government is curtailing civil liberties deliberately; because that is really what this Bill is all about.

The Hon. Peter Dowding: You do not know what it means.

The Hon. G. E. MASTERS: I will not attempt to define directly and exactly what "civil emergency" means. We all know what it means. If one does not know, one refers to the dictionary to find out.

The Hon. Peter Dowding: Why put a red herring about natural disasters in there?

The Hon. G. E. MASTERS: It is reasonable to say that "civil emergency includes", and then go on from there. It is a reasonable interpretation.

The Hon. PETER DOWDING: If that is the case, the Minister does not know what else it means besides a disaster; but he is prepared to present legislation to this Chamber which contains terms he does not understand and which he is not prepared to define. That is disgraceful. It is disgraceful to put in what amounts to a red herring by talking about natural disasters.

If it is the case that this legislation is intended not to be limited to disasters, be they man-made or natural, and if no attempt is being made to encompass the areas which the phrase is intended to cover, that is a disgrace because it is a means of misleading the public into thinking that the Government is putting in a provision to allow special constables to be installed in times of disasters.

In reality, the Minister has given himself away, and he has given his Government away. It has a sinister interpretation—

The Hon. G. E. Masters: Rubbish!

The Hon. PETER DOWDING: Of course it has, as one finds if one reads the dictionary. If the Minister is not prepared to be honest and frank with this Chamber—

Withdrawal of Remark

The Hon. A. A. LEWIS: Previously I have risen to my feet when this gentleman was trying to impugn the honesty of the Minister; and I believe he should retract those words.

The CHAIRMAN: I request the Hon. Peter Dowding to retract the words.

The Hon. PETER DOWDING: I retract.

Committee Resumed

The Hon. PETER DOWDING: If the Minister is not prepared to come to this Chamber and tell us frankly what the Government intends those words to mean, that is a disgrace. What is the purpose in seeking to define the phrase to include disasters without being prepared to tell us what else it includes? It is a typical act on the part of the Government. It is typical of the Government's paranoia. The Opposition and the people of Western Australia will see the amendment as part of the Government's failure to shore up its defences against the people who demonstrate lawfully—to shore up its hopeless lack of ability to introduce a proper Government agreements Act which would have any teeth. It is an attempt to put into the hands of the Government powers which it is not prepared to define. In reality, if this were on the Statute book, who can say how any future Government might define "civil emergency"?

The Hon. A. A. LEWIS: I refer the Hon. Peter Dowding to the *Concise Oxford Dictionary*. If he read the dictionary definitions of "disaster" and "emergency" probably he would answer all his own questions.

The Hon. Peter Dowding: It does not say anything about civil emergencies.

The Hon. A. A. LEWIS: It is typical of the Opposition that it wants to go on nitpicking expeditions—

The Hon. R. Hetherington: I thought the Committee stage was an attempt at scrutiny and nitpicking.

The Hon. A. A. LEWIS: People who have had to deal with natural disasters and civil

emergencies, man-made or natural, would find it easy to understand why those words have been included. Any person who has had to control a civil emergency or a natural or man-made disaster would know that. I realise that some of the Opposition have not had that opportunity. The Hon. Peter Dowding has never been into his electorate in the cyclone season—

The Hon. Peter Dowding: Well, you are quite wrong there.

The Hon. A. A. LEWIS: I am told he is only a tourist. It would be very interesting to learn whether Mr Dowding had ever had control of or any dealings with the decision-making processess during one of these emergencies.

The Hon. Peter Dowding: They are emergencies. What is a civil emergency? You define it; the Minister cannot.

The Hon. D. K. Dans: You tell us, Mr Lewis. You are doing something the Minister cannot do.

The Hon. A. A. LEWIS: I am not trying to add anything to what the Minister is not trying to do.

The Hon. D. K. Dans: You are not doing anything because he has not told us anything.

The Hon. A. A. LEWIS: Obviously the Opposition and the Hon. Howard Olney have tried very hard on this amendment; but they show they do not understand the problems of somebody in that situation. If they were faced with a disaster, they would bring out their pieces of paper and read up what they had to do. They want to have a nitpicking, lawyer's attitude to making decisions. Mr Dans knows what I am talking about—

The Hon. Peter Dowding: It is a criminal Statute—

The Hon. A. A. LEWIS: —but I would not expect the Hon. Peter Dowding to understand. He has never had the experience of having to make executive decisions. One day he may have to make a decision about other people's lives in a disaster area.

The Hon. Peter Dowding: Plenty of experience in trying to interpret vague statutory provisions.

The Hon. A. A. LEWIS: That is right; but what Mr Dowding does not understand is that he would have no time to do that in the middle of a natural or man-made disaster. Now we are getting to the nub of the whole matter. Mr Dowding wants to read his law books. The people trying to get on top of the disaster are trying to get on without the nitpicking attitude; but Mr Dowding wants to go through and read out what a disaster is—

The Hon. Peter Dowding: I said a "civil emergency".

The Hon. A. A. LEWIS: Will the honourable member allow me to make my own speech?

The Hon. R. Hetherington: You are not doing too well.

The Hon. A. A. LEWIS: I thought I was doing extremely well.

The CHAIRMAN: Order!

The Hon. A. A. LEWIS: According to the dictionary, a disaster is a sudden or great misfortune, or calamity. I look at the Opposition, and I think we have found what "disaster" really means! If we are going to talk about emergencies, we read what the word "emergencies" means.

The Hon. Peter Dowding: "Civil emergencies".

The Hon. A. A. LEWIS: Mr Dowding could read the dictionary—no, I do not suppose he could. He is a lawyer.

The Hon. Peter Dowding: We do not; and that is the big problem. Neither does the Minister.

The Hon. D. K. Dans: And neither does Mr Lewis.

The CHAIRMAN: Order!

The Hon. A. A. LEWIS: What does "civil" mean? Let us look at the dictionary.

The Hon. D. K. Dans: Can you not tell us off the back of your head?

The Hon. A. A. LEWIS: No. I am not in the nitpicking clan. Mr Dans would not be silly enough to expect me to tell him.

The Hon. D. K. Dans: I thought it would be the other part of the company, Civil & Civic.

The Hon. A. A. LEWIS: "Civil" means "—of or pertaining to citizens; polite, obliging, and not rude". Look, the Hon. Peter Dowding squirms!

Several members interjected.

The Hon. D. K. Dans: What does "civil" mean? I could not hear because of the unruly interjections.

The Hon. A. A. LEWIS: If Mr Dans could keep his own crew quiet, he might be able to hear. "Civil" means "polite, obliging, and not rude".

The Hon. R. G. Pike: Exactly like the speaker.

Several members interjected.

The Hon. A. A. LEWIS: It is not ecclesiastical. As a term of civil law it does not relate to a criminal or political act. Does that strike a note with the members of the Opposition? It is obvious they decided to make a noise without having read the meaning of the words.

The Hon. Peter Dowding: It is so simple! Why do you want to define it at all?

The Hon. A. A. LEWIS: I am only trying to help the Hon. Peter Dowding. I am being helpful because he is a disaster area. I have given the committee the meaning of the word "civil". Do members want me to quote the meaning of the word "emergency"? We could put both words together, but they still would not cover what the Opposition is attempting to say they cover.

The Hon. R. Hetherington: They might describe the honourable member.

The Hon. Peter Dowding: A disaster!

The Hon. A. A. LEWIS: A disaster like the Hon. R. Hetherington! The words cover a non-military or non-political calamity.

The Hon. Peter Dowding: Secular.

The Hon. A. A. LEWIS: Ecclesiastical.

The Hon. H. W. Olney: "And our fathers which begat us."

The CHAIRMAN: There are far too many private conversations. I would appreciate the honourable member addressing the Chair.

The Hon. A. A. LEWIS: I have just found that the Hon. H. W. Olney knows something about the *Bible*.

I believe the Minister tried, and did so extremely well, to explain to the Opposition why the words "civil emergency" appear in the proposed legislation. I believe the Opposition has to understand that these laws are made for practical people, not—we hope—for any legalistic politicking or monkeying about.

The Hon. Peter Dowding: That is not a very good description of the Minister.

The Hon. A. A. LEWIS: Is he monkeying about or politicking?

I believe if we have a little faith—I know the Hon. H. W. Olney has—we would be able to accept the Minister's assurances on this matter.

The Hon. J. M. Berinson: He has not given an assurance and he has not given an explanation.

The Hon. A. A. LEWIS: The Hon. J. M. Berinson must be more deaf than I thought he was. To my knowledge the Minister rose three times.

The Hon. J. M. Berinson: But he said nothing.

The Hon. A. A. LEWIS: To any English-speaking and reading person the Minister's words were self-explanatory.

The Hon. Peter Dowding: You tell us about them.

The Hon. A. A. LEWIS: I am fascinated that the Hon. Joe Berinson is not an English speaker or reader.

The Hon. J. M. Berinson: Am I distressing you?

The Hon. A. A. LEWIS: It distresses me that the Hon. Joe Berinson cannot read into this amendment some practical common sense. I know he is a practical and common-sense person; I have a great deal of admiration for him. However, I think he has been led on a tangent by the nitpicking which has occurred and which we do not need with this type of amendment.

The Hon. D. K. DANS: I cannot see any reason for the word "includes" not being removed in favour of the word "means". I remind the Minister that he would not know the last occasion on which special constables were authorised in this State. I can remember the time very well as can other members in this Chamber, which was the time of the riots at Kalgoorlie.

The existing legislation was used to swear in 200 or 300 special constables, but since those riots in 1933—it is a long period ago, 47 years—we have had a whole host of natural disasters including fires, floods and cyclones, mine disasters, and a war that brought many pressures upon the Police Force. There have been strikes, stoppages, lockouts, bans and incidents on the waterfront and in the work place, but because we are a sensible people we have not seen fit to expand the present legislation which authorises the swearing-in of special constables.

I normally am not a suspicious-minded person, but I believe the Minister has been evasive. Under normal circumstances I would be prepared to believe the Minister, but everyone in this Chamber knows, the Press know, and the public of Western Australia know that when section 54 of the Police Act was before this Parliament for amendment we were told unequivocally by the then Minister for Police and Traffic—I have no doubt he was telling the truth as he had been informed of it—that the section would not be used for the purpose of apprehending people involved in a union meeting. We were assured of that. I will not refer to the answers given at that time, they are recorded in *Hansard*, but consequently we know the results which flowed.

The Opposition has a perfect right—I do not like the word "nitpicking"—and has a duty on behalf of the people of Western Australia to determine from this secretive Government just what the proposed section means. I am not a legal person, but I have enough experience from reading documents and other material to know

that there must be some reason for the Government's not accepting the word "means".

I understand the meaning of the word "includes", but the Minister has said it means something else.

We are entitled to know what the Government has up its sleeve. It has the numbers to carry this amendment; it does not need to be ashamed about telling us what it means. It should tell the people of Western Australia what this proposed legislation is all about. That is why every one of us who sits on this side of the Chamber or the other side of the Chamber is here.

I heard the Hon. P. H. Lockyer talk about cyclones. I will dwell on cyclones because they are the most prevalent natural disaster. Has the Minister had a request from a civil emergency organisation to swear in special constables? To the best of my knowledge he has not.

In times of emergency the people of this country operate best without political or class bias, and the work is completed. I have been in the north-west and on the sea in the north-west during a cyclone. I have never known the people to engage in looting and I have never seen the need for the appointment of special constables. During cyclone "Alby" no request was made for special constables to be appointed in the situation of a special emergency, as was the Meckering earthquake.

I ask the Minister to tell us what the words "civil emergency" mean. If they mean what I think they mean, he is running along a dangerous course. Once one engages in this type of legislation, all those nice things we do in our society fall away; that is what we have to watch. If a reason exists for this amendment the Minister has a duty to inform this Committee and the people of Western Australia of just what that reason is; otherwise it will surface in the fullness of time. If the Minister likes to try to hide or cloak his intentions in some manner, that does not make sense, because eventually he will be found out and our democratic system would suffer. We on this side of the Chamber would have an open door. No matter how unpalatable it is the Minister should inform us of any reason for this amendment.

As I said, only one occasion has arisen when special constables were appointed, but the proposed legislation will extend the opportunities for the appointment of special constables. If one looks around the world at places where this activity is engaged in one sees that it brings with it much sorrow and hatred.

If the Minister and the Government have something up their sleeves I suggest that they reveal it; if not, the Government will be dishonest.

The Hon. G. E. MASTERS: The suggestion that either I or the Government will be dishonest is quite wrong; the suggestion is incorrect.

The Hon. D. K. Dans: It is clear to me.

The Hon. G. E. MASTERS: I believe the Hon. Des Dans likes to come out with this sort of statement every so often but he now makes wild accusations. We have heard previously the voice of doom saying certain things will occur.

The Hon. D. K. Dans: What about section 54B?

The Hon. G. E. MASTERS: The sensible people in our community will understand what we are attempting to do.

The Hon. D. K. Dans: Who are the sensible people?

The Hon. G. E. MASTERS: Let me finish. The Hon. Des Dans has had his go.

The Hon. D. K. Dans: You cannot tell us.

The Hon. G. E. MASTERS: All members know what we mean by the term "civil emergency".

The Hon. Peter Dowding: You tell us.

The Hon. G. E. MASTERS: The Hon. A. A. Lewis, because of a request by the Opposition, set out clearly what it means. The Opposition is attempting to twist the meaning of this amendment. We all understand the meaning of the term "civil emergency"—it is clearly set out.

The Hon. Peter Dowding: It is only Mr Hassell who is like that.

The Hon. D. K. DANS: I asked the Minister to tell this Chamber that we were not given misleading information in regard to section 54B. That fact was reported in *Hansard* and by the Press. He now has the gall to say we are nitpickers and agents of doom. As a defence he said that the Hon. A. A. Lewis told us the meaning of "civil emergency".

Under the Westminster system we are entitled to know why changes are intended to be made to the existing legislation. I do not know of any occurrence during the last 47 years that would call for an extension of the provisions under which special constables may be sworn in. The existing legislation is adequate and the Minister would well know that it is if he read the Act. Why is there a proposed extension of the provisions? Why is the Government reluctant to change the word "includes" to the word "means"?

I say again we are not nitpicking, and we are not talking about doom. We are doing the job of an Opposition, not to satisfy our own purpose but for the people of Western Australia. We are entitled to know what this is all about. We have not been told and I am of the opinion we are not to be told.

The Hon. PETER DOWDING: It is said that lawyers are people who talk a lot and get paid for it, and politicians talk a lot and say nothing! The latter is true of the speech of the Minister. I challenge the Minister to tell us whether the amendment is intended to restrict the meaning of "civil emergency". In other words, I ask the Minister to delineate the area in which a civil emergency will apply, or tell us whether it is intended to extend the meaning of "civil emergency".

Has the term been included because the Minister is afraid that "civil emergency" did not include a disaster, or has it been included to limit the term to disasters?

The Hon. G. E. MASTERS: As far as I am concerned I explained the position quite clearly. The definition is there for everyone to read and understand.

The Hon. Peter Dowding: Why is it included? To limit or to extend?

The Hon. G. E. MASTERS: I think it was very necessary to include natural and human disasters. I understand the Law Reform Commission recommended it. The commission said there should be a civil emergency provision.

The Hon. Peter Dowding: You have not defined "civil emergency".

The Hon. G. E. MASTERS: It is defined to the satisfaction of members on this side.

The Hon. D. K. Dans: You have to satisfy the people of Western Australia.

The Hon. G. E. MASTERS: Of course we will. I would not be able to satisfy members opposite if I went on all night.

The Hon. R. HETHERINGTON: I am getting a little tired of the latest cliche. Every now and again we have a cliche for the day and now it is "nitpicking".

It comes ill from the Minister who, when he sat in the back bench, made a great deal about the fact that he was a member of a party which believed in the Upper House as a House of scrutiny. The moment one tries to scrutinise unsatisfactory clauses in a Bill, one is accused of "nitpicking". The clause is very wide and presents all sorts of possibilities for misuse.

Of course, the Minister cannot give a satisfactory explanation. The clause should not be in the Bill.

The Hon. J. M. BERINSON: I move —

> That the amendment be amended by deleting the word "includes" in line 2 of proposed new subsection (2) with a view to substituting the word "means".

It is a great shame that the Minister has decided to dig in his heels. Contrary to his claims, if the legislation is passed in its present form we will be left without a definition at all. We will be left with a provision which simply states that a "civil emergency" includes a natural or man-made disaster. That can only include as well everything else to be comprehended by the term "civil emergency" and contrary to what the Minister is saying that does not provide a definition at all.

The Hon. Sandy Lewis earlier thought he might be able to help by recourse to the *Oxford Dictionary*. He expanded on the meaning of the word "disaster", the word "emergency", and the word "civil". Apparently he thought it irrelevant to go into the meaning of the word "includes". Without the benefit of the *Oxford Dictionary*, I will tell him that the word "includes" means, "includes". In turn, that means that the term "civil emergency" refers to a natural or man-made disaster, as well as everything else to which the term "civil emergency" might normally or reasonably be applied. That is what it means. That is the same as not defining the term at all.

That is just the same as including the words "civil emergency" and inviting everybody to take his pick. The Government ought to be prepared to learn from its experience with section 54B of the Police Act, the Electoral Act provisions dealing with postal voting, and the problems which have arisen from the Government Agreements Act. Why have these problems arisen? It is because the drafting of the Acts has left so many questions open that they require constant testing in the courts at the expense of the public.

The Government and the Police Department have come croppers time after time. That is because the courts are finding that the legislation, as drafted, does not mean what it apparently was thought by the Government to mean. The Acts are too loose and too open to wide interpretation, and that precisely is the direction in which we are heading now.

If we pass this legislation in its present form we will know nothing more about the term "civil emergency" than we would know if no attempt had been made to define it at all. That is an absurd end to the Government's proclaimed desire

to meet some of the objections previously mounted against this legislation.

The Hon. P. G. Pendal: Did you define the word "includes"?

The Hon. J. M. BERINSON: Certainly, I did. It means "includes".

I remember very little about philosophy but I do recall the statement by Wittgenstein that the meaning of a word is its use in the language. A dictionary is not needed.

The Hon. P. G. Pendal: You are asking the Minister to alter something which you have already acknowledged means what it says.

The Hon. J. M. BERINSON: Quite right, because we do not like what it means. We do not like its limitless scope for mischief. I ask the Minister again: Does this or does this not open the way for the use of special constables during industrial disputes? If the petrol tanker drivers go on strike, or the SEC workers go on strike, and it results in a civil emergency, is it proposed to swear in special constables to meet that situation?

I believe this provision is wide enough for that purpose. Again, the Government is buying into an area capable of encouraging limitless mischief.

The Hon. H. W. OLNEY: Section 34 of the Police Act deals with the appointment of special constables. The procedure is that a creditable person—probably the local police officer or other worthy citizen—swears out an oath to the effect that a felony has taken place, or reasonably is apprehended. That paraphrases the situation. Two justices, or a magistrate, have to be convinced that a set of circumstances has arisen. My friend the Hon. J. M. Brown is a justice of the peace, and the Ministers on the front bench are *ex officio* justices. They could be travelling in the outback of Western Australia, and a policeman could want some special constables sworn in. He could claim there was a natural disaster threatening life; for example, one of the Hon. P. H. Lockyer's cyclones, in which case there would be no problem. But he might say that there was a general strike of transport workers which was a civil emergency. It would then have to be decided whether the term "civil emergency" comprehends the facts explained in the oath.

The justices have to make the decision. It is only if they make the right decision that the special constable is correctly appointed. If the special constable is not correctly appointed or if it is found not to be a civil emergency, when in its wisdom the High Court—or the Privy Council if the Government is the appellant—finally decides the facts did not justify the justices coming to the conclusion that it was a civil emergency, then two or three years later the man who was arrested or whose property was confiscated at the hands of a special constable would no doubt come along and claim redress in the civil courts for the wrong done to him without proper authority.

I would suggest to the Government, in support of what the Hon. Joe Berinson said, that if it is going to allow lay justices to determine whether a civil emergency exists, it should tell them what a civil emergency is. It should not tell them what a civil emergency includes. For that reason the amendment sought by Mr Berinson is an obvious one if this provision is to have any meaning at all.

The Hon. PETER DOWDING: One of the extraordinary things that arise out of this matter is the statement that has emerged from a couple of members opposite that the Opposition is nitpicking. We are being asked to approve legislation, and we of all people ought to be throwing our minds into all of the conceivable situations that the legislation could possibly apply to. Eventually some magistrate—to whom members opposite have been seeking to give such kudos—or judge will be asked to interpret the provision, and if we do not know what it means and the Minister is not prepared to tell us the limits of its meaning, how can we expect members of the public to understand what are their obligations and rights?

The point made by the Hon. Howard Olney is a valid one, because how can special constables know they have been properly appointed? Will they risk exercising their powers of arrest or incarceration in those circumstances? Will they do the job of a police officer when they do not know, because the Minister is not prepared to find out, what the provision means? The Minister is not prepared to ensure that we understand it and, more importantly, that the words say what they mean.

One of the dangers of having a Government more concerned with protecting its back than being honest and open, is that it creates legislation which cannot be properly interpreted; and there is nothing more dangerous than casting into Statutes words which have numerous meanings. Surely even the Hon. Sandy Lewis, while thumbing his way through the *Oxford Dictionary*, must have been able to come to the conclusion that the words "civil emergency" are not defined.

The Hon. A. A. Lewis: I came to the conclusion that Mr Dowding is wrong.

The Hon. PETER DOWDING: If Mr Lewis can make the constructive point that "civil emergency" is a definitive term like "tumult" or

"riot" or "felony", all of which have been defined, he should do so. However, if we cannot be told what is the precise meaning of the term, and the Government wants to leave it equivocal, perhaps Mr Lewis can help the Minister by letting him know whether the term includes an industrial disputation that affects, say, oil supplies or water supplies. Would that be a civil emergency, or cannot the Government tell us?

The Hon. W. R. WITHERS: Sometimes I am at a loss to understand what the Opposition is getting at when members start to use "legalese" and to put together high-sounding phrases, because one tends to be impressed with the flow of words.

I agree with Mr Berinson in respect of the need for a word to be understood in the way it is meant to be understood. He asks what a word means and whether a phrase has a meaning, and when he does that I say to myself that if I were in the position of having to appoint special constables in the event of a strike, I would first ask myself whether the strike was going to cause severe pressures of hunger, fatigue, or want upon the people.

The Hon. Peter Dowding: Why would you ask that?

The Hon. J. M. Berinson: Would you not necessarily ask whether it is a natural or man-made disaster?

The Hon. W. R. WITHERS: Naturally if it is a strike it is a man-made disaster, but it is a civil emergency only if it causes severe pressure of hunger, fatigue, or want; that is, if it causes distress to persons.

The Hon. D. K. Dans: That is not in here.

The Hon. W. R. WITHERS: Of course it is; it is in the Minister's amendment. It says—

> (2) In this section, "civil emergency" includes a natural or man-made disaster which causes or threatens to cause loss of life or property or injury to persons or property or distress to persons.

If a strike occurred which I considered to be a man-made disaster—

The Hon. D. K. Dans: How would special constables help in strikes?

The Hon. W. R. WITHERS: I am trying to point out that in my experience there has never been a strike which has been a man-made disaster, because I have never seen a strike that has caused severe pressures of hunger, fatigue, or want.

The Hon. Peter Dowding: It is not a restricted definition if you use the word "includes"; it is an extended definition.

The Hon. W. R. WITHERS: That is what the words here mean, and that is the way I interpret them. If I were the Minister and I had to apply this Act, this is the decision I would make: I would apply it to a strike only if it was a man-made disaster—which it would be if it were a strike—and only if it caused severe pressure of hunger, fatigue, and want.

The Hon. J. M. Berinson: Have you ever heard of a strike—not necessarily here, but anywhere—which was described as a man-made disaster?

The Hon. W. R. WITHERS: No, as yet I have never experienced one.

The Hon. J. M. Berinson: But you do agree there are strikes that cause some discomfort to the public?

The Hon. W. R. WITHERS: Yes.

The Hon. J. M. Berinson: Even distress?

The Hon. W. R. WITHERS: Not severe distress.

The Hon. J. M. Berinson: It doesn't say that.

The Hon. W. R. WITHERS: I have not heard of a strike which caused severe distress to persons.

The Hon. Peter Dowding: Ric New gets distressed.

The Hon. W. R. WITHERS: Let me put it this way: I have not seen a strike that has caused distress to the people, in the meaning of the word "distress".

The Hon. J. M. Berinson: Have you not seen a strike that could be reasonably said to have caused a civil emergency?

The Hon. W. R. WITHERS: Not as yet, but one could occur.

The Hon. J. M. Berinson: You are more broadminded than many of your colleagues.

The Hon. W. R. WITHERS: With the way the world is going at the moment, there is a great possibility that I may see a man-made disaster such as a strike which will cause distress to persons; and if they suffer the pressure of hunger and fatigue, I believe it is the responsibility of the Minister to appoint special constables if necessary, and only if necessary. As I said, I have not experienced such a situation.

Amendment on the amendment put and negatived.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 5 put and passed.

Clause 6: Section 82B inserted—

The Hon. PETER DOWDING: Again, regrettably, this is an example of legislation for which the need has not been demonstrated, except in one respect. That one respect is essentially that demonstrators have done something for which no offence has been created; and the Minister seems to have taken offence at the proposition that people should learn how to demonstrate lawfully without committing an offence to get their point across.

For the Minister in another place to get upset about that is a most extraordinary spectacle. We have before us an example of legislation designed to increase the grip of this Government on society and to decrease the opportunity for public discussion and debate. We had the examples of the fuel and energy Bill, the Government Agreements Act, and section 54B of the Police Act; and what a mess the last two Statutes have been. Now we have an amendment to the Police Act designed to do nothing more than shore up what the Government sees as a loophole. Effectively, that loophole is that demonstrators were doing something lawfully which the Government did not like. The hideous thing is that here we are happily introducing into the Statute law of Western Australia powers which if wrongfully exercised could cripple this country.

Let us for the moment ignore the fact that the Government is *mal fides* and does nothing but talk about civil liberties and protecting them; let us assume the Government is still interested in ensuring a free society of the type I discussed in my maiden speech and that the Minister is a man of the utmost goodwill; and let us assume also that all Ministers of the Government are men of goodwill and Government back-benchers are terrific democrats.

The Hon. A. A. Lewis: You are keeping me awake.

The Hon. PETER DOWDING: I apologise if I am keeping the Hon. Sandy Lewis awake.

What the Government is doing is introducing into the legislation of Western Australia sections which members opposite must concede could be wrongfully used by a Government exercising *mal fides*. Surely we ought not to pass a law which will enable that to be done; we ought not to introduce such legislation unless there is a need. Surely we should not give people powers which if wrongfully exercised could harm the country.

Surely members who have accused us of not speaking with reasoned and modulated voices can see that those powers could be misused, not by the present Government, but perhaps by another Government. What about the situation where there is a Government which believes it can retain power only by suppressing its opposition? What then? Do members honestly live in a fool's paradise, ignoring the realities of what is happening right throughout the world in right-wing and left-wing dictatorships? Cannot they see this is the sort of provision which enables a democratically elected Government to retain power by oppression?

The Minister is naive if he shakes his head and believes the proposition contained in clause 6 cannot be misused. It could be used to overcome every single attempt to criticise the Government and to disagree with it. If the Government wanted to oppress a minority group in this society, under this provision it could arrange for police officers to tell the people concerned to leave a public building or a shopping centre. There is absolutely no redress. It is a powerful law. It is a law which could have immense consequences if used improperly; and Government members are prepared to sit there like dummies and let it go into the Statute book of this State.

The Hon. P. H. LOCKYER: The Hon. Peter Dowding missed one very important point in his speech. He disregarded the public completely. He spoke of those people who—

The Hon. Peter Dowding: Will have no say in it.

The Hon. P. H. LOCKYER: If we allowed his arguments to turn us, the public certainly would not have a say in it. It is necessary that the public be protected. I do not believe this legislation is such that it would be used in the heinous way that the honourable member would lead us to believe. In fact, his scare tactics are completely uncalled for; and he missed the point altogether.

The Hon. Peter Dowding: Section 54B was used improperly.

The Hon. P. H. LOCKYER: It was to protect the general public against the people he purports to support.

The Hon. Peter Dowding interjected.

The Hon. P. H. LOCKYER: I will seek your protection, Mr Chairman. The honourable member would like to bring in another subject. At all times people should have the right to demonstrate and make their point; but when they start to upset the general public in the carrying on of their day-to-day duties, the public should be protected.

The Hon. Peter Dowding: What if they are the general public?

The CHAIRMAN: Order!

The Hon. P. H. LOCKYER: The legislation will protect the general public. At the moment, the police have only the rights of civilians to remove people from premises. The legislation gives the police the right to remove such people. I do not believe that right would be used as the honourable member would have us believe. The legislation is designed to protect the general public. Unfortunately, at times members opposite do not take that into consideration. It is absolutely imperative that the general public should be protected at all times.

The Hon. P. G. PENDAL: One of the members of the Opposition, in his unusual respectful fashion, referred to the "dummies" who occupied other benches in this place. I ask that member: Why is there the need in this place, or outside this place, or in political and other institutions around the State of Western Australia, for people to jump to the defence of the village bullies as distinct—

The Hon. Peter Dowding: Come on!

The Hon. P. G. PENDAL: —from the victims in many of these cases? By way of interjection a moment ago, the Hon. Howard Olney asked who this legislation was designed to protect. I would have thought that was made clear in the second reading speech. It was pointed out that there were a number of circumstances in which a clause of this kind would be helpful. One of those circumstances was the position with the gatecrashers or unwanted guests at a party.

The Hon. Peter Dowding: Are they not unlawfully on the premises?

The Hon. P. G. PENDAL: No, they are not.

The Hon. Peter Dowding: It is an offence under the Police Act; and you arrest them.

The Hon. P. G. PENDAL: The police cannot arrest them in those circumstances.

The Hon. Peter Dowding: Of course they can.

The Hon. P. G. PENDAL: This clause creates an offence so that when a person has been given fair warning or has been requested to leave the premises that he is on without invitation, if he refuses the offence is complete. Nothing can be more reasonable. Upon being asked to leave, the person is required to leave. By not acceding to that request, the person puts himself into a position where he is liable to be charged under the law.

The other situation is in regard to the police being frustrated in the performance of their duties; and reference was made to passive occupations of offices. In a situation where people hold a passive demonstration and go onto someone's property—it may be Government premises or private premises—it is perfectly reasonable for them to be asked to leave if they are there without invitation. If they refuse to leave, they create an offence and are guilty of that offence. Nothing could be more reasonable than that. Therefore some of the nonsense spoken by the Opposition falls for those two reasons.

The Hon. I. G. PRATT: It was mentioned earlier today that this clause would lead to such things as political canvassers being put off shopping centre car parks. That is a very naive claim which shows a poor understanding of what really goes on. I have firsthand experience of being asked to leave a shopping centre whilst I have been endeavouring to hand out cards. I have been present when Opposition candidates have suffered the same fate. When asked to leave, I did the reasonable thing and left in good grace. After all, the parking area at shopping centres is provided for patrons. If a centre does not want patrons to be bothered one should leave if asked to do so. If a person decides he will not leave, surely there should be some way to make him do so.

The Hon. Peter Dowding: There is; you do not need to have the Act amended.

The Hon. I. G. PRATT: Of course we do. If we do not, why is Mr Dowding getting up and suggesting that this is one of the terrible things that will happen if we pass the legislation? He is now telling us it is not needed.

The Hon. Peter Dowding: What evidence do you have?

The Hon. I. G. PRATT: This sort of thing is happening now. If a person is not prepared to leave there should be some avenue by which he can be prosecuted.

The Hon. N. E. BAXTER: I have been astounded by some of the statements made by the Hon. Peter Dowding. I indicate to him that a farmer has no redress if a family decides to stop and have a picnic on his property and perhaps light a fire for a barbecue. Those people cannot be ordered off the property unless they have committed an offence or are intending to do so. The Bill provides that a person such as a farmer can prevent people from trespassing.

I am reminded of the story of the farmer who saw a family picnicking on his property. He did not order them off but took a note of their vehicle's registration number. A few weeks later he drove to their home with his family and had a picnic in the front yard of their home. When the owner came out and complained, the farmer

explained that previously the owner had used his property on which to have a picnic and he was merely returning the favour.

The Bill gives people the right to tell trespassers they are on private property, that they have no right to be there, and that they should leave. Today this cannot be done.

Clause put and passed.

Clause 7: Section 138A amended—

The Hon. PETER DOWDING: This is an extraordinary clause which the Minister justifies with just a very brief reference. I point out to members opposite that the tripish legal interpretations of this Bill which we have heard from Government members are appalling. If members opposite had a clue about what actually happens when some poor judicial officer and a couple of poor legal practitioners try to interpret the woolly meanings in Statutes emanating from this Parliament they would know it is important to make sure that our Acts have meaning, that the words are precise, and that the words are defined.

The Minister said the regulations may prescribe fees that may be charged for the issue of certificates, and there is nothing wrong with that. But he went on to say that fees could be charged for the provision of services, including the services of escorts and guards. He explained that it was a long-standing practice, but he did not make it clear what it is these people are intended to do. Will the clause limit the services to those provided by police officers as escorts or guards for instrumentalities?

Are we to have a situation where members of the public who request police surveillance or police guards are to be charged for the service? Why is it that this provision is to be in the regulations? Why is it that it could not be part of the Statute for all to see and to play a part in determining just what services can be charged for? Who decides who charges what? Parliament does not. The Minister can effectively tell the public that they will be charged for services rendered by the police. If that is the intention of the clause it is totally reprehensible.

Is it to apply when the police do certain work for commercial firms and they are paid for the service or the Minister collects a fee? If that is the case, why is it not clearly indicated?

The Hon. G. E. MASTERS: There is absolutely nothing sinister about this particular clause. It simply sets out that in the case of escorts and other work done by the police for the public or for companies, a charge can be made.

The Hon. Peter Dowding: The public will be charged?

The Hon. G. E. MASTERS: The Hon. Peter Dowding knows what I am talking about. It involves situations such as a truck needing an escort.

The Hon. Peter Dowding: So Amax could be charged?

The Hon. G. E. MASTERS: Yes. The reason for it being in the regulations is that it can be varied from time to time when necessary.

The Hon. Peter Dowding: Where is the power to charge?

The Hon. G. E. MASTERS: The regulations will provide the authority to make charges.

The Hon. Peter Dowding: I can understand the charges being in the regulations; but why not put the power to make the charges in the Act?

The Hon. G. E. MASTERS: This is done regularly with other regulations. It is a simple and straightforward operation. It has been done for many years and will continue to be done.

The Hon. H. W. OLNEY: I was delighted to hear the Minister say, in answer to the Hon. Peter Dowding, that there is nothing sinister about this. Mr Dowding has made a good point in that the amendment gives the regulation-making authority power to prescribe fees which may be charged for the issue of certificates, but the Act does not say that fees may be charged. It simply enables the regulation-making authority to fix the amount of the fees and does not create the substantive authority to charge them. I would not be surprised if next year someone comes along here and says that the Parliamentary Counsel believes a mistake has been made and the wording of this provision must be changed.

I am unaware of any provision in the Police Act which requires the issuing of certificates. There may well be a provision in the Act providing for the issue of certificates, but we have not been told what sort of certificates they are or where the provision is.

When I first read the proposed amendment, I thought I had made a breakthrough with the Minister for Police and Traffic. Members will be aware I have asked a number of questions about all sorts of activities, including massage parlours. When I read the proposed amendment, I thought at last fees were to be set for escorts and, as members are aware, they are part of the same industry; but apparently that is not what is intended.

The Hon. G. E. MASTERS: I do not want to prolong the debate. There is nothing sinister

about this; it is a practice which has been going on for many years. It is simply a method of coping with the charges which will be made.

Clause put and passed.

Title put and passed.

Bill reported, with an amendment.

ADJOURNMENT OF THE HOUSE

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [11.34 p.m.]: I move—

That the House do now adjourn.

Minister for Education: Criticism of Belmont High School Principal

THE HON. R. HETHERINGTON (East Metropolitan) [11.35 p.m.]: I cannot allow the House to rise before making some brief reference to the sad and sorry spectacle we have witnessed in the last week during which a Minister of the Crown who, when properly criticised for deficiencies in his department, has resorted to bullying accusations, deceit, and character assassination.

I have been quite shocked over the past several days when reading reports in the Press that had to do with the Belmont Senior High School and the committee of which I am a member and of which I have been a member for the last couple of years, to find that a Minister of the Crown has seen fit to accuse a principal of a school of playing politics when in fact no-one has been trying to play politics in regard to the rebuilding of the Belmont Senior High School.

I have spoken in this House frequently on the subject, and I shall refer to it again at some length when I speak on the Budget, to justify the brief remarks I will make tonight.

In this morning's issue of *The West Australian* there is a further accusation against the Principal of the Belmont Senior High School.

The Hon. P. G. Pendal: Who was a Labor candidate at the last State election, coincidentally.

The Hon. D. K. Dans: That is nothing!

The Hon. R. HETHERINGTON: That is a cheap and disgraceful remark and if that is the kind of comment the Hon. Phil Pendal wants to make, I shall make a few remarks also.

Of course Mr Carlson was a candidate for Dale in the last election. What does that have to do with the matter? I am not here particularly to defend Mr Carlson. That has been amply and well done by the students at his school. It was amply and well done tonight by over 140 people who attended a school council meeting at the school and passed a motion of confidence in the principal. For the first time tonight I found out that one of the people with whom I have worked closely and who I respect, is an active, practising member of the Liberal Party. He brought out that matter tonight to inform the people at the meeting that he was in support of the principal and party politics were not involved in the matter.

This cheap slur which has been put on a person who has given decent and dedicated service is disgraceful. If members in this House are going to do that also, they are no better than the Minister.

The Hon. P. G. Pendal: I will repeat what I have said.

The Hon. D. K. Dans: It is true. I have friends who were Liberal candidates and some of them were successful. That is nothing!

The Hon. R. HETHERINGTON: I am not greatly worried by the statements made about the Principal of Belmont Senior High School. His standing, his support, and the respect held for him by his staff, students, fellow teachers, the union of which he is a member, and other members of the department, is such that he will survive.

I am not defending the actions of the parent action committee which later became the school building committee at Belmont and which for some years now has spent many long hours preparing and presenting notions, ideas, and plans for the rebuilding of our school. Indeed, it is very much "our school"—it is a community school.

The people for whom I am sorry and those who are worrying me are the students at Belmont Senior High School and the people of the Belmont community. I have said before in this House, and I will say it again when I stand to speak at greater length about this sorry affair, that many of the people of Belmont are sole parents living in a disadvantaged area and they need all the help they can get.

We were hoping something would be done about this matter. When I say "we" I mean people in the area and the members of Parliament; indeed, people of all political persuasions who in fact did not talk politics at all until we said, "We have to get this before the Minister. Let us present it in a way which will not look at all political, because it is not a party political matter."

I should like to read to the House a letter from a former Minister for Education (Mr Peter Jones), written on 28 September 1978, when he held that portfolio. Mr Peter Jones did not play politics with the Belmont Senior High School and, whatever his differences with the committee—and

there were always some—he behaved with great propriety. No matter how much I might have disagreed with him on politics, he had my greatest and utmost respect when dealing with matters of policy.

The Hon. P. V. Jones wrote to Mr David Carlson who lately received obloquy in the Press. The letter states—

> Dear David,
>
> On behalf of the Director of Planning, the Principal Architect and myself, I would like to thank you, and all associated with your School for the manner in which the submission, relating to the replacement of the Belmont Senior High School, was prepared and submitted to me when I visited the School.
>
> I appreciate that much time and effort had been devoted to its preparation, and I would like you to convey my sincere thanks and appreciation to all concerned.
>
> As I indicated before leaving the School, discussions would commence immediately between the Education Department and the Public Works Department to prepare a long-term plan for the replacement of the School.
>
> In considering all aspects of such a plan, immediate attention would be given to the safety of all students and teachers, and in considering the long-term future, regard would be given to alternate design and lay-out of buildings, alternate educational uses for some of the existing buildings, and the likely pupil numbers in the coming years.
>
> When some concrete proposals have been received, they would be discussed with you, your teaching colleagues and the parents, and I am confident that over a period of years and as economic conditions permit, an institution will be created of which the district can be justly proud.
>
> Again I would like to express my sincere thanks and appreciation to you and all concerned.
>
> My kind regards.
>
> Yours sincerely,
> P. V. JONES, M.L.A.
> Minister for Education

What disturbs me most about this sorry affair is the smokescreen put up by the Minister.

Oddly enough a Liberal member of the school staff invited another member of Parliament to inspect the school. I learned from sources at the school, not from Mr Carlson, that the member for Kalamunda visited the school today. As far as I am concerned he was welcome; I am glad always to have come into my electorate people who are of goodwill and prepared to help us, as I hope he will be.

What concerns me is that the school committee has tried to get a better school building. Later, in great detail, I will explain what is required. What we want most is to get rid of the buildings which have great influence along Abernethy Road. The timber-framed buildings are a disgrace to the school and to the State. The Minister promised to get rid of them and to construct a year 8 or year 12 double-storied English studies block.

After much negotiation in 1979 with the Education Department, its Director of Planning (Mr James Quinn) visited the school. He had a sketch plan for a single-storied block which was to face the wrong direction. We had a long and accrimonious discussion with him and before he left he said, "All right, you can have your two-storied block"—Mr McKenzie can bear witness to this because he was there. Mr Quinn further said, "However, I will note in the file that we advised you against it". The plans did not eventuate and in January this year in the *Belmont Times* it was reported that Mr Quinn had announced that planning was about right. On 30 June this year Mr McKenzie, Mr Bryce who is the member for Ascot, and I visited the Education Department to see how the plans were progressing, but departmental officers had none to show us—nothing had been done. In the midst of a smokescreen of abuse the Minister—

The Hon. D. J. Wordsworth: You are not doing badly yourself.

The Hon. R. HETHERINGTON: In great detail I will indicate to the Minister what I am talking about and then I will document what I have said.

A member: You have the disease of the Hon. Peter Dowding.

The Hon. R. HETHERINGTON: I dislike injustice. I am talking about a case of injustice to the people in my electorate and their school and injustice to the whole community. When I see this kind of injustice I become angry, and I am indeed very angry, but not so angry that I do not know what I am talking about and not so angry that I do not know now that the Minister will force upon that community the kind of plan that was rejected in 1979.

He blames the school committee for holding up the whole business because it would not agree that the department knew best. The Hon. Robert Pike raised the point that we have to watch the bureaucrats. When the bureaucracy makes

mistakes, the Ministers should inquire to find out where those mistakes were made and then accuse the bureaucrats of doing wrong.

A member: Go outside the Chamber and see if you are game to say that to his face.

The PRESIDENT: Order!

The Hon. R. HETHERINGTON: I am raising this matter in a proper way as the honourable member who has just interjected will learn one day, if he is capable of learning anything.

A member: You are talking about the Minister who is not here.

The Hon. R. HETHERINGTON: I am using this Chamber to bring an injustice to the attention of members.

The school will be bulldozed into accepting a plan which it does not want. This is an example of the Minister being used as a tool of the bureaucracy to meet its needs. Although the Belmont community's being forced into this plan may not be deliberate, the end result will be the same. This action by the bureaucracy is an offence and an insult to the community. I never thought I would live to see the day when a Minister for Education in this State would do such a thing. Certainly it is my very great regret that the Premier of this State saw fit to replace the Hon. P. V. Jones as the Minister.

The Hon. P. V. Jones would never have allowed such a situation to occur. He is a man of honesty and decency and is prepared to negotiate and concur. I regret that I must rise to say these things, but I say them because they must be said. I think the spate of abuse which has been turned on everyone and addressed to the Minister and his department is something we could well have done without. I hope that even now the Minister will take note of what one of the girl students of the school was reported to have said over a radio station today. She said the Minister had been emotional. Perhaps politicians are emotional. I become emotional.

The Hon. D. J. Wordsworth: You do become emotional.

The Hon. R. HETHERINGTON: Anger is an emotion, but I hope while I have been emotional I have been rational. I hope the Minister when talking to the students tomorrow will be rational and discuss questions and not accuse the students of being manipulated for political gain.

The accusation which has been made is disgraceful and unworthy and, as I have said, when I speak on the Budget debate, I will document my comments—at some length.

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [11.51 p.m.]: I wish to make one or two observations on this matter. We all have this problem in our electorates when parents get together and attempt to bring some pressure on the Government to obtain a new school for their area.

It is rather interesting that in the very matter to which Mr Hetherington referred he quoted the words of the previous Minister. Mr Hetherington used the words "a long-term plan for the future of the school", "a period of years", and "economic conditions would permit". They are three of the quotes I took down whilst Mr Hetherington was speaking.

Suddenly, a letter of 1978 is escalated to the stage where the Government is being attacked for not including this matter in the Budget this year.

The Hon. R. Hetherington: I did not say that.

The Hon. D. J. WORDSWORTH: I said the Government is being attacked for not having included the matter in the Budget this year.

Several members interjected.

The PRESIDENT: Order!

The Hon. D. J. WORDSWORTH: Those were long-term problems with the school and the Government was willing to take that fact into account and to plan a new school. However, the matter is suddenly escalated and the Government is being accused of not caring about the health of the children.

It is very interesting that when Mr Hetherington refers to the health of the children, he refers to the buildings in which they are accommodated as being affected by noise.

We cannot all have new schools. Money must be raised for new schools and we all have to be prepared to take our place in such matters. I would like a school at Lake King replaced.

It is interesting to note that the parents in Belmont are complaining about the amount of money which is available to renovate the school. In the case of Lake King the parents are complaining that money is being forced on them to have the school renovated when they would sooner have a new school. They are embarrassed because there is so much money available for renovations.

There would be no need for complaints about safety because it is the headmaster's responsibility to maintain the school in a good and reasonably safe order. It is a very unhappy state of affairs when we have a Government employee attacking the Government and the Minister for Education in such a way as has taken place.

THE HON. F. E. McKENZIE (East Metropolitan) [11.55 p.m.]: I wish to support the remarks made by my colleague. There is no need to repeat his comments, but there are one or two matters which need to be clarified. The Minister referred to the reports made by the school and to the response of the principal.

I have a list in my hand which itemises 300 matters which have been referred to the Public Works Department. These items are also on the register at the Belmont Senior High School. These matters have been reported to the department by the principal, yet the principal is accused of not carrying out his job in that respect. The principal has carried out his duties.

I have been a member of the school committee for the last couple of years. The committee did make some progress with the previous Minister for Education (Mr P. V. Jones), who agreed to have a new school constructed. The members of the parents' planning committee were to be brought into consultations with the department concerning the plans for the new school.

Whilst there are some fairly new buildings at the Belmont Senior High School, the building is in the wrong location. The planning committee has not said that the buildings would not be utilised because there are certain areas in the school planning which are being utilised effectively and to the advantage of the children. These areas can be converted into other sorts of centres and that planning was part of the role of the students and the parents.

The noise problem is increasing day by day and it has become difficult for students to become absorbed in their studies. With the increase in the number of motor vehicles in the Belmont area and with trucks having their exhaust pipes further from the ground, the noise level is increasing.

The purpose of the planning side of the parents' action group was to help plan the new school building. However, the Education Department has failed to come up with a plan and that is the whole crux of the matter. The Education Department has failed to produce a plan which is suitable. In fact there has not been a sensible plan put forward at all. It is important that if the school is to be built step by step, the first stage should be well planned.

The idea was that the new school would be located far from the busy Abernethy Road-Alexander Road intersection. That is where the whole plan has reached a standstill. Following a report in the *Belmont Vic. Park Times* on 16 January, that work was due to start fairly soon on the first stage of a new group of buildings at Belmont High School, spirits were high. However, when three members of the building committee from the school called to the Education Department on 30 June to inspect the plans, none were available. This was despite the fact that the Director of Planning (Mr Jim Quinn) had said in the report of 16 January that the plans had been completed.

On 14 July 1978, which was the time when I first became involved with the school, I received a phone call whilst I was at a function. I was asked to go to the school straightaway. I was horrified when I arrived because water was pouring down through the light fittings. I rang the SEC on that Friday afternoon and the people there were reluctant to come out and make an inspection. I said to the person at the State Energy Commission that if someone was electrocuted he should take note of the fact that I had reported the matter to the commission. Reluctantly, someone came out. The power was disconnected at three o'clock that afternoon. So, that is the history of the electrical wiring at the school.

When the school was constructed it was on a temporary basis; it was never meant to be standing for a long time. That was a wanton waste of money, about which this Government ought to be concerned.

The building is beyond maintenance, but for some unknown reason a bureaucrat in the Education Department is hell-bent on saving money in one direction and wasting it wantonly in another direction. Perhaps the situation is the same as that which applies to the school at Lake King. Money has been poured down the drain needlessly. No wonder so little of this maintenance has been carried out.

It is absolutely disgraceful for the Minister for Education to talk in this manner. I know it is a tactic he employs on many occasions. I can recall a recent event at Melville where gas was leaking at the school. Instead of accepting responsibility, the Minister blamed the principal for not reporting the gas leak. The Minister is renowned for this kind of activity.

My colleague has done an effective job. This is a serious matter. We have had two elections this year and on not one occasion during those elections did the principal at Belmont attempt to politicise this matter.

Several members interjected.

The Hon. F. E. McKENZIE: Government members are trying to defend the Minister in another place, and that is understandable. This matter was not raised during the two elections. We have endeavoured to do the best for the people of Belmont, but we have these accusations being made against principals.

The member for Ascot has not politicised this matter. The Minister has released a stupid statement in the Press. Even though David Carlson, the principal of the school, was a Labor candidate he did not bring up this matter. He has the support of all the parents in the Belmont area, including Liberal supporters. Everybody knows full well that the school requires assistance, and this Government ought to be looking at the position.

Question put and passed.

House adjourned at 12.03 a.m. (Wednesday).

QUESTION ON NOTICE

MINING

Aboriginal Reserve: Yandeyarra

335. The Hon. PETER DOWDING, to the Minister representing the Minister for Mines:

I refer to his answers to questions 303 of 21 October 1980, and 334 of 22 October 1980, and ask: Has the Government refused an exploration permit to—

(a) Raymond Lock; and
(b) any other person

in respect of the Yandeyarra reserve?

The Hon. I. G. MEDCALF replied:

(a) In June 1980 Cabinet decided that a permit to enter the Yandeyarra Aboriginal Reserve under the provisions of the Aboriginal Affairs Planning Authority Act, which would enable Mr Lock to carry out mineral exploration on the reserve, should not be granted for the time being.
This decision was reached as a result of strong representation by the member for Pilbara (Mr Brian Sodeman), on behalf of the Mugarinya community, and also took into account the views of the Aboriginal Lands Trust.
(b) No.

QUESTIONS WITHOUT NOTICE

COURTS

Bail: Legislation

103. The Hon. H. W. OLNEY, to the Attorney General:

I refer to a statement in the Lieutenant Governor and Administrator's Speech concerning the Government's intention to introduce new concise legislation relating to bail, and I ask whether that Bill will be introduced in the present session?

The Hon. I. G. MEDCALF replied:

I thank the member for giving me the opportunity to refer to this matter. Legislation relating to bail is considered to be very important by the Government, and for this reason, the proposals are being submitted to various public authorities which would have an interest in them, including the Law Reform Commission which devised the report on which the legislation is based. Therefore, the Bill will not be introduced before the first session next year.

LIFE SENTENCES

Legislation

104. The Hon. J. M. BERINSON, to the Attorney General:

(1) When can the proposed legislation on strict life imprisonment be anticipated?

(2) In view of the serious considerations depending on this legislation, can we at least have an assurance it will be introduced in good time to allow its proper consideration and passage during the present session of the Parliament?

The Hon. I. G. MEDCALF replied:

(1) and (2) It is anticipated that the legislation will be introduced during the current session. I cannot give an exact date for obvious reasons, but I hope it would be within a fortnight. I believe there will be ample time for its consideration, and, prior to its consideration, I intend to submit the statement which was requested by members on the general conditions affecting the subject.