Legislative Council

Wednesday, the 10th November, 1976

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (10): ON NOTICE

1. LAND RATES AND TAXES

Recommendations

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

(1) What action has the Government taken to implement the 37 recommendations of the Committee of Inquiry into Rates and Taxes attached to Land Valuation and contained in the Committee's report dated the 12th August, 1975?

(2) If none, does this represent yet another broken election promise by the Court Government?

The Hon. N. McNEILL replied:

(1) Advice has been obtained from the authorities affected by the recommendations and the replies from these authorities, together with the recommendations in the report, are being considered by Cabinet.

(2) Answered by (1).

2. IMMIGRATION

Christmas Island Residents

The Hon. D. J. WORDSWORTH, to the Minister for Education, representing the Minister for Immigration:

With the Federal Parliament having now ratified the Christmas Island Agreement Bill which enables residents of that island to resettle in Australia—

(1) How many islanders have already come to—

(a) the Commonwealth of Australia;

(b) the State of Western Australia?

(2) What is the current population of Christmas Island?

(3) At what rate are these migrants expected to arrive in Australia in the next few years?

(4) Is there a guarantee that enough of the population will remain on the island to supply the labour required to mine the remainder of the phosphate rock on the island?

(5) Is the island closed to further immigration from—

(a) Australia;

(b) elsewhere?

The Hon. G. C. MacKINNON replied:

I am advised by the Commonwealth Government that:

(1) (a) 685 persons;

(b) 645 persons.

(2) Approximately 3 300 persons made up as follows—

Long term residents eligible for movement	1 300
Short term workers ..	1 700
Australians	300

(3) At the rate of about 219 in the first nine months, then 300 per annum in the next three years and the balance of 181 in the following two years.

(4) Short term labour is to be recruited to replace those workers leaving the island under the Resettlement Scheme.

(5) (a) No;

(b) no.

3. NOISE ABATEMENT

Salmon Gums Power Station

The Hon. R. H. C. STUBBS, to the Minister for Health:

(1) Is the Minister aware that—

(a) it is now 12 months since the excessive noise emission from the Salmon Gums power house was brought to the notice of the State Energy Commission by the Dundas Shire;

(b) the exhaust silencers were available in April, 1976, and were installed only recently?

(2) Is he further aware that the silencers that have been installed are not satisfactory, and in fact the excessive noise is still a problem?

(3) What action is contemplated to completely attenuate the noise?

The Hon. N. E. BAXTER replied:

(1) (a) Yes;

(b) yes.

(2) The silencers are satisfactory but the noise being emitted is being generated by the engine air cooling system.

(3) Air ducting will be installed when further upgrading of the power station is carried out, which should be completed by May, 1977.

4. MEAT MARKETING

Referendum

The Hon. D. J. WORDSWORTH, to the Minister for Justice, representing the Minister for Agriculture:

(1) Is the Minister aware that the Farmers' Union is conducting a Meat Marketing Referendum?

(2) Is this ballot being conducted by the State Electoral Office?

(3) Are any of the farmers' organisations registered so that they are able to have their elections, etc., conducted by the Electoral Office in a similar manner that producers and employers' organisations are demanding of union elections?

(4) Are there identifications by way of signatures, etc., which can identify valid ballot papers from a duplicate copy?

(5) Does the supporting paper sent out with the ballot paper state that the only alternative to the Farmers' Union marketing proposals is a continuation of the present unacceptable system?

(6) Does the ballot paper allow a producer of both beef and sheep to indicate that he wants only his sheep meats statutorily marketed?

(7) (a) What numbers of farmers in Western Australia are—

(i) sheep owners;

(ii) cattle owners;

(iii) both cattle and sheep owners; and

(iv) registered lamb producers (W.A.L.B.);

(b) how many of these farmers have less than 100 animals?

(8) Is there a record of the number of livestock owners who actually market fat-stock?

(9) Isn't it intended that the export of live sheep should come under the Cattle and Sheep Marketing Corporation?

The Hon. N. McNEILL replied:

(1) Yes.

(2) No.

(3) It is understood that one farmer organisation is currently registered under Commonwealth legislation, and that its future elections for principal office bearers will be conducted by the Electoral Office.

(4) No.

(5) Yes.

(6) No.

(7) (a) and (b) Precise statistics are not available—

(i) At March 31, 1975, there were 12 433 holdings which held sheep of which 997 had less than 100 sheep.

(ii) At March 31, 1975, there were 10 777 herds with "cattle for meat production", of which 6 151 had less than 100 cattle.

(iii) This information is not available.

(iv) There are no lamb producers registered as such but 4 191 producers were recorded at August, 1976, with the Western Australian Lamb Marketing Board. The number of these producers with less than 100 sheep is not known.

(8) No.

(9) It is understood that the Cattle and Sheep Marketing Corporation proposed by the Farmers' Union of W.A. would engage in the export of live sheep, but do not have powers to compulsorily acquire live sheep for export.

5. ELECTORAL

Rolls: Updating

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

(1) What methods are currently employed by the State Electoral Office to keep electoral rolls up to date and accurate?

(2) Is the Minister aware that the most recently printed State Electoral Rolls, namely the 30th June, 1976, are highly inaccurate in that they contain a large percentage of names of electors who have left their respective districts two and sometimes three years ago?

(3) As this could open the way to abuse in the voting at the next State election, will he give an undertaking that an urgent review of the rolls will take place?

The Hon. N. McNEILL replied:

(1) (a) Advertising.

(b) Electoral Rolls are available for inspection at the State Electoral Department and at Commonwealth Electoral Offices, post offices, Clerks of Courts Offices, Local Government Offices and Police Stations.

(c) Death notices are supplied by the Registrar General and removals from the rolls are thereby effected.

(d) Marriage notices are supplied by the Registrar General and appropriate action is taken.

(e) Returns are supplied by the Comptroller General of Prisons under section 59 of the Electoral Act.

(f) Returns are supplied by the Director of Mental Health Services under section 57 of the Electoral Act.

(g) Follow up action is taken as a result of notices sent to non-voters at State elections and in respect of section 122A voters at State elections who are not correctly enrolled.

(h) Notices are sent to occupants of houses for which no electors are enrolled.

(i) Other action is taken from information which becomes available to the Department.

Primarily, it is the elector's responsibility to enrol for his correct address.

(2) No.

(3) No undertaking can be given that a house-to-house canvass will be conducted. However, if the Hon. Member can give me specific information which would obviate possible abuses I would be glad to have action taken.

6. EDUCATION

Graduates in Agriculture

The Hon. D. J. WORDSWORTH, to the Minister for Education:

(1) How many students are expected this year to—

(a) pass their Degree in Agriculture at the University of Western Australia;

(b) pass their Diploma of Agriculture at Muresk?

(2) Of these students, how many are expected to become farmers as against taking on extension and research work?

(3) What are the next best alternatives in Western Australia to these two institutes for the training of our future farmers?

(4) How many students per year do these alternatives produce?

(5) With 25 000 farmers in Western Australia, would it be a reasonable expectation that approximately 1 000 would be entering the industry each year?

(6) In Western Australia, what is—

(a) the capital value of land, buildings, plant and livestock, invested in agriculture;

(b) the expected gross rural turnoff?

(7) Is there any other industry of this significance where those responsible for its management receive so little formal education?

The Hon. G. C. MacKINNON replied:

(1) (a) and (b) Depends on 1976 examination results.

(2) Unknown.

(3) The four agricultural high schools operated by the Education Department of W.A. situated at Cunderdin, Denmark, Harvey and Narrogin.

(4) These schools have a maximum outturn of 130 per year.

(5) Not known.

(6) (a) No statistics are available but the overall value could be in the order of $3 500 000 000;

(b) the gross value of rural production in 1975-76 is estimated at $956 000 000.

(7) This is a matter of opinion.

7. RURAL HOUSING AUTHORITY

Applications

The Hon. D. J. WORDSWORTH, to the Minister for Education, representing the Minister for Housing:

(1) How many applications have been received for funds under the newly formed Rural Housing Authority?

(2) What numbers of applications have come from the different farming regions?

(3) At what rate are these applications expected to be processed?

(4) Have any applicants been successful to date?

The Hon. G. C. MacKINNON replied:

(1) to (4) No formal applications have yet been received by the Rural Housing Authority as the Act was only proclaimed on the 1st November, 1976.

However, 205 persons have indicated an interest, and it is anticipated many of these may wish to formally apply for assistance.

It is anticipated that the Authority will be in a position to approve loans early in 1977.

8. GRAIN

Storage Facilities

The Hon. D. J. WORDSWORTH, to the Minister for Justice, representing the Minister for Agriculture:

(1) With a good cropping season expected in the southern regions of Western Australia, what grain is still being stored in this State as a carry-over from last season?

(2) Where is it situated?

(3) What percentage of the total capacity of these installations does this carry-over represent?

(4) How does this compare to previous years?

(5) Are extensive shipments expected before the next season's crop is expected to be delivered?

The Hon. N. McNEILL replied:

(1) The estimated carry-over as at 30th November, 1976, will be:

	Tonnes.
Wheat	599 000
Barley	31 500
	630 500

(2) Geraldton Zone—

Wheat	70 000
Barley	4 000
	74 000

Fremantle Zone—

Wheat	439 000
Barley	14 500
	453 500

Bunbury Zone—

Wheat	11 000

Albany Zone—

Wheat	50 000
Barley	13 000
	63 000

Esperance Zone—

Wheat	29 000

(3)

	%
Geraldton Zone	6.2
Fremantle Zone	18.5
Bunbury Zone	2.3
Albany Zone	6.8
Esperance Zone	7.2

(4) Previous carry-over to 30/11/73:

	Tonnes.
Wheat	48 000
Barley	12 000
	60 000

to 30/11/74—

	Tonnes.
Wheat	579 000
Barley	51 000
Oats	6 000
	636 000

to 30/11/75—

Wheat	332 000
Oats	3 000
Barley	11 000
	346 000

(5) A normal shipping programme is expected at this stage.

9. FUEL OIL

Freight Differentials

The Hon. D. J. WORDSWORTH, to the Minister for Education, representing the Minister for Consumer Affairs:

Further to my question on fuel costs in country towns of the 9th November, 1976—

(1) When were drums of kerosene last transported to Esperance by rail?

(2) When was bulk kerosene first imported in any quantity in bulk by ship?

(3) Whose responsibility is it to report to the Prices Justification Tribunal when a mode of transport is changed?

(4) How often does the Prices Justification Tribunal review the price of fuels?

(5) As the cost of importing fuel by ship is currently between 1.5 cents/gallon and 1.7 cents/gallon, and the amount being charged is 16.1 cents/gallon, which is approximately one thousand per cent higher than it should be, can a special review be carried out by the Prices Justification Tribunal of this charge?

The Hon. G. C. MacKINNON replied:

(1) July, 1976.

(2) May, 1975.

(3) There is no stipulation that a change in mode of transport must be reported to the Prices Justification Tribunal.

(4) As a rule, reviews of fuel prices are undertaken at the request of the oil companies. General reviews may be instituted by the Prices Justification Tribunal itself.

(5) Yes.

10. TRADE UNIONS

Blacklisting of Farming Properties

The Hon. D. J. WORDSWORTH, to the Minister for Education, representing the Minister for Labour:

Further to my question of the 9th November, 1976, concerning union activities in rural areas—

(1) Is the act of black-listing an illegal act under the Industrial Arbitration Act?

(2) Are either of the producers' organisations taking action against the alleged black-listing?

(3) Are both of these organisations registered with the Arbitration Court as employers and able to act on behalf of their members?

(4) Can an individual employer request a union official not to enter his shed until the end of the run or the "smoko" break?

(5) Is there any limit to the number of officials of the AWU who can be accredited in any one district?

The Hon. G. C. MacKINNON replied:

(1) The Hon. Member is advised that work in this industry is covered by the Federal Pastoral Industry Award. This Award comes under the jurisdiction of the Commonwealth Conciliation and Arbitration Commission. Black listing is not an illegal act.

(2) The Pastoralists & Graziers Association is not taking any action at present. The Farmers' Union is not taking any action other than to encourage members to conform to requirements of the Award.

(3) Neither organisation is registered with the Commonwealth Conciliation and Arbitration Commission as an industrial union of employers, however the Pastoralists & Graziers Association is named as a respondent to the Federal Pastoral Industry Award.

(4) Clause 78 of the Federal Pastoral Industry Award provides that:

"1. A duly accredited representative of the union may—

(i) for the purpose of ensuring observance of this award, enter premises where work covered by this award is being carried out and may for that purpose inspect any work and wages books and records; and

(ii) for the purpose of interviewing employees on legitimate union business, interview employees on the premises during smokos, meal breaks, or outside the ordinary working hours,

provided that in each case—

(a) he shall at the earliest possible time, inform the employer or his representative of the purpose of his visit and produce his authority on request, and

(b) he does not interfere with or interrupt work being carried on. "

(5) No.

PAY-ROLL TAX ASSESSMENT ACT AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [4.51 p.m.]: I move—

That the Bill be now read a second time.

This is the second of the measures designed to reduce the level of taxation which were foreshadowed when the Treasurer introduced the Budget.

The Bill now before this House is to make four major changes in the pay-roll tax legislation, which are—

To increase the level of the basic deduction, which will result in exempting more small businesses from pay-roll tax.

To change the range of the tapered deduction, which will reduce the tax payable by those businesses which receive this form of deduction.

To restore for all businesses subject to pay-roll tax, a minimum deduction.

To insert a provision which will prevent the proposed changes in the law from imposing any increased tax in the transitional period on any business.

This will mean that under a full year's operation of the proposals in this Bill, all businesses will either be exempt or pay less pay-roll tax. I shall explain and comment on each of the changes in turn.

Currently, all taxpayers with a pay-roll of $41 600 or less pay no tax. This level of basic deduction was enacted last year, and was double the earlier level of $20 800. In this Bill the level has been raised

to $48 000, which is an increase of approximately 15 per cent. This is broadly the rate of inflation which has occurred since the last revision. The effect of this provision will be to relieve a further 650 small businesses from the imposition of pay-roll tax.

The existing taper scale results in a reduction in the present deduction of $41 600 by $2 for every $3 by which annual pay-rolls exceed that sum. This means that currently taxpayers receive a diminishing deduction until the annual pay-roll reaches $104 000. For pay-rolls of $104 000 and above there is, therefore, no deduction. The same system will be employed to taper out the new and higher deduction, which means that pay-rolls between $48 000 and $84 000 will be in the taper range.

Thus, because there is a higher base, pay-roll taxpayers within the existing taper range and who remain in the new range, will receive a higher deduction and, therefore, pay less tax. For example, a taxpayer with an annual pay-roll of $60 000 under existing legislation pays on taxable wages of $30 667. Under the proposals in this Bill, on the same annual pay-roll, when the changes operate for a full year, he will pay on only $20 000. This will reduce the annual tax payable by $533.

The third change is to be accomplished by providing a minimum deduction of $24 000 for pay-rolls exceeding $84 000 per annum. This will ensure that all businesses, irrespective of size, will benefit.

Under the amendments made last year, which were exclusively directed at the employer conducting a small business, it meant that those whose pay-rolls exceeded $72 800 per annum paid more than they did under the law existing before last year's amendment. This was because the minimum deduction of $20 800 was removed.

If the same system as currently applies had been continued—that is, with no minimum deduction—under the revised limits all enterprises paying tax on annual pay-rolls of below $120 000 would benefit, but those organisations with annual pay-rolls in excess of this figure would receive no relief of any kind.

Therefore, in order to assist in promoting recovery and to provide some incentive to all businesses, the minimum deduction will be restored at the higher level of $24 000, which is approximately 15 per cent higher than the original deduction of $20 800 which was previously removed. This will result in the tapered deduction ceasing to operate for pay-rolls above $84 000 per annum, because at that figure the taper reduces the deduction to $24 000, which is the new level of minimum deduction. Thus all taxpayers with annual pay-rolls above $84 000 per annum will receive a flat deduction of $24 000.

A special provision has been inserted to ensure that no taxpayer is required to pay more pay-roll tax than he would have been liable to pay had the law not been amended by the proposals now before the House. This situation could arise in certain cases, generally in respect of businesses which operate seasonally. It will occur only in the transitional year; that is, the current financial year, where different limits and concessions apply in each of the six months.

The main type of taxpayer who would be disadvantaged is the seasonal employer where the bulk of the taxable wages is paid in the period from the 1st July, 1976, to the 31st December, 1976.

The State Taxation Department has checked a large number of seasonal employers and generally they show that where the main bulk of the wages is paid in the first six months of this financial year, they are disadvantaged to the extent of amounts ranging from about $70 up to approximately $1 400 for the year.

An example is the case of an employer who will pay total wages of $58 926 in 1976-77. Of this sum, $39 508 will be paid in the first six months and only $19 418 will be paid in the second six months. If the law is not amended, he would be entitled to the deduction applicable to his taxable wage level for the full 12 months and his tax bill for 1976-77 would be, under these conditions, $1 444.

However, because of the changes to be made in the law, his assessments must be divided into two separate periods and, therefore, the deductions are proportioned.

In his case this means, for the period ending the 31st December, 1976, he would be liable for tax of $1 559, but in the second period ending the 30th June, 1977, he would be exempt because the taxable wages paid would be below the proportion of the increased deductions. Therefore, in this case, the change in the law would disadvantage him to the extent of $115 in 1976-77. This is not a result which is consistent with providing reduced pay-roll tax and, therefore, the provision in the Bill will allow this taxpayer to apply to the commissioner for a refund or rebate of $115.

The example quoted is taken from actual figures on the assumption that the actual amount of taxable wages paid in 1975-76 will be the same amount and proportions that will be paid in the current year. It is emphasised that this situation can arise only in the transitional year and it is estimated that, at a maximum, no more than $30 000 of revenue will be involved.

The provision limits the refunds or rebates to sums in excess of $10 because for smaller sums the time taken to prepare and process the application would result in greater cost to both the taxpayer and the department than the refund would be worth.

In short, as a result of the proposals contained in this Bill, 650 taxpayers will no longer pay pay-roll tax, and all others will receive relief by amounts ranging up to $1 200 per annum.

In drafting the proposed amendments, opportunity has been taken to simplify the provisions of this complex legislation, and to streamline procedures.

A study of the Bill will reveal that certain provisions have been repealed because they are exhausted. These are provisions which dealt with earlier periods and will have no application to the current and future periods.

However, a saving clause has been inserted in the Bill to enable the commissioner to employ the repealed sections in the event of cases relating to past periods coming before him.

A number of the other provisions in the Bill deal with changes in the amounts which regulate the submission of returns and prescribe the deductions to be made from taxable wages. These reflect the decisions to provide further relief from pay-roll tax.

In order to calculate the annual deductions applicable to the various situations in which pay-roll tax is levied, a formula has been employed. This replaces the long and complicated sections for the same purpose which are found in the existing law.

It has been designed in consultation with other States, and special formulae are provided to cover this financial year, as the provisions will not operate until the 1st January, 1977.

For the transitional year, the legislation before members has been structured to divide 1976-77 into two parts, with one adjustment at the end of the financial year. The first part covers the period from the 1st July, 1976, to the 31st December, 1976, and the second part from the 1st January, 1977, to the 30th June, 1977. The reason for this division is that different limits and concessions apply in each period.

An annual adjustment of tax payable is necessary under the existing law and will continue to be necessary in future. This arises from the tapered nature of the deductions which, when taken in conjunction with the fluctuations in monthly pay-rolls, makes it impossible to determine the precise amount of deduction entitlement until the end of the year.

Similar provisions containing the formulae calculations are included in the Bill for the purpose of amending the grouping provisions, as groups are to receive the same concessions as other taxpayers.

Provision is made to apply the amendments to the pay-roll tax legislation on and from the 1st January, 1977. The cost to revenue of the proposals contained in this Bill is estimated to be $1 840 000 in the current financial year, during which they will apply for only part of that year, and $4.4 million in a full year of operation.

In summary, the Bill contains proposals to reduce pay-roll tax in accordance with the announcements made when introducing the Budget, and to reduce the complex provisions of the existing law.

Members will no doubt be interested in the formulae which have been incorporated in the Bill on pages 7, 8, 11, and 13. Although they look complex, it will be found that they are much more easy to follow, and work to, than trying to spell out in words in the Statute or in any attachment to the Statute the machinery of this legislation. The officers concerned have done a commendable service in arriving at something workable, bearing in mind that all States have run into the same complications and have entered into a considerable degree of consultation with each other to ensure, firstly, that the formulae work, and, secondly, that there is hopefully a degree of uniformity.

I commend the Bill to the House.

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

LICENSED SURVEYORS ACT AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. N. E. BAXTER (Central—Minister for Health) [5.04 p.m.]: I move—

That the Bill be now read a second time.

Resolutions carried at the 1958 and 1962 conference of the reciprocating surveyors' boards of Australia and New Zealand provided for the termination of the articled pupilage system as a requirement for admission to the surveying profession. It was also resolved that thereafter the only means of entry to the profession would be by the holding of a university degree or other equivalent qualification from a tertiary institution.

These proposals were confirmed by a resolution of the Land Surveyors Licensing Board of Western Australia in 1965 and, in addition, the Institution of Surveyors, Australia, has been pressing for the abolition of the articled pupilage system since 1964.

Each of the boards representing the various States of the Commonwealth of Australia and of the Dominion of New Zealand, with the exception of Western Australia, abolished the article pupilage training system several years ago. There has been contention for some time that the present reciprocity of Western Australia with the member boards of the

reciprocating boards of Australia and New Zealand is in jeopardy unless the articled pupilage system is abolished.

The Bill therefore seeks to implement those resolutions and, at the same time, amend the constitution of the Land Surveyors Licensing Board to ensure that one member shall be a member of the teaching staff of a Western Australian educational institution conducting a course in surveying acceptable to the board.

It is also intended to amend the definition of "institute" to "The Institution of Surveyors, Australia, Western Australian Division".

Members will no doubt appreciate that, due to new techniques and new equipment, surveying is becoming more and more complex, and consequently the need for concentrated education at an appropriate academic institution is essential. The inadequacy of the articled pupilage system—which necessitates students studying at night frequently under difficult conditions—is reflected in the extremely poor results arising from the board's examination. At the present time, there is an average failure rate of about 75 per cent in all papers set under the board's examination system.

This has been partially responsible for the introduction of an "external/sandwich course for professional surveyors" at the Western Australian Institute of Technology of which many pupils are availing themselves. The sandwich course has enabled students to be usefully employed either in relation to their intended profession or elsewhere while fulfilling portion of the requirement of the Institute of Technology towards the conferring of a degree in surveying. Country and city students are not therefore penalised greatly even with the absence of financial assistance with tertiary educational training. It is interesting to note that in some cases existing pupils under the articled pupilage system are using the sandwich course to obtain credits against the board's examinations.

The proposal to insist upon the preliminary requirement for entry into the surveying profession to be by a university degree or other equivalent academic qualifications will exempt students from the board's written examinations, but will still require students to serve under articles to ensure a minimum of 18 months' field experience after graduation and to then pass the board's practical examination before being registered as licensed surveyors. Both the Western Australian Tertiary Commission and the Public Service Board indicated in 1972 that they are in favour of the change.

It is contended that these proposals, if adopted, will not impose any hardship on any person desirous of entering the survey profession because of the financial assistance readily forthcoming for tertiary education for training and because of the sandwich course now available from the Western Australian Institute of Technology

Finally, the penalities for offences under the principal Act are to be increased from $200 to $1 000, and those penalties which may be imposed by way of regulation from $40 to $100.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Lyla Elliott.

CENSORSHIP OF FILMS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 9th November.

THE HON. D. J. WORDSWORTH (South) [5.09 p.m.]: We have before us a Bill to give greater powers of censorship to the State Government. Originally the State decided it would be better to have uniform censorship of films and that the Federal Government should carry it out. Of course there are many obvious benefits which will flow from such uniform legislation. We now find as a State that the censorship is not up to the standard we would like in some cases and I think it is accepted that perhaps some States have moral standards different from those in other States.

The Hon. D. K. Dans: The Minister did not say that it is not up to standard.

The Hon. D. J. WORDSWORTH: Up to the standard we would like in the State.

The Hon. D. K. Dans: That is the point.

The Hon. D. J. WORDSWORTH: I think from the Minister's second reading speech we can gather that the chief censor and his board adopt the standard we require but that appeals before the film board of review have been upheld in spite of the fact that the chief censor and his board have unanimously rejected them. I presume then that the chief censor has to classify the film and give it an "R" rating. Obviously the contention is not so much with the chief censor but with the board of review and it is very hard when members of the board are selected to have any idea of what standard of film they will allow through. In any case I do not think the State has any particular say as to the appointees.

The Minister also stated that the situation is somewhat anomalous, particularly when the film is to be shown only in Western Australia. I wonder how he knows that a film will be screened only in Western Australia? I would think that the way the system works is that a person who wishes to import a film into Australia or having made it here wishes to show it, has to apply for it to be classified, presumably to a State department which, in turn, sends it to the Federal body. I

thought that once the Federal body classified that film it would be available to all States and would not have to be reclassified.

I wonder whether in actual fact the Minister knows that a film will be shown only in Western Australia because, as I said, I thought that once it was through the system it remained for good.

It appears to me that there are two problems with film censorship. One is the granting of classification to some of the very marginal type films and the other is the policing of attendance at drive-ins, the latter point having been made by a number of members.

Obviously the State Government was put in a very embarrassing position last year when the Minister for Recreation found himself subsidising one of the most vulgar films shown in Western Australia.

The Hon. G. C. MacKinnon: That is not a correct statement. I subsidised an organisation to run a festival which, to a closed and very limited audience, showed the films brought into the country.

The Hon. D. J. WORDSWORTH: I was going to explain who had shown the films, but the Minister explained that.

The Hon. G. C. MacKinnon: That is fair. I subsidised the only film festival in the southern hemisphere. They were very foolish, I admit. That is the difference.

The Hon. D. J. WORDSWORTH: It was foolish, but I can see the embarrassing position in which the Government was placed because that film organisation was able to show a film which did not come up to the standard the Government would have liked.

The Hon. G. C. MacKinnon: It is always foolish to embarrass the fellow who pays the bill.

The Hon. D. J. WORDSWORTH: That is quite correct, because there is always another year. Obviously the State Government wishes to overcome this type of problem, and I do not think anyone will argue with it on that aspect; indeed, one commends the Government for its action.

But there is, however, the other problem of the drive-in theatres. I think these are two completely different problems and need to be handled in different ways. The Minister said it is not the intention of the Government to stop films that are already on exhibition.

I am not quite sure what he means by that; whether he means if it is already on exhibition in Western Australia today that he will not change it; that if it has been shown already in, say, a city theatre that it will continue to do its rounds; or whether he means if it is already on exhibition in Australia that it will be allowed into Western Australia. I am not too sure what the Minister meant when he said that he would not be stopping any film that was already on exhibition.

On this question of drive-ins, I think the problem has arisen since the drive-ins have been built. I may be wrong but I think it is some 20 or 30 years ago that we first had drive-ins. I think they were first built shortly after the war, and certainly the types of films being made at that time did not deal with horror or sex, and there was not the same need to protect the public and children from watching the films from outside the drive-in theatres.

The Hon. D. W. Cooley: Every drive-in had a children's playground.

The Hon. D. J. WORDSWORTH: I think this is one of the difficulties. The drive-ins did feature certain types of films to cater for families with children but now with the changing times and with the types of films made they have had foisted on them films which are unsuitable for children.

The Hon. G. C. MacKinnon: The first one I saw was called "The Hooded Terror" and the second was "The Hunchback of Notre Dame".

The Hon. D. K. Dans: I hope the speaker does not remind you of the hooded terror!

The Hon. G. C. MacKinnon: I would not say so.

The Hon. D. J. WORDSWORTH: It just goes to show how different one's background is, because my first film happened to be one in which Shirley Temple was acting. Let's face it, in those days sound was fairly important to the theme of the picture, so probably there was not a great deal of interest to look over the wall or through the fence if one could not hear the words. But with the horror and sex films that are being shown I think that this has changed. Indeed, a lot of the action takes place to background music, and the films themselves are rather explicit in what they show. So obviously the children who watch these films through a fence are in a different position today from that in which we were as children.

The Hon. D. K. Dans: They may be appreciating the music.

The Hon. A. A. Lewis: They cannot hear it if they are watching it through the fence.

The Hon. D. K. Dans: That is quite correct.

The Hon. D. J. WORDSWORTH: We have allowed the showing of films of different ratings, some of which are not suitable for children, some for adults only, and others are rated as "R". It is possible to enforce these conditions easily in the hard top centres, but obviously this would cause a great deal of trouble in the drive-ins. In many cases in the metropolitan area there is housing all around and the children can watch the films from their own homes.

There is also the problem of road sides which should be considered, and I feel this is a problem that can be overcome by the Government. There ought to be "No Parking" signs placed along the road, if only to enable the police to prevent parking in such areas. I do not think the proprietors of drive-in theatres can do anything to prevent parking in such areas. I think more encouragement should be given to the planting of trees around the drive-ins.

The Hon. G. E. Masters: Some of the youngsters will climb the trees to watch, and as a result, there could be accidents.

The Hon. D. K. Dans: Do you think some of the films are a little distracting?

The Hon. D. J. WORDSWORTH: I do. I do not think we should change the method of film censorship merely to cater for the drive-in theatres, yet we cannot ban the drive-ins out of hand. They do play an important part in our way of life, particularly in rural areas. It has been said that a new screen has been invented that will stop people outside from seeing the film that is being shown. I am not quite sure how it will work.

The Hon. G. E. Masters: It will be very expensive; it will cost $25 000.

The Hon. D. J. WORDSWORTH: That is certainly a very high price. We did see drive-in theatres just about disappear altogether with the advent of television, but they are coming back into their own again, though I do not think they will reach the stage where they can pay $25 000 for a screen. If they did so they would probably want to show all "R"-rated films to secure the patronage to recoup the $25 000 they have paid for their screens. It could cause further difficulty. Undoubtedly television did affect the drive-in theatres, but they are now considered to be another form of home entertainment and people want to go out and do something outside their own home environment and of course one form of entertainment is for them to visit the cinema or the drive-in.

In the country areas, however, they have no choice, because there are no hard-top theatres; indeed, there are no music centres or entertainment centres—there is no other form of entertainment except the drive-in theatre. I do not think we should introduce conditions which will put the drive-in out of business altogether.

Apart from people wanting to get out of their homes, one of the reasons that people are apt to visit the drive-in theatre is to see a film different from that which they can see on television. I would like to see a high standard of film maintained on television. If we are to have "R"-type movies and others to be shown to restricted audiences, these should be shown at the theatres. The films shown on TV should remain at a standard high enough to enable children to turn on the set without fear of finding a film which is not suitable for them to see.

The Hon. G. E. Masters: I think you will find that some of the television programmes still show the early Shirley Temple films.

The Hon. D. J. WORDSWORTH: The fact is that the public today do want to see the restricted type of film. It is all very well for us to adopt the role of moralists and say that someone else is looking at these films; that we certainly are not seeing them. There are too many people who attend these films for all of them to be queers.

The Hon. G. E. Masters: You mean slightly abnormal.

The Hon. D. J. WORDSWORTH: That is so. I do agree with the moralists that many of these films are depraved, and I feel particularly that the violent films could certainly have an effect on certain types of people.

The Hon. G. C. MacKinnon: Some are tedious, and that is worse.

The Hon. D. J. WORDSWORTH: In his second reading speech the Minister said he is not seeking to introduce a new classification or to change the existing basis of classification; that the only thing the Bill will allow him to do will be to prevent the showing altogether by removing or withdrawing the classification. If a film has not been classified it is illegal for it to be shown. The Minister can change the classification which has been given to a film by the Federal body. By that does the Minister mean he can change a film which might have been classified as "NRC" to perhaps an "R" rating, and in that way restrict the attendance to a certain type of film which he considers should not be seen by children? The Minister also says he can add restrictions to the exhibiting of a film.

On reading through the Act, however, I find very little regarding the restricting of films to be shown. One could say, "Well, if you remove part of a film this is a restriction", but as far as I can see these amendments do not give the Minister the power to actually cut a film; a power which is given to the appeal board. The appeal board can have a film cut so that it will be in a certain classification, but I do not think the Minister will have this power; certainly not under these amendments; he may under the parent legislation, but I would like his comment on that aspect.

I would like to know what restrictions the Minister envisages he can introduce, and what sort of restrictions the Commonwealth censor already makes. It appears that the members of the drive-in theatre association feel that films could be classified, "Not suitable for drive-ins"; but looking at the parent Act I would have thought that would be a matter of classification, not of restriction; and the Minister indeed could not make that sort of condition. I would, however, like the Minister to comment on that aspect as well.

I support some of the arguments that have been put up by the Opposition concerning the Minister being the sole arbiter. Under the parent Act, of course, there is an appeal board, but under these amendments if the Minister withdraws a classification there is no appeal to such a board; and, as far as I can see, the Minister cannot make suggestions as to how the film can be cut before he will allow it to be exhibited.

My main concern when securing the adjournment of the debate yesterday was that the Minister could remove from exhibition a film which he felt was politically motivated. I was somewhat concerned that this could be another matter altogether. Personally I do not have the stomach for horror films, and I feel sex should be enjoyed in bed, but I am somewhat concerned about the freedom of the Press and the freedom of the right of expression.

I am particularly interested in newsreels showing us what is taking place in other parts of the world. Could the Minister withdraw the showing of such newsreels depicting what is currently happening elsewhere? Australians are very concerned that in so many places in the world today people are not permitted to see what is happening elsewhere.

I wonder how many members are aware of the conditions laid down in the parent Act—I think I am correct in saying this—which exempt films from the necessity to be approved by the censor. Subsection (2) of section 9 of the parent Act reads as follows—

> The exhibition in any picture theatre of any film hereinafter in this subsection specified shall be exempted from the provisions of subsection one of this section . . .

Then subparagraph (ii) of that subsection reads as follows—

> Any film portraying solely pictures of a topical event which has happened in Australia while being exhibited in a picture theatre at any time not later than fourteen days after the happening of such event.

In other words this allows for current events to be shown without the films having to be submitted to the film censor. I wonder about the provision that such films must be exhibited not more than 14 days after the happening of an event. Some of the newsreels I have seen depict events which have not occurred during the prescribed period. Presumably such newsreels would have to be submitted to the censor before screening.

As far as I can see from the amendments proposed to this section of the Act, the provision I referred to is not changed at all, and films exempted under the parent Act are still exempt. However, I would like the Minister to confirm that point also.

Members may be aware that section 12 of the parent Act sets out occasions when approval cannot be refused. In other words, the censor must give approval to films in this category, although he can down rate them. Subsection (3) of section 12 reads as follows—

> The censor shall not unconditionally refuse to approve a film which, in his opinion—
>
> (a) reproduces or adapts, in good faith and with artistic merit, any work of recognised literary merit; or
>
> (b) represents, in good faith and with artistic merit, any scriptural, historical, traditional, mythical or legendary story.

So I believe that subsection answers the query about whether or not a future Minister could withdraw from showing or exhibition pictures which he considers are politically against the views of the Government. In no way am I associating this Government with such a proposition, but I believe that we must consider such a point when dealing with legislation. Once again, I believe the provisions in the parent Act in relation to these exemptions remain intact.

I raise these points because, if I am correct in my assumption, the censor cannot classify films as being suitable only for hard-tops or not suitable for drive-ins. However, if I am wrong, perhaps the management of drive-in theatres should be concerned. This situation ought to be clarified.

THE HON. J. HEITMAN (Upper West) [5.35 p.m.]: I may be wrong in my assumption about the manner in which this legislation is supposed to work, but from what I have read and heard about it, I do not think the Minister will have to censor films which already have an "R" rating. I believe the censor will be more interested in looking at films which do not have a rating at all. If the Minister were asked to look at all films to give them a rating, he would have a full time job and I do not think this was ever intended.

We have heard a great deal of poppycock from various speakers who condemn the idea of censorship but who turn around the next minute to say, "What do we do about morals?" My reply to these speakers is that they do not seem to think that morals matter.

I assume that the measure before us relates to films to which the Federal censor has not given a rating. The Bill requires that the Minister would then look at these films before they are shown. I am quite prepared to support that type

of legislation because I believe it is necessary. Someone should look at those films that have not been rated before they are shown to our young people. I am most anxious to hear the Minister's reply, and to see whether my assumption is correct, or whether members were correct when they spoke about censoring "R" films or any other films to which someone objects.

THE HON. N. McNEILL (Lower West—Minister for Justice) [5.37 p.m.]: I am grateful to all members who have spoken for at least making a contribution to the debate on what is obviously a very delicate and sensitive subject. Censorship of films or of anything else is always a controversial matter.

Perhaps I will make my initial observations in regard to the comments made by the Hon. Jack Heitman. His was the shortest contribution to the debate, and therefore, the one most easily answered. His assessment of the situation is probably closer to the truth than that of most other people who have spoken. I would like to confirm that his view, while not being absolutely correct, is very close indeed to the point.

I would also like to thank members for having raised various points which are relevant to the debate. I am fully conscious of the fact that some misunderstandings have arisen and that the matter is a controversial one. Most of the contention has arisen because of the way in which the Bill is drafted. I agree it is drafted in somewhat wide terms. Secondly, many of the provisions of the Bill have been misinterpreted.

I would like to speak in general terms. Mr Wordsworth placed certain constructions upon the Bill and the way in which it integrates with the parent Act. His interpretation was fairly correct. As Mr Wordsworth raised the matter of censorship being used for political purposes, and because this statement was made also on a public medium, I would like to again emphasise to members that one cannot read the Bill, one should not read the Bill, and it would be legally inappropriate to read the Bill, outside the general purport of the parent Act. Therefore, while we have the Censorship of Films Act and certain powers are available to various people—the film censor, the board of review, and the Commonwealth Attorney-General—I am not aware that it has ever been suggested that these powers have been exercised in any way for some political purpose. That situation will remain, even though the Bill proposes to clarify that there will be what I would term a reserve power available to the State Minister responsible for this legislation, and I referred to this reserve power in my introductory speech.

The Chief Film Censor always believed that the legislation contained this reserve power, and that we should have been able to exercise it where necessary.

Perhaps I should make some observations on the points raised by the various speakers. I have received some very genuine representations from certain organisations. I met with representatives of a particular film group this morning and these people appeared to me to be satisfied with the explanations that have been given. They said to me it was a pity my explanation could not be included in the legislation. I believe members recognise that this is a very difficult if not impossible thing to do. Nevertheless, a Minister can state his intentions in regard to legislation, and while this expression is not necessarily accepted in a court of law, as you would know, Mr President, it can be referred to in a court which is endeavouring to obtain an interpretation.

I think it is rather a pity in a way that numerous references have been made in this debate to a particular film which was screened at the festival last year. The purpose of the Bill is not aimed at the organisation which showed the film, nor is it aimed necessarily at that particular film. That film, but not only that film, highlighted the deficiencies or weaknesses in our legislation, because this was a film which would only be shown in Western Australia.

The film was referred to the Chief Film Censor and his board—that is the censorship board—and it was unanimously rejected. The board declined to register the film and it was then the subject of appeal to a board of review. The appeal was upheld and a direction given to the censor to register the film. In registering it, of course, he was obliged to give it a classification. In those circumstances the Minister responsible for administering the Censorship of Films Act in Western Australia—the only State in which the film was to be shown—had no power to do anything about it. I say again it is a pity that attention has been directed to that particular film when it was no more nor less than an illustration of a particular circumstance which highlighted a deficiency which apparently existed in our law.

Perhaps I should explain the procedure which is followed in the censorship of films. When a film is imported into the country, it is examined and a synopsis is prepared. The Chief Film Censor or, in this case, the Western Australian censor, examines that synopsis and may choose to view the film; the film then is registered and given a classification and is released to the distributors for distribution to the exhibitors. No further action is taken once a film is released and, whatever the classification, no impediment is placed on the way that film should be exhibited throughout the country—except, of course, in relation to the age of the audience. With a couple of provisos, to which I will refer later, this applies uniformly throughout Australia.

In the event of a film not being registered by the censor, for one reason or another within the powers available to him under the Act, it can be the subject of appeal to a board of review, which board may uphold the appeal, and require the censor to give it a classification. This was the case in respect of the film shown at the Festival of Perth.

There is one further strata to which a reference can be made; namely, the Commonwealth Attorney-General. As I have said many times, the power I am seeking for the Minister in charge of the Act in this State is no more than the power already vested in the Commonwealth Attorney-General.

Let us take the situation where the Western Australian censor declines to register a film. The film then is subject to an appeal to the board of review, which may reverse that decision. However, the only further action which may be taken is through the Commonwealth Attorney-General; there is no power presently vested in a State Minister to hear further appeals. We are seeking simply to enable the relevant State Minister to exercise a power similar to that already vested in the Commonwealth Minister. Therefore, the situation could arise where the censor rejects a film, and his decision is reversed by the board of review; the State Minister then would be in a position to say, "We will back up our censor in his action, and refuse the film registration."

I mentioned there were a couple of provisos, and these have been the subject of comment during this debate. Reference was made to the situation in Queensland. I am extremely surprised that any member should suggest we should establish a system similar to that operating in Queensland. That would be most unacceptable to all people involved in the film industry, because all the Queensland system does is to help break down the system of uniform classification presently applying in Australia by providing for a board of review—something which some members see as being of advantage in legislation such as this. We do not want such a system; we do not believe in the breaking down of the present uniform system.

The other proviso relates to the situation in South Australia. That State is not a signatory to the Commonwealth-States agreement relating to uniform censorship. I think it was the Hon. Grace Vaughan who referred to "all States" conforming to the uniform classification system. My understanding of the position is that although South Australia is not a signatory to this agreement, it follows the system of classification adopted in New South Wales. So, indirectly, South Australia generally would follow the system laid down under the Commonwealth-States agreement. In other words, a reserve power is available to the South Australian Minister, similar to that which we are seeking to vest in the Western Australian Minister, while still remaining a signatory to the agreement.

Contributors to the debate referred to the problems experienced at drive-in theatres, and put this forward as the principal reason for the introduction of the legislation. However, I wish to make it quite clear the Bill does not seek to single out any particular person, group, or organisation; it would be undesirable to attempt to specify a particular organisation in this legislation.

Members also referred to the possibility of banning the screening of "R" certificate films at drive-in theatres, because these films could be viewed from outside the theatre premises. I do not have any power in that direction, and I am not aware that any Federal authority has such a power. As Mr Wordsworth pointed out, once a film receives a classification, it is available to all exhibitors for screening according to that classification.

Quite apart from the fact that I do not have the power to impose a blanket restriction on the screening of such films at drive-in theatres, I would not wish to do so. Western Australia has the highest number of drive-in theatres of all the Australian States. At the latest count, we have 86 such theatres, while Victoria has 60, Queensland has 56, South Australia has 36, New South Wales has 33 and Tasmania has only five drive-in theatres.

I am well aware of the social importance of drive-in theatres to people in country areas, and I reiterate that even if there is a problem in regard to the screening of "R" certificate films at these theatres, no blanket prohibition will be imposed as a result of this Bill. Any action taken would be on a uniform basis under the present Commonwealth-States agreement, and would be taken only after very close and deep consideration of the issues involved with the other signatories to the agreement. I am prepared to say quite categorically and without reservation, in view of the importance of the drive-in theatre industry to Western Australia, that in any such discussions I would be defending the Western Australian situation.

The Hon. D. K. Dans said that he did not envy the Minister whose task it would be to act as the sole arbiter or censor. In actual fact, it is not anticipated that the Minister would be the sole arbiter, because the system which presently obtains would continue to operate. I refer Mr Dans to my earlier remarks relating to the procedure followed in the censorship of films. At present, the final level of appeal is through the Commonwealth Attorney-General, who may override the decision of the board of review.

The Hon. D. K. Dans: Would the State Minister have that power under existing legislation?

The Hon. N. McNEILL: No, and that is what we are seeking to do in this legislation. The film board of review is a Commonwealth body.

The Hon. D. K. Dans: I am quite happy with your explanation.

The Hon. N. McNEILL: Perhaps I should expand a little on the point, because it could be considered to be a further justification for this Bill. The board of review is a Commonwealth body and Western Australia is not referred to in respect of the representation on that body; therefore, it is not subject to any decision made by a State Minister—only to the Federal Attorney-General.

We are seeking through this Bill merely to provide for a reserve power to the State Minister in charge of the legislation. Although I am falling into the same trap as other members of referring to a particular film, I refer again to the controversial film shown at the Festival of Perth. It may be argued that anybody should have the right to see and hear what he wishes, and in general terms I go along with that. However, as I am sure members would know, a number of weeks ago a certain judge in a court in Western Australia made the observation that a person appearing before him may well have been influenced by a film in the committal of a certain offence.

There are no two ways about this. If we accept that audio-visual techniques are aids to education, there need be no doubt in our minds that films can have a similar effect. What I regard as most distasteful, objectionable, and dangerous are the films depicting violence, rather than those which deal with sex.

Referring to the particular film that has been mentioned in this debate, if members are not aware I should point out that the film was banned in the country in which it was produced.

The Hon. D. K. Dans: I do not even know the film.

The Hon. N. McNEILL: It was a European film, and it was banned in the country of its production. There may well be other queries raised by members in this debate which I have failed to answer.

The Hon. D. J. Wordsworth: What about the query relating to restrictions?

The Hon. N. McNEILL: The honourable member used the word "restriction", and I am glad he raised this point because, in fact, the word is "conditions" and not "restriction". The Minister would not apply a restriction to films by cutting them; in fact, the restriction would be the imposition of conditions. It may be that a film is considered to be unsuitable for exhibition in certain theatres and drive-ins.

Mr Wordsworth was correct in his observation that if a film is considered as not suitable for exhibition in a drive-in he would regard that not as a restriction but as a form of classification. However, at present there is no such method of classifying a film. It has been suggested to me that the Chief Film Censor and the Commonwealth authority should have the power to recommend a classification of "Not Recommended for Exhibition in Drive-ins", but presently that classification does not exist. However, a condition could be applied to certain types of films, such as the ones depicting violence and the ones classified "R", as being unsuitable for particular drive-ins.

The Hon. T. Knight: How many types of drive-in theatres are there?

The Hon. N. McNEILL: The types of drive-in theatres which present a problem are those in which it is difficult to police the attendances, or those where the films are visible from outside the drive-in. In this regard the Minister would establish the criteria for classifying a film as not being suitable for a particular drive-in, and on that basis the criteria would be determined by, or in consultation with, the Chief Film Censor.

Another condition might relate to the type of screen at the drive-in theatres. A new limited vision type of screen is being developed. This is a very expensive type of screen but it is in the process of development. It will have the virtue of limiting the range of vision, and therefore, the film would not be seen from outside the drive-in. This type of screen could overcome the problem presented by daylight saving, because the film projected on such a screen can be seen in brighter light. This is a condition which could be imposed, but it will not be if the effect is that the operator will be put out of business, and I have absolutely no intention of doing that.

The Hon. T. Knight: This type of screen restricts the range of vision, and it prevents people outside the drive-in from seeing the film, but anyone directly in front of the screen will be able to see the film.

The Hon. N. McNEILL: That is quite correct. In many instances the range of vision is 90 degrees, or perpendicular to the screen. Such a type of screen presents less of a problem to a drive-in theatre, than a screen which provides for side vision.

The Hon. T. Knight: Mr Wordsworth has raised the point about people parking on the roadside outside the drive-ins and watching the films. The control of this aspect does not come within the jurisdiction of the drive-in operator, but it might come within the jurisdiction of the police. Could the police not erect "No Parking" signs to overcome the problem of illegal viewing?

The Hon. N. McNEILL: Perhaps the police are able to do that, but I have no great confidence that this method will meet with any greater success than the methods now used by the police. In this regard we have to consider the laying of charges, such as obstruction of traffic.

The Hon. D. K. Dans: I have not seen many cars with children parked outside drive-in theatres, where the occupants are watching the films.

The Hon. N. McNEILL: It could happen. In some of the built-up suburbs this means of viewing films exhibited in drive-in theatres is availed of. That is one of the problems, and that is one reason the Bill appears to be wide in its drafting. Another reason is that the criteria cannot be spelt out. With the Act being framed widely as it is, the Chief Film Censor, the review board, and the responsible authority have the power or discretion to apply some type of condition. This Bill merely introduces a minor alteration to the Censorship of Films Act. Any further observations could best be raised in the Committee stage. I again thank members for their contributions to the debate.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. J. Heitman) in the Chair; the Hon. N. McNeill (Chief Secretary) in charge of the Bill.

Clauses 1 and 2 put and passed.

Sitting suspended from 6.07 to 7.30 p.m.

Clause 3: Section 9 amended—

The Hon. R. F. CLAUGHTON: The Minister, in his reply to the second reading debate, attempted to justify the presentation of this Bill.

The Hon. G. E. Masters: I thought he did.

The Hon. S. J. Dellar: No, he attempted to.

The Hon. R. F. CLAUGHTON: Mr Masters can get up after I have spoken and comment.

The Hon. N. McNeill: Do not use the expression, "attempted to".

The Hon. R. F. CLAUGHTON: Those are my words; I do not withdraw them, and I do not apologise for them. The Minister attempted to justify the presentation of this Bill.

An article appeared in *The West Australian* on the 16th September, 1976, and in that article the Minister referred to what can only be assumed to be the problems which are the cause of the Government drafting this legislation. The article referred to the problems of drive-ins, and not much else. There was also reference to 100 letters of objection.

The Minister has said he does not intend to cut films, or do anything of that nature. It is very difficult to understand what is intended to be done at all in respect of films to be shown at drive-ins. As I read the principal Act, the Commonwealth censor already has the right to place conditions on the exhibition of films. Those conditions can be related to the exhibition of films in drive-ins. If that is the only problem, the Minister is able to make representations to the Commonwealth film censor and ask him to consider placing conditions in an attempt to control that aspect of the problem.

For many years we had a variegated censorship system within Australia under which each State went its own way. Because of the difficult problems associated with that system, legislation was agreed to between the States. It now seems we are going steadily back to the previously unsatisfactory situation, and I do not consider there is any real justification for us to assist in that direction.

The principal Act contains provisions to allow for an appeal against a decision of the censor, or a decision of the board of review. The Minister also said there was provision for a final appeal to the Federal Attorney-General. Let us use that avenue instead of creating another entirely new system of censorship within this State.

I believe the Minister would approach this matter in the way he has stated, but what about the 8 000 people who put their signatures to a petition? If those people decided to take the matter up with him he could find himself in the position where he would be obliged to carry out actions he would not otherwise wish to.

I do not believe we have a real problem in this State. It has not been demonstrated. It has been claimed there is a problem as far as drive-in theatres are concerned, but that will not be resolved by the passage of this measure. The present Act can be used, and there is also provision for the police to enforce whatever conditions they think are required.

The fact is the people of Western Australia want to see films which are generally rated "R". The information I obtained after contacting film exhibitors is that they get a very poor response when they exhibit general classification films. It seems they inevitably lose when they show those films. I do not believe there is any real necessity to change the Act. I oppose the clause.

The Hon. N. McNEILL: Perhaps Mr Claughton is not persuaded, or not convinced, by the explanation I have given. I can only accept that is his point of view. He also drew attention to something which I have not previously referred to; that is the matter of pressure from one group or another. He referred to a petition containing 8 000 signatures, and that could be described as a pressure group. I also recall

that last evening the Hon. Grace Vaughan referred to the same situation and said despite the fact that a petition might contain a large number of signatures, the people who signed the petition did not always know all that they should know about these problems. One might say the same thing about the petitions presented by Mr Claughton which contained some 19 signatures and some 413 signatures.

It is the right of any person to sign a petition, and it is the right of any member to present a petition, and I would not reflect on that in the slightest. In the minds of some people those petitions could constitute a pressure lobby on the Minister of the day, and influence him.

I come back to the point where Mr Claughton said I attempted to explain the position. In speaking to the second reading debate, I said the criteria really on which the Minister will operate will be the action taken by the censor. The censor already has powers to impose conditions. Another speaker said there ought to be consultation with the other States and the Commonwealth, but let me say again those consultations have already taken place.

There was a meeting of Chief Secretaries, or Ministers equivalent to Chief Secretaries, in Perth a couple of months ago and this is one of the questions which was discussed. It has been discussed in great depth and detail with the Commonwealth censor.

If we need to go a step further I will restate what I said earlier; that is, where there seems to be a need for a blanket prohibition that, too, will be the subject of consultation between all the States and the Commonwealth. When Mr Claughton says he does not see the need, I think he represents a point of view which is not shared by a great many other people, including the Chief Film Censor himself and certainly myself, the Government, and the Chief Secretary's Department. I am not specifically referring to the 8 000 petitioners because I regard them as being genuine people just as I regard all the other people who have made representations to me as being genuine people who have a point of view.

Mr Claughton says he does not see any justification for the Bill but the fact is it has been recognised officially and at the departmental level that there is justification for it.

The Hon. R. F. CLAUGHTON: We have been talking about two ends of a spectrum. The Minister referred to the 8 000 signatories. Equally, there would be a group of people at the other end of the spectrum, such as those whom I mentioned in the second reading debate—an all-male audience watching pornographic films. We have those who want a greater degree of censorship and those who want a lesser degree.

I say we have a reasonable compromise in the present situation where there is one film censor for the whole of Australia. That creates a reasonable situation for the industry within Australia. I respect the Minister's attitude but I say he is putting himself in a position where he can be subjected to pressure from an organised group to have a particular film banned or a group of films further censored, often on high moral grounds. They are quite entitled to their own viewpoint but they should not be put in a position where they can force their views on the rest of the community.

The Minister is creating a situation where he or his successor can be subjected to this public pressure and we could end up with a highly illogical and inconsistent system of censorship across Australia. I do not think it is necessary. I believe the present system has worked extremely well. Although members may feel concern about the circumstances in which films are exhibited in a number of drive-in theatres, that should not govern what we do with this particular Bill. There is a process in the principal Act whereby conditions can be imposed, without creating a new process of censorship.

The Hon. N. McNEILL: Mr Claughton draws a distinction which may or may not be valid. He says the Minister is placing himself in a very difficult position where he will be subject to representations, pressures, or lobbying by persons exercising a moral viewpoint. I suggest he is drawing the distinction in relation to a situation in which every Minister is placed in regard to his responsibilities, no matter what his portfolio is. In other words, Ministers are subject to pressures from the public, individuals, groups of individuals, or organisations. That is a perfectly normal experience.

I firmly believe the Minister is responsible to the Parliament and the people and it is he who should ultimately bear responsibility—not departments, statutory bodies, administrative groups, and so on. The ultimate responsibility lies with the Minister, even though it carries with it considerable and difficult burdens. In so far as I am the Minister responsible for this legislation, I am prepared to accept that responsibility.

But let me state that in exercising this responsibility and making a decision in the face of such groups as may make representations across that broad spectrum which Mr Claughton mentioned, I have up to three back-stop groups in the field of censorship. First of all, I have my own department—the Chief Secretary's Department—which, as the Hon. Claude Stubbs would know, can provide advice. If that is not sufficient. I have the decision or action taken by the Commonwealth film censor, who is the censor for Western Australia—and not only the censor himself but also his board. If that is not sufficient and the film is the subject

of controversy, I also have the Commonwealth Board of Review which can be called upon for guidance or a determination. So the Minister is extremely well supported by specialists, and they are the expert body referred to in the second reading speech.

So it is not just a matter of receiving representations from a particular group which may be expressing an extreme point of view, as Mr Claughton said. I do not know to what extent it will be an extreme point of view. In a recent debate a point of view was put to me when a tremendous number of petitioners appended their names to a document which was placed on the Table of the Chamber. To what extent is it representative? This is the kind of decision Ministers must make. While the Minister bears the ultimate responsibility, in handling those representations and lobbies he has those other resources available to him—his own department, the Chief Film Censor, and, should occasion arise, the Commonwealth Board of Review.

The Hon. R. F. CLAUGHTON: The Minister was stating my case precisely; that is, there are existing bodies which should be sufficient. They enable the film industry to operate in a reasonable way across Australia. They are not allowed to build up inconsistencies between the States. I have nothing further to add.

The Hon. N. McNEILL: I must come back again because Mr Claughton persists in saying there are inconsistencies. There is to be no inconsistency in respect of what Western Australia is doing because it is still adhering to the Commonwealth-State agreement. The Chief Film Censor is our censor. The only State which appears to me to be breaking down that so-called uniform system is Queensland, with its setup.

I say again—not so much for the benefit of Mr Claughton but for the benefit of those who may wish to know my viewpoint for their own purposes—that we have no intention whatever of constituting an additional censorship body which, like the body in Queensland, could contribute to the breakdown of a uniform system throughout Australia.

Clause put and passed.

Clause 4: New section 12B added—

The Hon. T. KNIGHT: Subsection (4) of new section 12B reads—

> A direction given by the Minister under subsection (1) of this section may be limited to the exhibition of the film in circumstances specified by the Minister in that direction.

My concern relates to the words "immediate effect" in subsection (5) which reads—

> (5) A direction given by the Minister under subsection (1) of this section shall have immediate effect . . .

This relates back to subsection (1) of new section 12B which states—

> Notwithstanding that any film has been approved by the censor, and regardless of the classification assigned to that film or of any appeal relating to the application, the Minister may, if he is satisfied that such is necessary in the public interest, direct that a classification assigned to a film pursuant to section twelve of this Act shall be ineffective in the State and if such a direction is given—

and so on. The legislation which is being put into effect in Queensland provides that a film which is already being exhibited may be banned on a complaint. The board in Queensland can ban a film after all the advertising and so on have been done.

Do the words "immediate effect" mean the Minister will have the power to ban forthwith a film which is being exhibited? I am happy with the explanation given by the Minister to the queries I raised last night, and I think it will be pleasing to the people I represent; but I would like clarification of this particular point.

The Hon. N. McNEILL: This matter is deserving of further explanation. It is an aspect on which I failed to enlarge in my reply to the debate. The proposed subsection (5) states—

> A direction given by the Minister under subsection (1) of this section shall have immediate effect—

That is designed to assist the position of the exhibitor. It will have immediate effect so that if action is to be taken under this Act it is taken prior to the screening of the film.

During my reply to the second reading debate I related the mechanical procedures in respect of films being dealt with by the Censorship Board. Perhaps I should explain what this particular provision means. When films are submitted to the Chief Film Censor for registration and classification, the censor immediately notifies Western Australia of the registration or lack of it and the classification. Then if action is to be taken by the Minister in Western Australia, it is taken at that point. The exhibitor would not even be aware of an action being taken because the film would not be in his possession. There would be no prospect at all of the Minister, as a result of pressures or representations, preventing the screening of a film after it has commenced its run.

That can happen in Queensland, and that is another reason that we did not want the Queensland system; because whatever action is to be taken under our system is taken at the Commonwealth censor level, and the persons affected are notified immediately. The provision requiring notification was included specifically at my direction.

In addition to that there is a requirement that notification be placed in the *Government Gazette*. So for all purposes the exhibitor would not be affected in any way by this provision because the film would not be in his hands at that time and he would not even be aware of its existence.

The provision does not give the Minister the opportunity to step in after a film has commenced to run. If it did the Minister would really be a censor and would have to visit theatres and view films. I do not wish to do that.

The Hon. T. KNIGHT: This raises another question. I appreciate the fact that exhibitors will not be prevented from screening a film after it starts. However, who will draw the Minister's attention to a particular film that comes from overseas, and after the Chief Film Censor has classified it? From where will the objection come?

The Hon. N. McNEILL: The Minister's attention would be drawn to the film by the Chief Film Censor or, in remote instances, by the board of review. It would not be a case of representation. When the film is classified and either registered or not registered, advice is immediately conveyed to the Minister in this State.

The Hon. T. KNIGHT: I thank the Minister for that explanation, but it does not really answer my problem. Not all "R" certificate films will be subject to the Minister's reclassification. What I am trying to determine is how will the Minister know that a film which has been approved by the Chief Film Censor may require his reclassification?

The Hon. N. McNEILL: When the Chief Film Censor makes his classification and registers the film, what is more or less a synopsis of the film is supplied with it, and that is where the information is contained. Mr Wordsworth raised the question of whether the Chief Film Censor has the power to say that a film should not be shown in drive-in theatres. I do not think that power exists, because it would require another classification.

However, the details of the film are contained in the documentation the Chief Film Censor supplies to us. At the moment if we want to take action when we receive that information, we cannot do so.

The Hon. T. KNIGHT: The Minister is getting closer to my point. I have seen the classifications as they come down, and there are guidelines for the Chief Film Censor in respect of how to classify films. Every "R" certificate film that comes into this State would fall within the categories contained in his "R" classication. Would the Chief Film Censor notify the State Minister if a film is a borderline case? If not, the Minister would have to look at all "R" and "NRC" films in order to make a decision.

The Hon. N. McNEILL: The Chief Film Censor may well do that. In fact the synopsis contains that sort of information and describes the film. It could even state the view of the Chief Film Censor in respect of that film.

Mr Knight is using the circumstance of "R" certificate films, but that circumstance will not automatically apply. This provision will apply only in those isolated instances in which the Chief Film Censor himself believes action may be desirable. These will probably be rare cases, and I certainly will not vet every "R" certificate film.

It could be a case of a film being rated "M" by the Censorship Board, and then being subject to an appeal as a result of which it is rated "R". My attention could be drawn to that by the Chief Film Censor, and in this State it could be decided to revert to the original "M" rating.

The Hon. T. KNIGHT: I thank the Minister. I now come to the other point I was leading up to. When an "R" certificate film comes through to this State and the Minister believes there is no justification for reclassifying it and so the film goes on exhibition in Western Australia, can the Minister ban it at that stage? We must bear in mind that films are booked from three to six months ahead. Most drive-ins in country areas produce a booklet showing the screenings for the next three or four months. Am I to understand that once the film has passed through the Minister's hands and is being exhibited it will not be banned, regardless of any letters he may receive complaining about it?

The Hon. N. McNEILL: I gave an assurance to motion picture industry executives in this respect. I explained the manner in which it is proposed to operate this measure, and they were completely happy with it. Even though the period involved may be one month, six months, or 12 months, the action is taken before the film ever gets to the exhibitor.

If we got to the stage where public pressure was such that there was a tremendous surge of opinion against a certain type of film, then the Government of the day may be forced to take action or to change the law. I cannot give an absolute assurance that at no time in the future will action like that be taken. I cannot commit future Ministers or Governments. However, I can state what the law says at the moment, and the action this Government proposes to take.

The Hon. GRACE VAUGHAN: Perhaps it was because the Minister was mainly addressing himself to Mr Knight, but his explanation is unclear to me. It is unclear how he will peruse the synopses of all films that come to this State. Was

his explanation that only those films in respect of which there has been controversy will be perused?

Am I to understand from the wording of proposed new section 12B (1) that a film must have been approved by the censor, a classification must have been assigned to it and there must have been an appeal? Is it not possible that the Minister's attention may be drawn to the matter by any other means or that his department, in perusing the synopses, may decide that certain films should be brought to the Minister's attention?

The Hon. N. McNEILL: If the Minister's department were doing its job, it would advise the Minister of any film it felt should be brought to the Minister's attention or of any comment made by the film censor in relation to the film. Members of the department would be opting out of their responsibilities if they did not do so. The provision in this proposed new section must be contained in the Bill to enable the Minister to operate at all because, notwithstanding that the censor may give a film a classification, the Minister may wish to do something else. The Minister may bring in the review board again, the review board may change the classification or the Minister may wish to agree with the classification which the board of review gives to a film. Any number of circumstances could occur. The provision must be in the Bill to enable the Minister to assign a classification which is different from the classification the censor has assigned. The same thing will apply in respect of registration or nonregistration. The censor may refuse to register a film and thereby not give it a classification. He may be told by the board of review to register it and give it a classification. In these circumstances the Minister may wish to change the classification.

The extent to which the criteria can be spelt out will be determined by the censorship group, as I call it, which will be the Commonwealth censor and the Minister's department, but essentially the Chief Film Censor himself.

The Hon. GRACE VAUGHAN: Do I understand that a person who had seen a film in, say, New York and heard it was coming to Western Australia would be able to write to the Minister's department and warn the Minister about the terrible film he or she had seen in the United States? It may be that small pressure groups, without going to the bother of appealing to the board of review, will be able to exert undue influence that would not be objective. I understand that the expert advisers the Minister has spoken of are the members of his department. One would expect them to be objective in their attitudes to synopses of films, but others may bring pressure to bear.

The Hon. N. McNEILL: Unquestionably if people are aware of a film of particular notoriety they might write to the Minister and say, "We think this film might come to Australia."

The Hon. D. K. Dans: You are going to see a lot of good films.

The Hon. N. McNEILL: Like Mr Stubbs, I have seen a tremendous number of films and one of the most distasteful parts of our ministerial duties has been to look at hundreds and hundreds of pornographic and other films. However, that is a side issue.

The Hon. S. J. Dellar: Do you want an assistant Minister!

The Hon. N. McNEILL: A person may write to the Minister, but the procedure will follow. I believe another group also has a finger in this pie; that is, the Department of Customs, because films must come into the country in the first place. If a film is accepted by the Department of Customs and is going to be shown, then it will be viewed by the Chief Film Censor. Whatever advice the Minister in Western Australia may receive, if that film comes into Australia the Chief Film Censor will be the first person to see it. He will either reject it or give it a classification. The Minister in Western Australia certainly will not give it a classification before the Chief Film Censor has seen it.

If the Minister receives advice that a particularly objectionable film is to come into the country he may acquaint the censor of that fact, but in no way can I see the Minister coming into the picture before the censor has had a look at the film.

Clause put and passed.

Clause 5 put and passed.

Clause 6: Section 28A amended—

The Hon. T. KNIGHT: Because of what the Minister said earlier tonight about different types of drive-in theatres, I should like to draw the Minister's attention to clause 6 which, I gather, means the Minister has a right to direct a film shall be shown in a hard top theatre where there is restricted viewing. The Minister also referred to drive-ins with restricted visibility. I should like an assurance from the Minister that when he is considering classifying a film for exhibition in a hard top theatre he will also give consideration to allowing it to be shown at a drive-in theatre if he believes the criteria with regard to restricted vision apply to that theatre.

The Hon. N. McNEILL: In reply to that I would say the Minister would act with extreme caution.

Clause put and passed.

Clause 7 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. N. McNeill (Chief Secretary), and passed.

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

Second Reading

Debate resumed from the 9th November.

THE HON. S. J. DELLAR (Lower North) [8.27 p.m.]: This Bill to amend the Road Maintenance (Contribution) Act, as I see it, is purely to make it easier for the administrative portion of the Transport Commission to extract further revenue from our road transport operators throughout the State. As all members would know, the question of road maintenance tax has been discussed at length in this Chamber, in another place, and outside Parliament ever since the Act was passed in 1965.

I think it is necessary to go back only briefly to the time when the original Road Maintenance (Contribution) Act was introduced. It was introduced for one purpose, which was to provide a source of revenue to the Government for the maintenance and upgrading of our road system. The original concept was that those who use the roads shall pay for them.

I expect most country members, particularly those country members who represent areas that are not served by shipping or rail transport, to agree with me that those who use the roads do not pay. The people who use the roads are those who consume because they rely solely on road transport for their needs. This applies not only to the private householder but also to the contractor, whether he be large or small, who has to rely on road transport. The added cost of that transport by the imposition of a road maintenance tax, whether it be in its present form or some other form, is met by the consumer.

In actual fact the additional tax charged is added to the transport costs and it is not the transport operator who pays, but the person who engages the transport operator.

I will not say a lot more about that because the subject has been mentioned in this Chamber many times and, as I have said, in other places also. As I also said earlier I believe this is purely another method by which to raise income and by which to make it easier for the Transport Commission to extract the road tax.

On page 4 of his notes the Minister concludes—

> Much has been said about the alleged evasion of payment of road maintenance charges by operators, and the unfair competition that results from those operators who do not meet their statutory obligations. It is for this reason that the amendments are sought, and I commend the Bill to the House.

Those were the Minister's words. It is obvious that there have been loopholes and I would be the first to admit that a number of operators have by various means evaded the payment of road maintenance tax. This does not apply to them all because I know quite a few of them who ended up as guests of Her Majesty's prisons as they were known in those days, but which are now called houses of correction.

There are ways and means by which the road maintenance tax can be evaded and of course this Bill seeks to close a few of those loopholes. It has been said in the past that not many operators have been convicted or fined for evading the payment, but for the failure to submit returns which are required under the Act. Of course, unless these returns are submitted or unless an operator is apprehended or sighted on the road by one of the numerous inspectors in the country areas and the north-west and that operator does not subsequently submit a return, it is difficult to obtain a conviction. There are operators who are very blatant about the matter and have no intention of paying the road maintenance tax. Perhaps this is unfair on those who do pay it. However, usually unless the consumer pays, it is the small operator who finds himself in strife with the authorities.

I know, perhaps because I live in an area solely reliant on road transport, that if contracts are let, normally a large company—I will not name it, although I could —tenders a price and then subcontracts. Normally although the large contractor has the wherewithal, know-how, or contacts to obtain such large contracts he can tender at a competitive price. However, the small operator cannot tender in competition and so, if he wishes to survive in the transport industry, he is forced to contract to the larger contractor. We all know what this means, because the small contractor operating only one or two vehicles, does not have the flexibility or capacity to operate in competition and is forced to accept the lower rate which in some cases when he runs into difficulties he finds is not enough and so he looks around for ways and means to make his business profitable. One of the ways and means is to try to avoid the payment of the road maintenance tax.

I do not oppose the provisions in the Bill. I do oppose the imposition of road maintenance tax on people who rely on road transport. I am not in a position to offer an alternative, although I have had some thoughts on the subject. Unless there is a general review at an Australia-wide level—not State by State, but by

Federal authorities in conjunction with the States—to try to find some way to overcome the problem while still providing the finance for the maintenance and further construction of roads, particularly in the northern and rural areas, we will probably be stuck with the road maintenance tax for some time.

To reiterate what I said in my opening remarks, I do not oppose the Bill, but I do not believe the finance being raised by this revenue-producing tax is reaching the areas where it should be spent. It should be utilised in the provision of decent roads in areas where they are badly needed. I I think only last week in this House when talking about another subject I mentioned the condition of the road between Agnew and Leonora. I could also mention the road between Agnew, Sandstone, and Wiluna around to Meekatharra, and the stretch between Mt. Magnet and Yalgoo where some work is being done.

There has been a great deal of discussion about the road between Port Hedland and Broome and we all know the figures which both sides have announced as being required to upgrade that to an all-weather highway. Similarly the road from Meekatharra north through Mt. Newman will be upgraded eventually.

At this stage I envisage this Bill as being another means by which to raise additional tax. The cost of collecting the road maintenance tax far outweighs the value which would be lost if the tax were dropped and substituted by some other means of raising some finance, but I do not want the Minister to ask me by what other means. The State is netting only approximately $6 million a year and in a revenue Budget of something like $1 000 million it is really peanuts and does not go very far in the maintenance of our road system.

I reluctantly support the Bill although I have my reservations about the whole concept of road maintenance tax, the way it is collected, and the way it is spent. Obviously I am not in a position to suggest an alternative.

We of the Opposition do not intend to oppose the legislation, but I wanted to make those few remarks in connection with it.

THE HON. J. C. TOZER (North) [8.38 p.m.]: This is the second time we have had a Bill before the Parliament during this year to amend the Road Maintenance (Contribution) Act of 1965.

The first amendment, assented to in June, provided for on-the-spot fines and ironed out certain other administrative problems. In this one again we find it is to rectify administrative weaknesses. Both the amending Bills have been designed towards more efficient and effective operation of the Act.

When we are confronted with amendments to legislation of this sort we are faced with a predicament. I do not know whether I should try to improve bad legislation or whether I should oppose it in the hope that perhaps some day we might get rid of the parent Act. Are we, by improving this bad legislation, making it harder to get rid of it in the long run? I am in a quandary knowing not what to do. However, on an examination of the Bill we know we have no alternative but to support it because it will provide a more efficient operation of the Act as it stands at this time.

Mr Dellar has already made it quite clear—and I support him entirely—that in respect of areas not served by rail or alternative means of transport, and particularly as it refers to consumer goods, it is not the truck operator who pays the charges. It is the consumer at the other end of the journey, and the longer the journey, the more the consumer pays. It may be said that road maintenance charges are nothing more than a direct tax on isolation.

The consumer in the outback already is paying huge freight costs and these are compounded by this obnoxious charge levied upon him. It is unfair and illogical. I believe that the man who lives in the outback is being specifically penalised for no better reason than that he lives a long way from any closely-settled areas. I also believe it is a direct disincentive to decentralisation, a policy to which our Government is committed.

I would like to refer to tabled document No. 359 which is the report and financial statement of the Commissioner of Transport for the year ended the 30th June, 1976. In 1975-76 the income from road maintenance charges was $4 449 626. In 1966-67, the first full year of operation of this Act, it was just over $2.5 million, and there has been a gradual increase over the years except for a strange flattening of the increase—in fact a reduction—between 1971 and 1974; and members do not have to think very hard to recognise that this was the period of the Tonkin Government.

On page 2 of the Minister's comments he said—

> It is known that certain organisations include a component in cartage rates to cover road maintenance charges, but there is no authority to require the production of records.

Any truck operator who does not charge a component of cartage rates to cover road maintenance charges would soon go out of business. There is no way in the world he would not. Unfortunately this particular fact is not generally recognised and perhaps it is people like Mr Dellar and I, who come from remote areas, who are able to highlight this particular matter.

The Bill provides that the keeping of records is obligatory. In the past when these detailed records by operators were not essential it was difficult to ascertain where the money was being paid and by whom. However I do hope that with the keeping of records we will be able to determine accurately the areas from which payments are made.

Of the $4.5 million received last year, approximately one-third was collected from the area north of the 26th parallel. Sample investigations have indicated that this one-third is the approximate ratio. On a *per capita* basis this means that everyone in the north—every man, woman, and child—is paying something like $25 per head whereas everyone south of the 26th parallel is paying something like $2.50 per head. The direct result of this is that in Halls Creek every tonne of goods received carries something over $5 per tonne as a result of the road maintenance charges. In the case of Harvey the cost is about 20c per tonne.

These road maintenance charges compound upon the colossal freight charges which are paid to get goods to that area, and they constitute a terrible imposition on the people who live there.

This is not part of the Road Maintenance (Contribution) Act at all, nor is it in the Bill before us, but let us consider the question of permit fees. In addition to freight and road maintenance we find that in Derby an extra $5 a tonne is charged for the issue of a permit, whereas in Dandaragan it is 20c per tonne. It is quite farcical to relate the cost of issuing a permit to the distance over which the goods are to be carted.

I would like to refer to what the Minister said during his second reading speech. On page 2 of his notes the Minister said—

> From experience it has become obvious that some operators are using the lack of investigatory powers to avoid their responsibility for the payment of road maintenance charges.

That comment is followed on by one already given by Mr Dellar which I repeat in part—

> Much has been said about the alleged evasion of payment of road maintenance charges by operators, and the unfair competition that results from those operators who do not meet their statutory obligations.

We do concede this to be the case; many people up to date have been evading the payment of charges. What worries me is that I do not believe they have been passing on anything they so gain to the consumers whom they are serving in the remote areas.

It has always been argued that because we have this income of $4.5 million, we cannot do without road maintenance charges. This seems to be the reason that we have to persist with this iniquitous tax. It is acknowledged that we must have these funds and we also know that they attract matching funds from the Commonwealth source for roadworks, and we do not want to lose those funds. We must at all costs retain this ability to earn this matching grant.

It is also agreed and acknowledged that the road user must pay. However, alternatives have been canvassed over the course of time. There has been the suggestion that a State petrol tax be imposed. Mr Wordsworth asked a question on the importation of petrol the other day, and if we interpolate the figures given to him it seems that something more than 5 000 million litres of petrol are used in Western Australia each year; indeed, it may be as much as 10 000 million litres. So we are looking at a minimum figure even though I think we could double it. Assuming we have to raise $5 million in revenue, we are looking at 0.1c per litre of petrol sold, if we decide to raise our $5 million by means of a State petrol tax. We know the other States are also looking at this tax.

Many people have canvassed the idea of increasing our licence fees for all vehicles. From the RTA report of 1974-75 we learn that licence fees returned an income of $36 million. This amount does not include commercial vehicles and other special licence fees. An increase of 10 per cent across the board in licence fees would raise more than the amount of money we would need to offset a reduction in road maintenance charges.

The idea of a levy on tyres or axles has also been canvassed. I am not able to say which is the best answer, and maybe it is a combination of two or three of these ideas. But, whichever of these four ideas should be adopted, there is no doubt at all that the impost would be more evenly spread over the State's road users in gaining this $4.5 million we need.

I believe the road maintenance charges raised under the Road Maintenance (Contribution) Act are both destructive and discriminatory. It is my firm belief the Act should be repealed as soon as possible; but at least that part of the Act which applies to consumer goods which are going to remote areas should be repealed forthwith.

Really, I do not want to support anything to do with this Act at all, but in rejecting these amendments I would not be helping the situation, and we have to decide now to improve the efficiency in administering the existing Act and therefore I am left no alternative but to support the second reading of the Bill.

THE HON. N. E. BAXTER (Central—Minister for Health) [8.50 p.m.]: I thank Mr Dellar and Mr Tozer for their contribution to the debate.

I do not know whether Mr Dellar meant what he said in his opening remarks, when he referred to the introduction of this Bill being a means of extracting further revenue from road transport operators. I do not think he meant that, because it is not the intention of the Government to extract further revenue; the intention is to extract revenue from operators who have been evading paying the tax, and this is quite different from extracting further revenue from road transport operators.

Mr Dellar went on to say that it was another means of making it easier to extract this revenue. He admitted there had been evasion of the tax and unfair competition by some operators against those who had paid. This is why the amending Bill is before us, so that steps can be taken to ascertain those who are not paying the tax and catch up with them. Mr Dellar did not appear to oppose the Bill, but he went on to oppose the imposition of the tax. I do not intend to argue the rights or wrongs of the road maintenance tax, because that is not the subject matter of this Bill.

The Hon. H. W. Gayfer: I do not think you could either.

The Hon. N. E. BAXTER: I am dealing with the provisions in the Bill and I do not want to enter into a controversy in that respect.

Mr Dellar also said that the $6 million that would be collected this year was a drop in the ocean when we consider the State's revenue which this year is over $1 000 million.

The total $1 000 million-odd in State revenue comprises money which has been allocated to the various departments to meet commitments in the State and to provide amenities; and $6 million is a significant figure in the Budget of any Government. So I cannot agree with Mr Dellar.

Mr Tozer asked whether we should be improving this bad legislation, and whether we are doing the right thing by improving it. I do not know what he means by bad legislation; perhaps he considers it bad because he does not agree with it; perhaps he considers that because the legislation has to be amended it is bad legislation, and we should let the matter go by default.

Mr Dellar mentioned the fact that the longer the journey the more the consumer pays. I admit this, but it is not fair for the consumer or anybody else in the State if the consumer is paying and the operator who is collecting the money after making the extra charge is putting it in his bank account. It is because of this that the commissioner wishes to have some means of checking to see if this is being done.

There is no certain way of knowing this at the moment, and the Bill does provide a means as to how this information can be extracted; and how we can find who is paying and who is not, and thus make it fair for everybody.

I thank both members for their contribution to the debate, and I commend the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. N. E. Baxter (Minister for Health), and passed.

LEGISLATIVE REVIEW AND ADVISORY COMMITTEE BILL

Second Reading

Debate resumed from the 9th October.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [8.57 p.m.]: The Opposition opposes this Bill, not because of the concept of a further review of regulations promulgated in connection with various Acts, and not because it does not believe that past legislation and future legislation should not be looked at, but because of the way in which the committee is to be constituted, and because of the limitations imposed on the committee in the examination of legislation.

We may like to think that ideally the arguments we present in this House and the expertise we offer, the ideas we have, and the concern we show for our constituents and the whole electorate is what makes the House operate. But, of course, we know it is a matter of numbers; we know that we operate under the Westminster two-party system, and if the Government has the numbers, despite all the arguments that may be brought up from time to time and which may prove to be most relevant later—and which certainly should have been noted at the time—we do in fact get down to a question of numbers; and this has happened time and time again, no matter which party has been in government.

All regulations are to be looked at by the committee which is to be set up by the Government, and one cannot imagine that the Government would appoint to that committee people who had political ideas contrary to its own. Any determination that is made would of course be made by the Government which had the numbers in both Houses but, of course, this would not apply to the Labor Party Government because while it may have the numbers in the lower House there would not be much chance of it dominating the Legislative Council.

So we find that a good concept, a very good idea, is to be put into operation, but with very great limitations. It is a shame we should have such an investigating committee which would be capable of doing something so positive but which is hamstrung because—I was going to say it would be a tool, but I believe that word would be too harsh and it would denigrate the people to be appointed to the committee—it will not have many teeth. After all, if the committee decided something contrary to the legislation recommended by the Government—in other words, if it did not approve of legislation referred to it and its views happened to coincide with a view already expressed by someone in Opposition—the recommendation must come back to Parliament to be accepted by Parliament, and the chances of those alterations being made would be very slim indeed.

I will not pursue the matter further, but I feel it is a good idea spoilt. I wish that perhaps the Minister had considered the appointment of a member of the Opposition to the committee or some way in which members could refer legislation to the committee. I am speaking about legislation because of course all regulations will go to the committee.

The Hon. V. J. Ferry: This does not stop members of Parliament examining regulations in their own right.

The Hon. GRACE VAUGHAN: Of course it does not stop members of Parliament examining regulations or from examining past or future legislation, but it certainly does not do anything to increase the likelihood of that opinion being accepted.

THE HON. H. W. GAYFER (Central) [9.03 p.m.]: My remarks will be brief. I support the legislation, but very reluctantly. In spite of the Attorney-General's second reading speech, and in spite of what I have heard about this measure and studied in it, I am still afraid it is the thin edge of the wedge. I am afraid it could lead to the usurping of the rights of Parliament even though the Attorney-General stated in his speech that this would not happen.

I believe firmly that even the setting up of an impartial committee on freedom and responsibility for identification of guidelines relating to the difference between freedom and licence is a precedent. I believe these duties, in addition to the many other facets that it could well enter into in the form of simple amendments and indeed, the forming of other committees, might well take away the traditional role of the Houses of Parliament as we know it.

I am not going to say any more. I have said I will support the measure but that I do so reluctantly, because I am a little unsure what may follow the setting of this precedence.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [9.04 p.m.]: I am opposed to this Bill. I have read it very carefully, and I have read the Attorney-General's second reading speech. On the surface it looks to be a very good exercise. I would just like to refer to something the Minister for Justice said earlier tonight: for the present perhaps it is good but there is no way that I or anyone else can look into the future.

If one looks at Parliament, and thinks about its role for a little time, one discovers that as time goes by the ordinary members of Parliament—and I am referring to those members who are not Cabinet Ministers—are finding day by day that the opportunity to act on behalf of their constituents is diminishing. I am not suggesting that the Bill says anything about that; it is probably a genuine attempt at this time to streamline operations and to supply members of Parliament with the information they may desire from time to time.

I am always hesitant to support legislation of this type because, as Mr Gayfer says, I have the feeling that in the long term this will be not only the thin edge of the wedge, but the back of the wedge.

Often we have heard it said that the bureaucrats rule under our system, and the same people who say this add, "Thank goodness they do." I do not want to support that viewpoint, but today we have this committee advising. Perhaps in the wrong hands tomorrow, the committee will be doing, and before we know where we are, the very limited access that members seem to have these days to represent the people in their electorates could disappear. I am not suggesting that will happen tomorrow, but the legislation in my opinion lays the foundation for that to happen.

I could well imagine all the difficulties we would encounter if we endeavoured to set up a parliamentary committee to do work of this kind. It would be almost impossible for members of such a committee to operate under our system of government as presently constituted. I know in other parts of the world—for instance, in the Canadian Parliament—committees of that nature do operate.

I do not intend to delay the House, but I had to take the opportunity to place my views on record. While in its present form it does not appear to be bad legislation, we can only hope that in the future it will remain in the same form. Ten years from now may appear to be a long way ahead, but really 10 years is just a flash of light. We could find after 10 years that this committee is a means of operating the elected members of Parliament; that is, if we still have elected members of Parliament and this committee has not managed to get into the position to do away with them.

These are just my thoughts on the legislation. Perhaps my fears will prove unfounded, but I would be remiss if I did not put them on record.

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [9.07 p.m.]: I have studied this Bill very carefully, and I have found nothing but good in it. I do not share the fears voiced by other members present tonight. I would like to reiterate one point which has been made already, but which I think needs to be emphasised. One or two speakers tonight said that nothing in this Bill will prevent members of Parliament from carrying out their function as members of this House, or indeed, as members of another place. There is nothing to prevent members from moving to disallow regulations as they do now. How many members who have spoken to this measure have read one of the regulations laid on the table in front of us?

The Hon. D. K. Dans: Two.

The Hon. I. G. MEDCALF: The Honourable Des Dans has read two and I congratulate him. He must be the only member in the House—

The Hon. S. J. Dellar: You will spark a controversy if you ask that question.

The Hon. I. G. MEDCALF: We all know very well that the situation in regard to regulations is beyond the resources of the average member. There must be some skilled assistance given. Under the conditions laid down in this Bill—and they have been laid down very carefully—the committee will examine the regulations to determine whether they offend against certain standards; in other words, whether the regulations are beyond the powers in the Bill or whether they impinge on some of the basic freedoms that we inherit, or whether they do not contain proper and adequate safeguards against rule by administrative law rather than through the courts or the laws of the land.

These are the provisions laid down in the Bill, and it seems to me they cover important areas where Parliament needs help, and members of Parliament need help and skilled advice. It is all very well to say that we can do the job or that we are doing the job. We know both of those statements are untrue because we do not have the time to do the job.

The Hon. D. K. Dans: I expressed that opinion.

The Hon. I. G. MEDCALF: We are capable of doing the job, but we do not have the time to do it with the other commitments we have. That statement applies in my view to private members of Parliament as well as to the Ministers. Certainly we do not have sufficient time to wade through the bulk of regulations that come here every week, nor do we have the necessary time to develop the skills to look for those particular matters which are significant. We need to sift out the chaff from the grain in the regulations.

It is for this reason I believe we need help, and I see this committee as the means of providing that help for Parliament. We must not forget that the committee has a continuing job to look at the regulations, but it can do nothing. It has no executive power whatever. All it can do is to place its report before the House and then any member may adopt something in that report if he agrees with it. It is up to members to move on any matters that have been recommended by the committee.

None of the members of the committee has any executive power in Parliament. It is the members of Parliament individually and those of us who, as back-benchers or as private members—I am still sitting in the back benches though a Minister—have moved to disallow a regulation will know that it is an obligation and quite a task.

If it is in the interests of his or her constituents, it is up to a member of Parliament to move to disallow a regulation. Many a member has taken this action in the past, and the Bill before us will assist the process. So it will be a valuable asset.

The other function of the committee to be established by this Bill is to come into action when called upon to examine a particular piece of legislation, perhaps an Act that has been on the Statute book for many years but about which members have some doubt. Either House of Parliament or the Government may refer virtually any legislation to this committee. Surely that is a tremendous advantage for Parliament generally. Such action does not have to come from the Government; it can come from either House. Is that not a tremendous benefit?

Members can refer any Act to this committee if they believe it requires some special attention. A member might ask the committee to look at the appeal provisions in an Act to see whether the provisions are just in modern times. In this way the member will receive back an expert report. The committee would make a recommendation as to whether it thought the provisions were just and fair to the citizens of the day or whether they interfere with what we regard as a basic right or freedom. I thought members opposite would have welcomed this facility, and I thought even Mr Gayfer would welcome it.

The Hon. D. K. Dans: I think it is okay, but I wonder what will happen in the future.

The Hon. I. G. MEDCALF: We all wonder what will happen in the future, and the Leader of the Opposition wisely

said that none of us can see into the future. I suppose if we could foresee the future we would all retire to some nice spot at Surfers Paradise where the Labor Party holds its annual conferences.

The Hon. D. K. Dans: We used to.

The Hon. I. G. MEDCALF: I believe this committee will be helpful to Parliament; it is a service for Parliament. I do not believe it is another way for the Executive to gain power over Parliament. This is a singular occasion where Parliament is in a position to put forward a Bill like this. So far as the future is concerned, none of us knows what it holds and we often make ugly prognostications about it. Some members think, as the Leader of the Opposition just said that in 10 years' time there might not be a Parliament because it might have been swept out of existence—

The Hon. D. K. Dans: By this committee!

The Hon. I. G. MEDCALF: I have heard people say we might be swept out of existence by the platform of the Labor Party which proposes the abolition of this Council.

The Hon. D. W. Cooley: As the Government was swept out of existence last November.

The Hon. I. G. MEDCALF: Exactly; we may have been swept out of existence if those things had not occurred last November. For those reasons, I do not think we should be too definite in saying what the future holds. None of us knows, but we must judge everything which comes before us on its merits. I cannot see any fault in this legislation; I can see nothing but good in it, and I commend it to the House and congratulate the Minister responsible for bringing it forward.

THE HON. N. McNEILL (Lower West—Minister for Justice) [9.15 p.m.]: The Bill has been recognised by my colleague, the Attorney-General, for what it really is—not as something that is going to impose a burden upon the Parliament or usurp the authority of the Parliament or its members but rather something which will supplement the role of Parliament. It will put into effect a policy commitment of the Premier to provide additional protection to the people's freedoms and liberties.

The Hon. Grace Vaughan said she had considerable reservations about the Bill, and said that if we did not have the numbers in the Parliament we were not going to achieve anything. I would have thought she had been here long enough to appreciate the value—

The Hon. R. F. Claughton: You do not have to be here long to know how the numbers game works.

The Hon. N. McNEILL: I knew I would get a helpful interjection from Mr Claughton.

The Hon. R. F. Claughton: If you read this Bill like Mr Medcalf reads Labor Party policy we cannot believe much of what you are saying.

The Hon. N. McNEILL: I always take some comfort from the fact that I generally retain my sense of humour. To use a word Mr Claughton used earlier in the debate, I am attempting to give an explanation, and attempting to put forward my views on the matter raised by one of Mr Claughton's colleagues. I believe that, having raised the point, she is entitled to an explanation, despite the useless interjections coming from Mr Claughton.

The Hon. R. F. Claughton: Let us have a sensible reply, then.

The Hon. N. McNEILL: I would be delighted if only Mr Claughton would allow me to.

The PRESIDENT: Order! The Minister will disregard the interruptions and proceed with his explanation.

The Hon. N. McNEILL: I would be delighted to do that, Mr President. The Hon. Grace Vaughan said that Parliament was simply a matter of numbers, particularly in this House. I am sure the Government parties in the Legislative Council would take comfort from those remarks for some considerable time in the future.

The honourable member surely has been here long enough to appreciate the value of reports brought before Parliament. For example, a report to the presiding officers is a most significant document, as are the Auditor-General's report and the report of the Parliamentary Commissioner for Administrative Investigations, commonly known as the Ombudsman. It seems a curious argument to come from members of the Opposition.

Members have suggested this committee may usurp the power of Parliament. However, let us reflect on some of the discussions which took place in relation to the legislation to set up the Parliamentary Commissioner. The fear was expressed by many people, including members of Parliament, that the Parliamentary Commissioner could substitute for the work, duties, and responsibilities of members of Parliament.

The Hon. H. W. Gayfer: Perhaps that was the thin edge of the wedge, and this Bill is the follow-up.

The Hon. N. McNEILL: On this occasion we have had a reverse argument from some members of the Opposition. It is clear that if Parliament allows this to happen, it is Parliament's fault; it will occur only by the default of members themselves. If members do not study their regulations, the subordinate legislation, or the legislation itself and, through the effluxion of time, lack of interest or for whatever reason, allow the Parliamentary Commissioner or this committee to usurp their functions, I hope they will not blame

the committee because it is being established not as a means of protecting the Executive but of protecting the people. That was the commitment made by the Premier in his policy speech prior to the last election.

I hope the prognostications of Mr Gayfer and the Leader of the Opposition do not come to pass, firstly, because it would be unfortunate if Parliament found itself in some lesser role and, secondly and more importantly because it would mean members of Parliament would be falling down on their jobs and not carrying out the functions and responsibilities with which the people entrusted them when they elected them to this place.

All in all, I believe this committee will not in any way usurp the powers of Parliament. In fact, it could well be more of a burden on the Government itself than on the Parliament. In saying that, I am not necessarily saying it is a bad thing, because if an Executive is deserving of criticism in the passing of certain legislation, it becomes one of the roles of Parliament or a parliamentary instrumentality to avoid and obviate such circumstances. With those words, I thank members for their contributions to the debate.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. J. Heitman), in the Chair; the Hon. N. McNeill (Minister for Justice) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Functions of Committee—

The Hon. N. McNEILL: I move an amendment—

> Page 4, line 36—Add after the word "law" the words "or inherent in the traditional freedoms of Her Majesty's subjects in Western Australia".

Members will be aware of the debate which took place in another place in which the Premier undertook to have this matter considered. The debate concerned the definition of the word "rights", as opposed to "personal rights". In the light of representations and observations by a member of the Opposition in another place, these rights have been more clearly defined in order to establish that we are dealing not only with rights under the law and the rights which have been established by Statute law, but also with the rights under common law.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 8 put and passed.

Clause 9: Functions of Committee—

The Hon. N. McNEILL: This is a consequential amendment on the amendment to clause 7. It needs no further explanation. It will clarify this law, and give a proper understanding of personal rights and liberties which the proposed committee is designed to protect. I move an amendment—

> Page 5—Delete paragraph (a) and substitute the following—
>
> (a) unduly trespasses on rights or liberties previously established by law or inherent in the traditional freedoms of Her Majesty's subjects in Western Australia; or .

Amendment put and passed.

The Hon. GRACE VAUGHAN: I would seek information from the Minister about the implementation of this legislation, and the authority for him to refer past and future legislation to the proposed committee. I refer to an approach by the Status of Women Committee, which was a committee formed after the United Nations International Women's Year. It was concerned that legislation should be depleted of sexist orientation. I do not maintain personally that this aspect is of very great importance; I see it as one of the trivia associated with women in their fight for equal rights. I am using this as an example to draw the attention of the Minister to the possibility that the proposed committee will be able to deal with the cases I am putting forward.

An indication was given by the Attorney-General to these women that in his policy speech before the last election the Premier promised to set up some body outside Parliament to look into our legislation and that it would look at sexist wording. When I spoke in the debate on the Parliamentary Superannuation Act Amendment Bill I drew attention to the fact that it discriminated against women. I hope that if a member of Parliament or a group in the community approaches the Minister, he will ensure that the proposed committee will be used for the purpose I have indicated.

The Hon. N. McNEILL: I am not sure whether the honourable member was being critical or was questioning the commitment and the promise of the Premier in relation to the setting up of a body outside Parliament for this purpose. The body proposed in the Bill is such a body, and it is outside of Parliament. The proposed committee will be subject to referrals by either House of Parliament or by the Minister, and it is required to report to Parliament. To that extent it meets the criteria to which Mrs Vaughan alluded.

Mrs Vaughan used an illustration. I think it is within the province of the Minister to refer a case like that to the proposed committee. In saying that I am subject to correction on a complex legal point. To me it seems that each House of Parliament has the power of referral.

I am by no means persuaded that the powers of the Minister will be diminished in any way by the provisions in the Bill. The Minister will determine in his own mind the need for reference of any matters to the proposed committee.

I move an amendment—

Page 6—Delete paragraph (a) and substitute the following—

(a) unduly trespassing on rights or liberties already established by law or inherent in the traditional freedoms of Her Majesty's subjects in Western Australia; or .

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 10 and 11 put and passed.

Clause 12: Rules of Parliament—

The Hon. H. W. GAYFER: I am seeking some explanation from the Minister as to the effect of the provision in subclause (1). Surely there is a reason for the inclusion of this provision, and no doubt the Minister will explain why it has been included.

It appears that the powers provided under the Bill are insufficient to enable the proposed committee to get off the ground; in other words, the parameters are not wide enough to enable it to act. It seems that rules will have to be made by Parliament very shortly, to enable the proposed committee to work as envisaged under the terms of the Bill. I would like an explanation from the Minister as to when it is expected that the provision in the subclause will be used.

The Hon. N. McNEILL: Mr Gayfer is questioning the necessity for rules of Parliament. In this respect I can draw a parallel; the proposed body will be responsible to Parliament. As I indicated earlier, the Parliamentary Commissioner also operates under rules agreed to by Parliament inasmuch as he is an officer of Parliament. Similarly the proposed committee will also be subject to Parliament, and Parliament will be required to formulate certain rules to enable it to operate.

The proposed committee will have to observe some formality in carrying out its functions. To enable it to operate and to furnish it with guidelines, Parliament will establish rules.

The Hon. H. W. Gayfer: It cannot operate at present, and there will be a need for rules to be made.

Clause put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. N. McNeill (Minister for Justice), and returned to the Assembly with amendments.

EVIDENCE ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 9th November.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [9.43 p.m.]: The Opposition supports this Bill It is an important piece of legislation, and the comments of the Minister in relation to defendants being allowed to make unsworn statements from the dock certainly improved my knowledge of the history of this law.

In general this legislation will be welcomed by the women in our community, because the action of making unsworn statements has been used unmercifully by some defendants who have been on trial on charges of rape and been able to question the women at length, after which they sought refuge in the law by making unsworn statements from the dock. I understand that by this device such defendants cannot be questioned by the Crown Prosecutor or the judge.

I hope the Attorney-General will clarify this aspect: that a person who seeks to make an unsworn statement from the dock cannot be questioned by the Crown Prosecutor, the judge, or anybody else. If that is so, then for that reason alone the legislation deserves the support of all members in this Chamber. It does contain some other provisions, but its main purpose is to ensure that every person in a superior court will be on exactly the same terms. People will be able to give evidence on oath or affirmation, or choose to remain silent. With the passing of this measure an accused person will not be able to take refuge and decide to make an unsworn statement. I was interested in reading the explanation given by the Attorney-General in his second-reading speech that in olden times an accused was allowed to make an unsworn statement pleading his innocence so that, in the event of his conviction and suffering the supreme penalty, he would not lose his soul as well as his head. One can imagine what an accused would have been saying at that time.

It is a worthy piece of legislation, and we support it.

THE HON. H. W. GAYFER (Central) [9.46 p.m.]: Last night I complimented the Attorney-General on the way in which this Bill was presented to the House. As

a matter of fact, the last two Bills presented by the Attorney-General, and dealing with matters of justice, have been presented in a most unusual manner. They have come forward with some history attached to them, which has made the measures all the more understandable. The fact that the history of the legislation was included with the Bills made them more acceptable.

The speeches also contained a turn of wit, and it is my opinion that this type of presentation should be continued. I hope other Ministers will follow the example set by the Attorney-General. The legislation can be made quite entertaining and interesting by drawing comparisons similar to those outlined by the Attorney-General.

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [9.47 p.m.]: I thank both members for their comments and their support of the Bill. My only concern is that perhaps some of the second reading speeches I have made have been too brief. It is quite possible to make lengthy second reading speeches, but I have taken a leaf out of your book, Mr President: second reading speeches should not contain too much detail. I have endeavoured to keep them as short as possible but it has occurred to me, on occasion, that they were a little too short.

On this occasion the Leader of the Opposition has asked some perfectly valid questions which could have been explained at the second reading speech stage, had my speech been longer. The Leader of the Opposition asked whether the prosecution is forbidden to question the accused, the same as the judge is forbidden to question him. That point could have been elaborated a little more.

I had stated, in my second reading speech, that there could be no cross-examination, and that the judge could not comment. That is a very brief statement which does need some elaboration. It is true that the accused, when he makes an unsworn statement, cannot be cross-examined on it. That means the prosecutor cannot question him at all on the unsworn statement, nor can the judge question him. It is also true that the judge cannot make any disparaging comments. For example, the judge cannot draw to the attention of the jury the fact that although the accused could have made a sworn statement, he had not done so. That is the comment I referred to; he cannot make that kind of comment. However, the judge can comment to the jury that an accused said he was at a certain location at a certain time, whereas someone else had said he was at another location at that time. The judge can compare, but he cannot make disparaging remarks about the fact that a statement is unsworn.

It is true that under no circumstances can a judge question or cross-examine an accused on an unsworn statement, so it will be of considerable advantage to get rid of that provision. I thank members for their support, and I commend the second reading.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. J. Heitman) in the Chair; the Hon. I. G. Medcalf (Attorney-General) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 97 repealed and re-enacted—

The Hon. I. G. MEDCALF: I have circulated a small amendment. It will have the effect of actually removing the words, "an unsworn". The amendment might seem to be the opposite to what I have been saying. However, we are still abolishing the right to make an unsworn statement. By removing the words we will provide that no accused person shall be entitled to make a statement of fact at his trial, otherwise than as a witness. It will clear up any doubt. I move an amendment—

> Page 2, line 25—Delete the words "an unsworn" and substitute the word "a".

Amendment put and passed.

The Hon. I. G. MEDCALF: I move an amendment—

> Page 2, line 28—Insert after the word "fact" the passage ", unless such statement is made by him as a witness".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 3 to 7 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

WATERWAYS CONSERVATION BILL

Second Reading

Debate resumed from the 9th November.

THE HON. R. F. CLAUGHTON (North Metropolitan) [9.56 p.m.]: This Bill has the potential to be a very important piece of legislation, and it is applauded by the Opposition. It sets out to provide a process for the management of the important waterways in this State, particularly those of an estuarine nature.

The measure refers to three areas which presently have separate bodies set up to control them. They are the Swan River Conservation Board, the Peel Inlet Conservation Committee, and the Leschenault

Estuary Conservation Committee. It is intended that those committees will be re-established in the new form provided for in this legislation.

Most members will be aware there is a real need to conserve and preserve the waterways of the State, many of which have deteriorated considerably principally from clearing and, to a lesser extent, from the consequences of pollution.

The main duties of the proposed new authority will be to control conservation and pollution. The measure provides for declared management areas, and once those areas are so declared the relative documents will be tabled in Parliament where it will be possible for them to be challenged by those who may be disadvantaged by them. That is a necessary form of protection.

The provisions of the Bill will allow areas other than those associated with the waterways—contiguous land—to be included in the management areas to ensure that the waterways are properly conserved in all respects.

Possibly some people may view the legislation with concern, because in the process of planning there will be further bodies to which plans will have to be referred for approval. It is common now for a good deal of complaint to be made in respect of the existing departments and authorities to which development plans must be referred for approval. I think we would all like to avoid a further accumulation of that. I am not sure how it could be avoided, but here we have a further instance of plans having to be referred to a body, and this is a source of irritation to people who wish to create subdivisions and build homes.

The process by which such approval will need to be sought is not set out in the Bill, and perhaps the Minister might comment on how it will be done. For example, in respect of the Leschenault Estuary body, which will include representatives of the local authority, will reference to the local authority be sufficient when approvals are required under this Bill? I draw attention to that aspect, because it may well be that further delays will be created.

Management authorities are to be established under this Bill. Each of those authorities will have a chairman and a minimum of five and a maximum of 11 members. Some concern has been expressed by local authorities that they should adequately be represented on these management authorities. I have before me a letter from the Town of East Fremantle concerning the authority to be established to control the Swan River. I would like to read it out so that the Minister is aware of it and will take note of the views contained in it. It is dated the 9th November, and is addressed to the Hon. D. K. Dans. It reads as follows—

> Dear Sir,
>
> It is the desire of Council that I seek your support for the Local Government Association submission dated the 4th November, 1976, in relation to the Bill for "An Act to make provision for the conservation and management of certain waters and of the associated land and environment, for the establishment of a Waterways Commission and certain Management Authorities, to repeal the Swan River Conservation Act, 1958-1975, and for incidental and other purposes."
>
> This Council is particularly concerned with Section 14 (3) dealing with "The membership of the Management Authority constituted for the Swan River."
>
> Council seeks your strong support for 5 persons to be nominated by the Local Government Association, as it is considered that strong representation from Local Authorities with Swan River foreshores is essential.
>
> Your co-operation in this matter would be greatly appreciated.
>
> Yours faithfully,
>
> M. G. COWAN,
> Town Clerk.

The composition of these authorities is not specifically set out in the Bill; that is, it is not stated how many representatives local government, Government departments, industry, and so on will have. It simply states there will be a minimum of five and a maximum of 11 members, and it would seem possible for the Minister to take reasonable account of the requests of the Local Government Association, as set out by the Town of East Fremantle.

I again express the support of the Opposition to this measure.

THE HON. J. C. TOZER (North) [10.05 p.m.]: I suggest that this is one of the most refreshing pieces of legislation to come before this Parliament since I have been here. It seems to me to incorporate all the most desirable aspects I would seek in legislation of this type. I have noted briefly—but I do not want to go into detail and describe their application in the Bill—the desirable aspects which appeal to me and are so adequately embraced in the Bill before us.

First of all there is local management, and then there is local authority direct involvement. There is the matter of coordination and uniformity through the proposed waterways commission. Other estuaries and waterways may be declared from time to time. Also included are secretariat and advisory services, which are so essential for voluntary public authorities. Then there is specific responsibility for the environment, and the whole Bill is committed to the principle

of conservation. Active liaison and co-operation is the spirit of this legislation. Finally, another desirable aspect is the provision of competent management of yet another of our recreational and environmental resources.

All those features appear in the Bill before us tonight, and I congratulate the Minister for Conservation and the Environment for presenting a thoughtful and comprehensive piece of legislation.

Both the Minister for Education, who is responsible for the Bill in this Chamber, and the Hon. Vic Ferry will know a grand old man of local government administration, Mr Roy Eckersley. He was my predecessor as Shire Clerk of the Shire of Harvey, and prior to that he was a Public Works Department engineering surveyor involved in irrigation works in the Harvey area of the south-west.

Mr Roy Eckersley prepared a proposal to provide an inland waterway linking the Peel Inlet, Lake Clifton, Lake Preston, and the Leschenault Estuary, and I believe this was a most impressive document. No doubt it is still in existence, and I am sure one day a plan of this sort will be implemented. All sorts of problems are involved, but they are not insurmountable. For example, there are differences in the levels of those four elongated stretches of water. In fact, Lake Preston is some feet below the level of the ocean, which lies just on the other side of the sand dunes. There is also the matter of crossing the Harvey River diversion drain.

All problem areas were carefully planned for and taken care of in the proposal prepared by Mr Roy Eckersley. He visualised the creation of this inland waterway on which people could travel some hundreds of miles on existing waters linked by short canals. He planned it to be closely akin to the waterways running along the coast and slightly inland in the State of Florida in the United States of America, where literally millions of people are able to enjoy healthy recreational activity. I was most impressed by this plan.

I believe the Bill before us sets up the machinery by which we may be able gradually to evolve such a plan, and, in my opinion, the structure established by this Bill is admirable in that respect.

I mentioned the waterways of Florida. Between the autumn and spring sessions this year I enjoyed a holiday in which I spent about six weeks touring the length and breadth of the United Kingdom. One of the things that impressed me greatly was the manner in which the waterways are used by all sorts of people—largely family groups—as a wonderful source of recreation. There is a great environment in the countryside of the United Kingdom, and one can travel along the waterways without suffering the hurly-burly of busy motor highways. This is a wonderful concept and something we have to conserve. We must manage our waterways in a correct and far-sighted manner.

I congratulate Mr P. V. Jones and Mr MacKinnon for the introduction of this Bill, and I support the second reading.

THE HON. V. J. FERRY (South-West) [10.11 p.m.]: This Bill will provide the machinery for another stage in the evolution of the management of our estuarine waters. As has already been mentioned, it is an important piece of legislation, and it has my wholehearted support.

I think the main feature that needs to be emphasised even further is that the Bill was drafted after intensive and long consultation with a number of bodies, including local authorities, conservation organisations, individual people, etc. Accordingly, after that consultation extending over many months, we now have before us, a Bill setting out the guidelines for the control of the day-to-day management of estuarine systems.

One of the greatest features that has been emphasised by other speakers is the participation of local bodies and local authorities; and this is another example of the Government getting back to involving local people in their local areas. I commend the Government for that.

It is set out in the Bill that there shall be consultation with a number of other authorities, and people representing other interests, in respect of the use of the waterways and the land surrounding them, and this is to be thoroughly commended indeed.

Another provision in the Bill is that the proposed waterways commission will publish reports and provide information for the purpose of increasing public awareness of the problems in respect of environmental pollution of waterways and the associated land, and remedies for those problems. This is a most worth-while provision.

One of the greatest problems in the world today is in respect of people having the knowledge to understand guidelines and the reasons for them, no matter what subject we are dealing with. It is becoming increasingly important that it should be clearly made known to all sorts of people, both young and old, that, particularly in respect of waterways, certain restrictions may be necessary from time to time, or that certain guidelines may be implemented. Therefore, it is highly commendable to see this spelt out in legislation.

Provision is made in the Bill for the appointment of inspectors of the waterways and the land surrounding them. A number of people may qualify, and they include forest officers, inspectors under the Fisheries Act, wildlife officers under the conservation of wildlife Statute,

rangers under the national parks Statute, and all members of the Police Force of the State.

They are all very worth while and I concur with the appointment of people from these categories. But I suggest to the Minister that the Government may give consideration in future to the appointment of health surveyors. It seems to me that health surveyors would play a very important part in the conduct and management of estuarine waterways and certainly the land abutting those waterways. Wherever there are people difficulties in health control arise from time to time. I suggest that the Government looks at this matter to see whether it may not be desirable for health surveyors to be included as inspectors under the provisions of this legislation. In my own mind I question why they have not already been included, but I think that matter may be followed up by the Minister.

To make the legislation operative it is necessary to have honorary wardens to carry out duties in the management areas. I agree that honorary wardens should be appointed because they play a very important part. Here again it is a matter of involving the local people.

There is another matter to which I should like to draw the Minister's attention. I hope that the commission and the local committees engaging honorary wardens will conduct an adequate system of training and instruction to enable the wardens to carry out their respective duties. I see honorary wardens as public relations officers rather than policemen. In this sort of situation I think it is preferable to have the gentle guiding hand of well-informed and properly instructed people rather than to have somebody pulling the book on those enjoying the waterways and the land around them. I request the Minister to make a note of this suggestion and I hope that the proposed commission will adopt an attitude of having thoroughly briefed honorary wardens to carry out their duties.

Finally, I should like to compliment the members of the conservation committees that have hitherto carried out duties not only in the Swan River area but also in the Peel and Harvey areas. They have done a tremendous job.

As I said at the beginning of my speech, this legislation will be the machinery for the further evolution of the management of the day-to-day activities of these areas. I think it needs to be recorded that the people who have given their services in the past in this respect deserve our thanks. With those remarks I support the Bill.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [10.18 p.m.]: I should like to thank honourable members for their interest in this measure. It seems that it meets with general approbation, and that is a very happy situation. Naturally I am highly delighted to be handling this matter on behalf of Mr P. V. Jones.

Mr President, you will recall from your Cabinet days the occasion when Cabinet authorised me to set up the Mandurah interim committee which will continue to operate until the committee proposed by this legislation takes its place. All such committees have been modelled on the Swan River Conservation Board which has done so much.

In some of the speeches there was criticism that rivers tend to become a little unnatural through training. I think it is generally accepted that this is one of the corollaries about which we can do very little. There is a very interesting book on the Swan River which was compiled by a recent Commissioner of Public Health, Dr Davidson, who went back into the history of the river. He wrote of the first person who came up the river in a boat and who said that never in his life had he seen such a smelly waterway. That was because it was tidal and very flat and full of reeds and swamps and there was a tremendous amount of bird life. In fact I think several birds were killed by just being hit by oars. There were also miriads of mosquitoes and like insects. Of course we cannot have a city surrounding that sort of thing, so the river had to be trained and changed. It is one of those automatic things that happen.

Mr Claughton said that this is another body to which plans must be referred. I agree with him that this is desirable and that there is little one can do about it other than to ensure that the body is as efficient as possible so that the plans are either accepted or rejected quickly and those who are involved can get on with whatever they wish to do.

I also have received a note from a local authority body. Mine came from the Secretary of the Local Government Association. He sent me a copy of a letter referred to the Hon. Sir Charles Court dealing with the membership of the proposed authorities in relation to the membership of the Swan River Conservation Board.

Mr P. V. Jones has answered Mr Coffey at some length and has explained that he appreciates that local government felt it had been downgraded by the number of local government representatives which it is proposed to appoint to each of the management authorities. Nevertheless he pointed out that Cabinet considered this matter very carefully while the legislation was being framed and that he, Mr Jones, had personal discussions with the various bodies involved so that the legislation might reflect not only the Government's intentions but also the wishes of those bodies and instrumentalities presently associated with the management of estuarine waters. He said that it is also

necessary to consider the need for technical advice and representation from specialist Government departments such as the Harbour and Light Department.

I think it is also fair to say that local government also has access to the Minister for Local Government. So in effect it is a double-barrelled approach. Mr Jones concluded the letter by saying that following representations which were made to him he again discussed the matter with the Minister for Local Government and he wishes to advise that the Government did not accept the proposition.

I appreciate that Mr Claughton did not press the issue because he seems to be quite happy. Nevertheless, I wish to make it clear that very serious thought was given to the make-up of the proposed committees, and the matter has not been lightly brushed aside.

Mr Tozer mentioned a number of matters, including the inland waterway. In my time a number of people have taken credit for originating that proposition. Perhaps Mr Tozer has cleared up the matter, but I am not sure. We will have to study it. A previous submission on this matter was made in this Parliament, although not in this House, by the late George Roberts. Subsequent to that I think Barney Hay espoused the proposition. It is a matter which comes up every now and again and in the fullness of time the work may be done and we will have a continuous waterway.

Mr Ferry's suggestions will of course be noted, as are all speeches. However, I suggest that as there will be local authority representation on whatever committees are set up under the legislation—and they can vary—the members of those committees could call in health inspectors to do the work and make a report. I have also used the word "inspector" but the proper phrase is "health surveyor". We amended the Act again about six years ago. They could be called in. If there is any danger at all they would automatically inspect a waterway and make a report to the local authority which would then convey the information to the authority in charge of that particular waterway. Nevertheless, that suggestion will be passed on.

I wish to mention only one other matter. It has been brought to the Minister's attention by the Under-Treasurer that as clauses 40 and 41 of this Bill give power to borrow money, there must be some formal amendments to make the whole legislation correct in terms of auditing and the law. I shall be moving those during the Committee stage.

Again I express my thanks and the thanks of Mr Jones for support the Bill has received.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. Lyla Elliott) in the Chair; the Hon. G. C. MacKinnon (Minister for Education) in charge of the Bill.

Clauses 1 to 39 put and passed.

Clause 40: Funds of the Commission—

The Hon. G. C. MacKINNON: I move an amendment—

> Page 36, line 12—Delete the words "this Act" and substitute the passage "section 41".

This amendment refers to a specific clause which empowers the commission to borrow funds. Rather than the general statement "under this Act" the amendment makes this more specific.

As I mentioned before all these amendments are to describe the process required when the commission proposes to raise a loan and desires the Treasurer of the State to guarantee it. Certain detailed amendments are required to indicate that purpose and make it more formal than it is as laid down in the Bill.

The Treasurer believes these amendments are desirable and they are supported by governmental advisers. Unless any other requests are made for specific information, I will leave it at that and move the amendments in sequence.

The Hon. S. J. DELLAR: I accept the explanation of the Minister, but in view of the comments made earlier by the Minister that the Bill had been studied by various authorities, agreed to, and adopted—and this statement was supported by Mr Ferry—it seems strange that after all that discussion one of the most important aspects of the operation of the commission—the ability to raise finance to conduct its operations—is not adequately provided for.

Having had a quick look at the amendments we do not object to them. However, as I have said, it seems queer that only at this late stage in the passage of the legislation the Government has decided that the provisions in the Bill—despite such lengthy and apparently intelligent study—are not adequate.

The Hon. G. C. MacKINNON: The point made by the honourable member is a good one, but the amendments are necessary because of the nature of the Bill which deals with the management of waterways, the people who are on the committee, the management committee and the area involved. As Mr Claughton, Mr Tozer, and Mr Ferry mentioned, these were the matters about which everyone was concerned and they were the matters which were studied. All the study was from a conservation and an ecological management point of view.

It was not until someone realised money was involved—and it is a very important aspect—that the Under-Treasurer happened to get onto this. Although the legislation will work as it is he felt it ought

to be infinitely tidier. The honourable member has seen Bills of this nature before and they have included exactly the same sort of amendments. How they were missed on this occasion, frankly I do not know.

I hope the Committee will accept the amendments. They have been carefully vetted and, I can assure members, they are noncontroversial.

The Hon. S. J. DELLAR: I accept that explanation. The provisions in the amendments are more adequate. I just raised the point because I thought that as the Bill was so long in the making the Treasurer might have had a look at it before this time.

The Hon. G. C. MacKinnon: Good point.

Amendment put and passed.

The clause was further amended, on motions by the Hon. G. C. MacKinnon, as follows—

Page 36, line 36—Insert after the passage "Treasurer," the passage "including interest accrued thereon,".

Page 36, line 37—Delete the word "is" first occurring, and substitute the words "and interest are".

Clause, as amended, put and passed.

Clause 41: Loans may be guaranteed by the Treasurer—

The Hon. G. C. MacKINNON: I move an amendment—

Page 37—Delete subclauses (1), (2), and (3) and substitute the following—

(1) The Commission shall have power to borrow money upon the guarantee of the Treasurer for the purposes of carrying out its powers and functions under this Act.

(2) The Commission is authorised with the prior approval in writing of the Treasurer to borrow money upon such terms and conditions only as the Treasurer approves.

(3) The Treasurer is hereby authorised to so approve and to give the guarantee, including the guarantee of interest, in subsection (1), for and on behalf of the Crown in right of the State.

(4) Any moneys borrowed by the Commission under this section may be raised as one loan or as several loans and in such manner as the Treasurer may approve, but the amount of the moneys so borrowed shall not in any one year exceed in the aggregate such amount as the Treasurer approves.

(5) Before a guarantee is given by the Treasurer under this section, the Commission shall give to the Treasurer such security as the Treasurer may require and shall execute all such instruments as may be necessary for the purpose.

(6) The Commission shall use all moneys borrowed under the power conferred by this section for the purposes of this Act.

The Hon. S. J. DELLAR: For the reasons I outlined before, we do not oppose the amendment. It is in keeping with the spirit of the Bill.

The Hon. G. C. MacKinnon: Thank you, Mr Dellar.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 42 to 76 put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Minister for Education), and returned to the Assembly with amendments.

NURSES ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 9th November.

THE HON. N. E. BAXTER (Central—Minister for Health) [10.42 p.m.]: When introducing the Bill the Hon. Lyla Elliott said that the purpose of this and the two related Bills was to amend the law in this State to establish a new category of nurse —the family planning nurse specialist. Without being fully trained and qualified this nurse is to be legally able to prescribe and fit contraceptives.

The Bill provides that under section 19(2) a new paragraph is to be added as follows—

(j) the register of Family Planning Nurses.

If this amendment were accepted the subsection would then read—

(2) The register shall be divided as follows—

(a) the register of General Nurses;

(b) the register of Midwives;

(c) the register of Mental Health Nurses;

(d) the register of Mothercraft Nurses;

(e) the register of Children's Nurses;

(f) the register of Dental Nurses;

(g) the register of Infant Health Nurses;

(h) the register of Tuberculosis Nurses;

(i) the register of Nursing Aides;

(j) the register of Family Planing Nurses.

Although in her second reading speech the honourable member referred to family planning nurse specialists, the amendment does not contain the word "specialist". I do not know whether it was intended that these so-called family planning nurses involve themselves just in the prescription of contraceptives, the fitting of the IUDs, and the examination of women. It appears as though this were the intention.

The honourable member went on to say that in the carrying out of her duties the nurse would consult with doctors for back-up medical advice and assistance.

If a doctor is available for consultation with the back-up medical advice and assistance, I wonder why it is necessary for the family planning nurses to have the right to prescribe contraceptives and fit IUDs. It is passing strange that during her second reading speech the Hon. Lyla Elliott mentioned this on several occasions. She followed it up later on in her speech by saying current thinking in Australia, particularly in nursing and women's groups, favours the introduction of legislative measures to expand the role of the nurse in family planning. I do not dispute that, but how far does one take family planning without the medical profession?

Miss Elliott said the principle was strongly supported by the Family Planning Association in each State. I know this Bill—together with the two related Bills to amend the Medical Act and the Poisons Act—is the baby of the Family Planning Association of Western Australia. The honourable member said the association in Western Australia was continually receiving requests from women's groups all over the State for the establishment of clinics or other forms of family planning. That may be so. I have been advised that representatives of the Family Planning Association have been to eight or nine places in the State where they have discussed setting up clinics, and women in those areas have intimidated they were interested in the proposition. But I do not think those people were told at the time that it was proposed to appoint a special family planning nurse who would have the right to prescribe contraceptives and fit IUDs. There does not seem to be any evidence of that.

The Hon. R. F. Claughton: The association would not be able to do that.

The Hon. N. E. BAXTER: The honourable member did not at any time justify or back up her statements by saying from what areas the approaches and requests for this type of service had been received.

I admit in some parts of the State women at times find it difficult to get a prescription for contraceptives or to have IUDs fitted. At the same time, with the expansion of the medical services throughout the State, I do not think for many years we have been so well off for doctors, in spite of what has happened over the past couple of years. There is no particular outcry from any district about shortage of doctors. There may be a doctor here and there who is overworked and wants a second doctor.

Mr Claughton referred to Mt. Magnet, Shark Bay, and other places where there are no doctors but those places are well served by the Flying Doctor Service and it cannot be said there is no opportunity to get a prescription for contraceptives or have an IUD fitted if necessary. I admit there may be difficulties in some places and perhaps we should have a look at that.

The honourable member bolstered up her speech with a number of statements about medical manpower in Western Australia and she quoted figures given in the 1972 report on the 1971 census. That was some years ago. If she had a look at the present situation she would find a big difference in the doctor:population ratio today, because we now have 14 doctors in Community Health Services operating throughout the State and we are planning this year, with additional funds, to increase that number subject to being able to employ extra doctors. In addition, we have community health nurses scattered practically right throughout Western Australia.

The honourable member also referred to patient discharges from hospitals in 1974 and quoted figures on births and the high infant mortality in country areas and the poor health and substandard living conditions of the Aboriginal people.

For the honourable member's information I advise that a fair amount of family planning has been practised amongst the Aborigines. I would like to give her an idea of the medical services available from Community Health Services where the 14 doctors operate. There are two doctors in the Kimberley, two in the Pilbara, two in the Carnarvon-Meekatharra area, one in the goldfields, two servicing the south-west portion of the State between Geraldton and Albany, and five in Perth. Those doctors and the community health sisters continually receive lectures at the family planning clinic and are available in distant areas for counselling and services The number will be increased.

In addition, medical students in their sixth year, while living at the King Edward Memorial Hospital, have comprehensive lectures on contraception, including instruction on all methods—pills, IUDs, and other methods—and on side-effects, etc. Printed sheets containing comprehensive information are issued to them. They are shown samples of all types of contraceptives and they spend two or three evenings at family planning clinics where they watch insertion of devices and listen to the advice given.

Women will not be in a position where it is difficult to obtain a prescription for the pill. Most packets of pills contain 21

tablets which last a month. Private prescriptions for the pill are for six packets which will last six months, which means each woman who goes to a private practitioner can obtain a prescription for six packets which will last six months. If prescriptions are obtained under the National Health Scheme, the original prescription is for two packets with two repeats of two packets each, which will last six months overall. That demonstrates there is very little difficulty, even in a State as vast in area as Western Australia, in women being able to obtain the pill at any time.

There are many different mixtures and doctors have individual preferences. This is essential because some women cannot tolerate certain mixtures and prescriptions must be made to suit the patient. Clinical assessment by the doctor is therefore necessary in regard to the pill. Perhaps it is a matter of trial and error, as medicine often is.

The Hon. R. F. Claughton: That is right.

The Hon. N. E. BAXTER: Even with some illnesses it is a matter of trial and error by a doctor to find out what the ailment is.

I will now deal with the situation in regard to Aboriginal women and family planning in Western Australia. There are approximately 6 000 Aboriginal women between the ages of 15 and 45 in Western Australia. Of these, approximately 800 were practising family planning in 1975, and prior to that quite a number had received family planning counselling and had practised family planning. Of the 800 I just mentioned, 375 were on the pill, 263 on IUDs, 201 had undergone some surgical procedure, and 53 were on other methods of contraception. This shows quite an effort has been made in this direction to provide the necessary family planning, contraceptives, IUDs, and other methods of contraception. Some 1 100 Aboriginal women were given counselling in regard to family planning in 1975, and many others had received counselling previously.

I now come to some of the complications which have been found with IUDs. In 1975 there were 25 cases of excessive bleeding, three cases of transposition—that is, migration to other parts of the body—16 cases of pain, nine cases of infection, and in 25 cases the device had fallen out and been lost. It is interesting to note that pregnancy occurred in 43 cases in spite of the devices. These are some of the problems which have occurred even with the existing services, and they are unavoidable to some extent.

I come now to the attitude of the Family Planning Association towards the introduction of this legislation. In 1975 the Family Planning Association wrote to the then Commonwealth Minister for Health (Dr Everingham). A copy of the letter, with a covering letter attached, was sent to the Country Women's Association and to me. The Country Women's Association wrote to me advising that it supported the proposition of the Family Planning Association. I replied along the lines that I believed this was a preserve of the medical profession and that if the association had any other information in respect of the proposition I would be pleased to have it. I did not receive a reply to that letter. I sent a similar letter to the Family Planning Association and did not receive a reply.

That is where the matter ended as far as approaches to the department are concerned. I might add no approach was made to the Medical Board or the Poisons Advisory Committee, and apart from the approaches made last year no action was taken to follow up the original letter with the department, the Commissioner of Public Health, the Director-General of Medical Services, or myself. One would have thought this was viewed as a rather serious matter and that the proper channels through which to seek amendments to the legislation would be through the Medical Board, the Nurses Board, the Poisons Advisory Committee, the Commissioner of Public Health, or myself as the Minister. However, that was not done. Apparently the sponsor of this legislation decided action would be taken through a private member in the person of Miss Elliott, and three Bills have been brought before this House to amend the legislation to provide for a special type of nurse, which in my opinion and in the opinion of the department is not necessary.

The Hon. R. F. Claughton: We could not have amended the Nurses Act and not the others.

The Hon. N. E. BAXTER: No, but the point is there are right and wrong ways to do things, and I believe the action taken was the wrong way. Let us consider the people whom the Family Planning Association tried to involve in this particular sphere of legislation.

When this matter was taken up with the Country Women's Association, a tacit agreement was reached in regard to accepting the principle of extending family planning services. I think we ought to go back to look at the letter sent by the Family Planning Association to Dr Everingham. A copy of this letter was sent to the Country Women's Association. The letter was written on the 19th June, 1975, to Dr Everingham, Minister for Health, Parliament House, Canberra. It reads—

> At the Executive Council meeting of the Family Planning Association of Western Australia held June 12th, 1975 at King Edward Memorial Hospital, I was directed to write to you and draw your attention to a matter which is causing Council serious concern.

We are repeatedly requested by organisations throughout this state to aid them with advice, visits or the setting up of clinics.

Mark those words, "with advice, visits or setting up of clinics." The letter continues—

It has disturbed Council that we are unable to comply with these requests due to the serious shortage of doctors with the right family planning training and attitude. The logistical problem (a state of one million square miles which would cover Queensland, New South Wales and Victoria) is one which confronts every health delivery service in Western Australia.

The State Medical and Public Health Departments have measured up to this challenge by setting up an extensive Community Health Service in which the bulk of the work load is carried out by nurses.

Council feels that we could also meet our obligations to residents in remote areas if we could make similar arrangements. This cannot be done unless legislation is passed allowing nurses to carry out procedures which have always been recognised as being the prerogative of doctors.

The giving of contraceptive advice is within anyone's province but the prescribing of oral contraceptive drugs and the insertion of intra-uterine devices is not. We have, in this state, a large body of women expert in midwifery and general nursing, who, with competent, qualified training and guidance under the auspices of our gynaecologists, family planning specialists and psychiatrists could undertake these duties.

The Association in Western Australia has received requests from Manjimup, Kalgoorlie, Northam, Geraldton, Port Hedland, Derby, Bunbury and Busselton for advice or clinics. Northam is only 60 miles from Perth and we cannot even set up a clinic there.

We would be grateful for any advice you could forward us on this matter.

Dr Everingham replied on the 19th July as follows—

Dear Mr Cake,

Thank you for your letter of 19 June 1975 concerning the shortage of doctors with appropriate family planning training.

The laws governing medical practice in each State including Western Australia, are a matter for each individual State. Therefore any change made to existing legislation, to allow nurses to carry out procedures which are now legally the prerogative of medical practitioners, would have to emanate from each State as appropriate.

I regard it essential that we should work towards the integration of family planning facilities in other Health services. In this regard the important aspect is the training of health personnel, in the towns to which you refer, in terms of family planning philosophy and procedures.

We will continue to support the provision of facilities appropriate to each State for family planning care. I appreciate your point regarding the size of the area to be covered by family planning services. Perhaps, if it fits within Western Australian priorities, a travelling clinic may be a suitable means of delivering family planning service in regional towns. You could consider the feasibility of this and if it appears warranted make an appropriate proposal through the Public Health Department of Western Australia.

No proposal came to the Public Health Department of Western Australia.

The Hon. R. F. Claughton: It was not proceeded with because of the cost.

The Hon. Lyla Elliott: What is the date of that letter?

The Hon. N. E. BAXTER: The letter from Dr Everingham was dated the 29th July, 1975. In my opinion there has been ample time for the Family Planning Association to have approached—

The Hon. R. F. Claughton: Can I tell you?

The Hon. N. E. BAXTER: —the department.

The Hon. R. F. Claughton: Perhaps you don't want to listen. We did not proceed with this matter. Although it was debated at many meetings of the association, we decided not to proceed because it was far too costly for the number of people involved.

The Hon. N. E. BAXTER: That is no reason for not approaching the department to see what assistance could be given. The fact is we have the Community Health Services which has trained sisters right throughout Western Australia. This service operates under the auspices of the department and it has the wherewithal to look at this problem and to see the exact requirements. However, the Opposition seeks to introduce a special type of nurse called a family trained nurse.

The Hon. R. F. Claughton: A trained general nurse or midwife.

The Hon. N. E. BAXTER: Is it suggested that we send one of these types of nurses to a town like Mt. Magnet which was referred to by the honourable member as a place which does not have a doctor?

The Hon. R. F. Claughton: She could be a child health nurse who would have this extra training.

The Hon. N. E. BAXTER: There is no suggestion of this. The Bill refers to a special family planning nurse, registered with the Nurses Board.

The Hon. R. F. Claughton: The department has not been giving you very good advice.

The Hon. N. E. BAXTER: There was no suggestion to use a general nurse, either double or triple certificated. The Bill refers to a nurse trained in this particular aspect.

The Hon. Lyla Elliott: You did not read my second reading speech.

The Hon. N. E. BAXTER: If this is the intention, why did not the honourable member use the Nurses Act to bring in a special family planning nurse? I cannot accept that it was the intention of the association to use nurses registered at the present time, but rather the intention was to introduce a different type of nurse.

The honourable member seeks to amend the Nurses Act to add provision for a special registration of family planning nurses. There is no special registration of nurses especially in intensive care, coronary care, administration, or community health —these nurses come under the provisions of the Nurses Act as it is at the present time. If the Opposition believes there should be additional specific training for nurses to do work such as prescribing contraceptives or fitting intra-uterine devices, the whole matter should be researched by a specialist committee.

The Hon. R. F. Claughton: It has been done.

The Hon. N. E. BAXTER: It has not been done.

The Hon. R. F. Claughton: You have not inquired about it.

The Hon. N. E. BAXTER: No specialist committee of my department has researched this. No specialist committee has come up with any suggestion that such a concept should be carried out. There has been no reference to special training or a curriculum which nurses should follow to qualify them to prescribe contraceptives, to fit intra-uterine devices, or to examine patients. The provisions of these Bills go a lot further than prescribing and fitting; they go as far as the examination of patients.

The Hon. R. F. Claughton: It shows a great deficiency in your department if you have not been given this information.

The Hon. N. E. BAXTER: There is no information in the department that any committee has examined the situation. The honourable member is trying to put one over us.

The Hon. Grace Vaughan: How do you apply your argument to infant health nurses?

The Hon. N. E. BAXTER: I have not referred to infant health nurses.

The Hon. Grace Vaughan: I know, but they are given special training before they are registered.

The Hon. N. E. BAXTER: The honourable member does not realise that having a special class of nurses called "family planning nurses" is going beyond general nurses.

The Hon. Grace Vaughan: What does an infant health nurse have in the way of training?

The Hon. Lyla Elliott: And what about a midwife?

The Hon. N. E. BAXTER: It can apply to a midwife also. The honourable member is attempting to amend the Act with very little forethought. In my opinion the Family Planning Association has decided to have nurses of its own.

The Hon. Grace Vaughan: A specious argument.

The Hon. N. E. BAXTER: It is attempting to foist on the public a special family planning nurse without thinking that this training could be incorporated into present training courses. These nurses could carry out this work throughout the State if on investigation such a system were found to be feasible and, indeed, necessary.

Where is such a service needed? In the letter to Dr Everingham the association referred to Kalgoorlie, Northam, and other towns where there is no shortage of doctors. If the association had referred to places such as—

The Hon. D. K. Dans: Mt. Magnet.

The Hon. N. E. BAXTER: That is a rather small town but I was thinking of a larger town which does not have a doctor, such as Meekatharra at one time—a town which could be without a doctor again. Such a system could operate there and the nurses could work from a centre. If it were found that there was a problem and that women had difficulties in obtaining the pill or arranging for the fitting of intra-uterine devices, we must then look at that situation.

This legislation is ill-founded. It should have originated through the department, the Medical Board, or the Nurses Board in the proper way. It is passing strange that this Bill was introduced by the Hon. Lyla Elliott on the 19th October and the annual general meeting of the nurses federation, which she said favoured the legislation, was not held until the 23rd October—four days later.

The Hon. Lyla Elliott: My reference to its support was in 1975.

The Hon. N. E. BAXTER: At that meeting 120 of the State's 1 100 nurses were present, and the proposition was not fully supported by the meeting.

The Hon. Lyla Elliott: I understand that only four of the 120 did not support it.

The Hon. N. E. BAXTER: Let us look at what the meeting did support. I have here a letter from the Acting Executive Secretary of the Royal Australian Nursing Federation. It reads—

> Dear Sir,
>
> The Annual General Meeting of the Royal Australian Nursing Federation (W.A. Branch) was held on Saturday, 23rd October, at which meeting the Nurses' Act Amendment Bill relating to family planning, and which is currently before the House, was discussed.
>
> As a result of the meeting the Royal Australian Nursing Federation (W.A. Branch) respectively requests that the Leaders and members of Parties in Government and in Opposition give serious consideration to supporting the said Amendment.
>
> In support of the request it is seen that the appropriately prepared nurses should be performing the functions as outlined in the Bill as part of their expanding role in meeting the health maintenance needs of individuals and families in the W.A. community, particularly for those in rural areas.

Let us analyse that last statement. The functions of the Bill are to establish under the Nurses Act a special type of registered family planning nurse. However, the Bill did not say anything about what the nurses would have to do. The other two Bills relate to the Poisons Act and the Medical Act. In the first case, authority is sought to allow family planning nurses to prescribe the pill, or poisons; no restriction is provided for. The amendment to the Medical Act seeks to allow family planning nurses to prescribe contraceptives or fit IUDs. Nowhere in this letter does it indicate a full explanation of the meaning of the legislation was given to the Royal Australian Nursing Federation.

The Hon. Lyla Elliott: They had a copy of the second reading speech, and confused it with the Bill.

The Hon. N. E. BAXTER: The honourable member claimed the Country Women's Association of Western Australia supported her legislation. Wondering about this, I decided to contact the CWA. As the secretary of that organisation was interstate, I rang the president, Mrs Smeeton at her Wongan Hills home, because I knew her personally. She told me they were having a meeting the following Tuesday and asked me to send a letter outlining the objectives of the Bills and the opinions of the Public Health Department.

I did just that, setting out what the Bills implied and the intention of the department in respect of considering the matter with a view to perhaps arriving at a propcsal if it were found necessary. I make it clear that I do not say such a service is not necessary; I believe there are some areas where such a service could well be provided for country women. However, I do not agree it should be on the comprehensive scale suggested by the Family Planning Association.

The Hon. Lyla Elliott: You are contradicting yourself now.

The Hon. N. E. BAXTER: My letter to the CWA explained the purposes of the Bill, and pointed out the grave dangers associated with the prescribing of inappropriate contraception and the insertion of a foreign body into the uterus unless the person was fully trained. I informed the CWA that I intended to set up a committee to investigate the matter, and the last paragraph of my letter stated as follows—

> The Committee will be chaired by Dr. L. J. Holman, Director General of Public Health and will have representatives of the Family Planning Association, the Australian Medical Association, the Royal Australian College of Obstetricians and Gynaecologists, the Royal Australian College of General Practitioners and the Royal Australian Nursing Federation. In the event that the Committee's recommendations involve amendments to existing legislation, then their recommendations will be referred to the appropriate statutory authority, e.g. Medical Board, Poisons Advisory Committee and Nurses Board.

The Hon. Lyla Elliott: Has this committee been set up?

The Hon. N. E. BAXTER: No, this is the first positive approach the department has had on this subject. Prior to these Bills coming forward, there had been no formal approach or feed-back from the CWA, the Family Planning Association or other organisations. On the 9th November, I received the following reply from the State President of the Country Women's Association—

> Dear Mr. Baxter,
>
> We have followed the course of legislation being proposed to provide for the further training of nurses to act with authority to administer certain contraceptive devices and to prescribe certain oral contraceptives, and thank you for your letter on this subject.
>
> This Association has, for some considerable time, recognised the need for contraceptive advice being more readily available, particularly in rural areas where it was felt the extension of the role of specially trained nurses in this field could help meet this situation where there is no resident doctor.

> The matter was discussed fully at our State Council Meeting this morning and Council supported the proposal that a Committee be set up to consider ways and means of ensuring that every person in Western Australia who so wishes has access to the most modern procedures in family planning.
>
> We realise that any change in legislation in this regard would affect a number of statutory authorities and agree that it is particularly desirable that there be full co-operation and consultation with these Boards to ensure that the standard of the health and well-being of our community is maintained. The composition of the Committee as outlined by you should ensure this.
>
> We would appreciate being kept informed of developments on this matter.

So, in spite of the fact that the CWA originally accepted the principle put forward by the Family Planning Association, upon discovering what was in the legislation it adopted the sound sensible attitude of this proposal being handled in the proper manner; namely, by a properly constituted committee, and referred to the appropriate bodies, such as the Medical Board, the Poisons Advisory Committee, and the Nurses Board for their consideration. I believe this is the only way to proceed in this matter.

It is wrong to push through legislation of this type for which there is not a crying, urgent need; this has been put forward by the Family Planning Association simply to conduct the whole operation through its organisation, rather than co-operate with the authorities.

I ask members not to support these Bills. I believe they are ill-conceived at this time. A proper investigation as I outlined should take place. A committee was established by the Nurses Board on the 7th July to examine these matters, but I believe we need to go further than that, and establish a specialist committee to research this matter. It can obtain advice from the top people in these fields.

If it becomes necessary to introduce a service through the nursing profession in Western Australia, let us get it on the right footing and ensure that the women in the country areas who need this sort of service obtain it on a properly constituted basis and are carefully protected from any chance of injury due to improperly established methods. I oppose the legislation.

THE HON. LYLA ELLIOTT (North-East Metropolitan) [11.24 p.m.]: I should like to thank the members who have spoken in this debate, particularly the Hon. Grace Vaughan and the Hon. R. F. Claughton who gave their full support. I was very surprised and disappointed at the attitude adopted by the three country members who spoke last night; they agreed with my Bills in principle but for various reasons, opposed them.

The Hon. Margaret McAleer: We did not even support the principle.

The Hon. LYLA ELLIOTT: I understood the members who spoke felt there was a need for this sort of thing, but perhaps I was wrong in the case of Miss McAleer. I was astounded to hear the comments of the Minister. I have waited three weeks for his reply, only to hear the sort of reply he gave tonight. For a country member and a man who is responsible for maternal and child health in this State, the Minister expressed the sort of opinions I found amazing.

We always hear in this Chamber that people in country areas are disadvantaged, and there should be a majority of members in this Chamber to look after their interests. Here is one measure where the country members have an opportunity to improve the family planning services for the women of this State. It would mean a great deal to the women of our State to introduce such a service, but the four country members who have spoken in the debate have indicated they will oppose the measures.

The Hon. N. E. Baxter: This will not provide family planning services. Do not put that one over. It will provide for only one ill-conceived concept.

The Hon. A. A. Lewis: I was amazed to hear the letter from the CWA.

The Hon. LYLA ELLIOTT: I will come to that letter in a moment. Let us examine the grounds on which members intend to oppose the Bills. The Minister's grounds are different from those of his three colleagues; he tells us such a service is not needed.

The Hon. N. E. Baxter: No I did not.

The Hon. LYLA ELLIOTT: In effect, that is what the Minister was saying.

The Hon. N. E. Baxter: You cannot put that one over on me, or on the House.

The Hon. LYLA ELLIOTT: The Minister tried to tell us there were plenty of medical services and doctors throughout the State, and that the position had improved since the Medical Manpower Committee brought down its report following the 1971 census.

The Hon. N. E. Baxter: I said there could be a need in parts of Western Australia.

The Hon. LYLA ELLIOTT: That is different from what the Minister said. The main theme of the other three speakers was that I had not consulted the AMA or the other organisations representing doctors and that really, a matter like this should be introduced not by a private member, but by the Government. Mr Lewis even said we should wait for approval from the whole of the medical profession.

The Hon. A. A. Lewis: Did I?

The Hon. LYLA ELLIOTT: Yes, that is what Mr Lewis said.

The Hon. A. A. Lewis: The entire medical profession includes general practitioners, nurses, O & Gs and all the other arms of the medical profession.

The Hon. LYLA ELLIOTT: If Mr Lewis will let me finish—

The Hon. A. A. Lewis: You attacked me for saying one thing. I am not used to being attacked. Would not you class that as the whole medical profession?

The Hon. LYLA ELLIOTT: Yes, that is the whole medical profession. Mr Pratt also supported this line of argument. However, when the Family Planning Association was trying to establish clinics in this State, it received nothing but obstruction and delaying tactics from the AMA.

The Hon. I. G. Pratt: Is this an anti-doctor Bill?

The Hon. LYLA ELLIOTT: No, it is not. I am merely trying to show members how impractical it is to suggest that the implementation of this proposal should wait until all organisations representing doctors agree wholeheartedly.

I am trying to show that we do not get this sort of unanimous approval, as the Family Planning Association found when it tried to establish clinics in this State initially. It could not obtain the co-operation of the AMA.

Not only did the AMA attempt to interfere with the association's advertisements inserted in the newspapers, but it would not agree to clinics being established without the approval of the local or nearest general practitioner. The Family Planning Association became a little fed up with waiting for approval from the co-operation of the AMA, and went ahead.

Today that association is seeing 1 000 patients per month, and these are women who would not have received these services if they had to wait for the approval of the AMA.

In my opinion the AMA is an organisation formed to look after the interests of the doctors. In respect of legislation affecting trade unions, does the Government consult any unions that might be affected?

The Hon. I. G. Pratt: What were you talking about a week ago in relation to consultation?

The Hon. LYLA ELLIOTT: I do not think the Government deems fit to consult the trade union movement every time it introduces a measure which affects the unions. The other suggestion was that we should wait until the Government was ready to introduce a measure to improve the situation.

The Hon. A. A. Lewis: What will you do with the whole medical profession—the nurses and the medical practitioners?

The Hon. LYLA ELLIOTT: It has been suggested that the proper body for me to approach was the Nurses Board. The Minister said he was outraged at the fact that the Family Planning Association had not approached that board, but that shows how much out of touch he is with the situation. In July last year the Nurses Board considered the proposition of the Family Planning Association; that is, the proposition that nurses should be allowed to prescribe and fit contraceptives.

According to the information given to me this matter was referred to the education committee of the Nurses Board which made a recommendation to endorse the proposition. However, the Nurses Board rejected the recommendation, and no doubt it was influenced by the attitude of the doctors on the board. I could not see much point in approaching the Nurses Board, knowing that it was hostile to the proposition put to it 12 months ago.

The Hon. N. E. Baxter: Did it not set up a committee in July last to look at this proposition, among other things?

The Hon. LYLA ELLIOTT: That may be so, but I was not aware of it. That was the reason I did not approach the board or the AMA, because I certainly thought I would not get any co-operation from them. I know the Minister also rejected the approach from the Family Planning Association last year.

The Hon. N. E. Baxter: I did not reject the approach from the FPA.

The Hon. LYLA ELLIOTT: The Minister did not agree to it?

The Hon. N. E. Baxter: I asked for further information, but it was not forthcoming. I did not reject the approach. It is a complete untruth to say I did.

The Hon. LYLA ELLIOTT: Let me put it in another way: the Minister did not agree to it. He says the approach was not rejected, but I say he has not agreed to it and that amounts to the same thing.

I decided to undertake my own research with the help of the Parliamentary Library which was extremely helpful. I obtained information from all over the world about the types of services being offered, about the training courses that are in existence for family planning specialists, about the places where they are practising, and about the sort of people in the medical profession who support this principle. I made many contacts in both the medical and the nursing professions.

The Hon. N. E. Baxter: Have you letters to support that?

The Hon. LYLA ELLIOTT: Yes.

The Hon. N. E. Baxter: You did not mention them when you introduced the second reading of the Bill.

The Hon. LYLA ELLIOTT: My second reading introductory speech consisted of about 35 pages. I am surprised that the Minister is complaining it was not long enough! He has challenged my veracity in respect of my approaches to the Country Women's Association and the nurses federation. He has suggested that I have misquoted the views of those two organisations, and implied that I suggested the nurses federation supported the Bill and immediately took action after the Bill was introduced.

The two letters I have mentioned bear a date in 1975. Unfortunately I do not have them with me, but I could produce them as evidence of the fact that both the nurses federation and the CWA in 1975 said specifically that they would support the proposition put forward by the Family Planning Association.

The Hon. N. E. Baxter: They supported the idea in principle.

The Hon. LYLA ELLIOTT: Since then the Minister has approached the CWA, and indicated that he was setting up a committee. Obviously that organisation was pleased that something would be done, and no doubt the Minister has received a letter from the CWA that pleased him. However, those two organisations have not said that they do not support the proposition of the Family Planning Association.

To get back to my research, despite not contacting the AMA and the Nurses Board I felt I had provided in my second reading speech comprehensive information on the available courses, the training, the personnel who could be trained for this work, and the need for these services to be provided in country areas.

The Hon. N. E. Baxter: You did not specify any country areas.

The Hon. LYLA ELLIOTT: What areas is the Minister talking about?

The Hon. N. E. Baxter: You did not mention one area.

The Hon. R. F. Claughton: She mentioned Kalgoorlie, Merredin, and Manjimup.

The Hon. LYLA ELLIOTT: I believe I did substantiate my statement. I shall deal with this matter in the order I intend to, and I shall not be led astray by the remarks of the Minister. I believe that the result of the research I undertook over the past few months are contained in my second reading speech, and this gave the Minister plenty of support for the propostion put forward.

I do not, and I never will accept that a member of Parliament does not have the right to initiate any move which he or she believes is in the best interests of the community. I am not prepared to sit back and say that I will wait until some outside organisation, some board, or some Government department deems fit to make recommendations on a particular matter in which I have an interest. Of course, the Government invariably needs to seek advice on any proposition put to it, and I do not deny the Government that right. What I am saying is that outside organisations and Government departments are made up of human beings; and human beings are not infallable.

The Hon. N. E. Baxter: It applies to us all. You and I are not infallable either.

The Hon. LYLA ELLIOTT: We should weigh up all the information we have received from all sources; we should not just rely on certain accepted sources of information.

Mrs Vaughan raised a good point by interjection when she asked the Minister about the infant health sisters. I am sure no member of this House would question the competence or the desirability of infant health sisters practising in this State.

The Hon. N. E. Baxter: In their field they are quite good.

The Hon. LYLA ELLIOTT: What members might not realise is that a tremendous battle was fought in the 1930s to bring about registration of infant health nurses. All sorts of reasons were put up as to why they should not be registered. The medical profession also opposed such registration, and said they could not be trusted and the cost would be too great. That influenced the Government of the day, and registration was retarded until 1937. Today we hear the same sort of arguments as those raised at that time, about the desirability or otherwise of registering family planning nurses.

Of course, today we can see the wonderful work that is done by these sisters in preventive medicine and in the expert counselling they are able to offer. This results in the early detection of many paediatric problems, and the sisters are able to refer the children for treatment before the problems become too serious.

If Governments had continued to listen to the arguments put forward in the 1930s suggesting that nurses could not do the job, we would not have any infant health sisters today. The people in authority in those days did not seem to be very concerned about the fact that children were dying because of inadequate medical facilities.

The Hon. R. F. Claughton: Nurses were not even allowed to instruct mothers on breast feeding.

The Hon. LYLA ELLIOTT: The Minister has the audacity to suggest that we have plenty of doctors in this State.

The Hon. N. E. Baxter: I did not say plenty of doctors; I said we had sufficient doctors, and we were better off than we had been for some years.

The Hon. LYLA ELLIOTT: That shows how out of touch is the Minister with his portfolio. In my second reading speech I

quoted the patient:doctor ratio figures for 1971, and they were the latest figures I could obtain from the census. Since then another census has been conducted, and no doubt a further survey will be undertaken.

The Royal Australian College of General Practitioners has established a family medicine programme. It has put out a folder containing certain material for people who may be interested in the programme, or who may desire to be retrained as doctors. These are doctors who have discontinued practising for some time, and wish to return to the profession. The idea of this programme is to increase the number of general practitioners within the community.

The card in my hand contains the type of information that is put out by the RACGP under the family medicine programme. In it the following appears—

> Australia's Shortage of Family Doctors
>
> 1. Australia faces a crisis in community health care as a consequence of insufficient general practitioners to provide the necessary services required by the community. The GP: Population ratio has worsened during the period from 1961 to 1974 from 1:1 800 to 1:1 960. During this period, the population growth has been 26.5%; the number of medical practitioners has increased (1961-1973) by 35.3%, but there was only a 16.1% increase in general practitioners.

Those figures are based on the pensioner medical service figures. In actual fact Western Australia is the worst off. In this State the general practitioner:population ratio has gone from 1:1 804 in 1961 to 1:2 152 in 1974.

The Hon. N. E. Baxter: That was two years ago.

The Hon. LYLA ELLIOTT: If I gave the figures for 1977, the Minister would not be satisfied.

The Hon. I. G. Pratt: Are those figures for 1974?

The Hon. LYLA ELLIOTT: The last figure I gave was for 1974. Rather than the position getting better, it is deteriorating.

The Hon. A. A. Lewis wanted more evidence, but I thought I had provided sufficient evidence when I quoted the infant mortality rate and the ex-nuptial rate in country areas. Babies are dying and women are having babies they do not want because of the unavailability of contraceptive measures. What more evidence is necessary?

In my second reading speech I quoted from a number of authoritative sources which support the principle of family planning nurse practitioners. Those sources came from all over the world. Since then I have been made aware of other authorities or people who support it and I feel I should quote them. I am proud to quote them in support of my proposition. The first is a letter dated the 17th September, 1976, and is from Professor John Leeton. He is Associate Professor of the Department of Obstetrics and Gynaecology, The Queen Victoria Memorial Hospital, Monash University. The letter is addressed to the Australian Federation of Family Planning Associations, and reads in part as follows—

> The Committee noted that Depot Provera was still not approved for marketing in Australia, but felt that there was now a strong case for promoting the distribution of oral contraceptives off prescription. It was agreed that such pills should be available through trained paramedical personnel on the basis of a check list, referral and medical back-up.

Professor John Leeton was writing on behalf of the National Medical Advisory Committee of the Australian Federation of Family Planning Associations of Australia. He is the Associate Professor of the Department of Obstetrics and Gynaecology at the Monash University. Would he not be an authority?

The Hon. N. E. Baxter: He is not a world authority. That is only an opinion of that group expressed by that professor.

The Hon. LYLA ELLIOTT: I have with me the minutes of the Medical Advisory Committee of the Family Planning Association of W.A. dated the 18th December, 1975. The committee was chaired by Professor John Martin, the Professor of Obstetrics and Gynaecology at the University of Western Australia. The committee consists of four prominent doctors, but I have not obtained their approval to quote their names. However, they are four prominent doctors in this State and the committee also includes the Director of Nursing of a very large hospital.

The Hon. N. E. Baxter: I can guess who that is.

The Hon. LYLA ELLIOTT: It is Miss Denny, who is also President of the Family Planning Association. The minutes, in part, read—

> LEGISLATION REGARDING NURSES AND CONTRACEPTION:
>
> The committee gave lengthy consideration to the matter of whether the pill should be removed from prescription regulations and what paramedical personnel, if any, should be allowed to distribute oral contraceptives. It was resolved that properly trained nurse practitioners should be allowed to dispense oral contraceptives using a suitable check list.

So, once again, there is support from doctors, a professor, and a director of nursing.

The Hon. N. E. Baxter: A few people, but not the top people in this particular field.

The Hon. LYLA ELLIOTT: Would the Minister not agree that the Professor of Obstetrics and Gynaecology of the University of Western Australia would be considered to be a top man in his field?

The Hon. N. E. Baxter: He may be in some particular field, but not in gynaecology and obstetrics.

The Hon. LYLA ELLIOTT: I am sure he would not be flattered to hear the Minister say that.

The Hon. N. E. Baxter: He is only one person associated with your Family Planning Association.

The Hon. LYLA ELLIOTT: All the authorities which I quote are not necessarily associated with the Family Planning Association.

The Hon. N. E. Baxter: You quoted the Family Planning Association on this occasion.

The Hon. LYLA ELLIOTT: All those authorities mentioned in my second reading speech were not associated with the Family Planning Association.

I think the Minister has already quoted the letter from the Royal Australian Nursing Federation to Sir Charles Court. I have another letter which I have not quoted previously, but as the Minister has already said, at the annual general meeting the Nursing Federation overwhelmingly adopted the proposition to support the proposals in this legislation. The support was not only for the wording of the Bill, but also for the principles contained in it.

The Minister is being difficult and silly about this. Obviously, people sometimes confuse Bills with second reading speeches, but the Nursing Federation supports the thinking behind the Bill.

The head of the Department of Nursing at the WA Institute of Technology has written to me offering her sincere congratulations and her support of the proposal.

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

The Hon. LYLA ELLIOTT: Miss Parkes, head of the Department of Nursing at the Institute of Technology. I will read the letter if necessary.

I know the Minister will love the next letter from Dr Harry Cohen and his partner, Dr Terrence Thomas. Irrespective of whether the Minister scoffs at the letter, it comes from two highly respected gynaecologists and obstetricians. I am sure the Minister would not dare to question the standing of those two men just because he had some political involvement with Dr Cohen some time ago.

The Hon. N. E. Baxter: You are saying those words, not I.

The Hon. LYLA ELLIOTT: Before reading this letter I again point out that second reading speeches are sometimes confused with Bills. The letter really refers to the Bill and the second reading speech, and is as follows—

> Dear Miss Elliot,
>
> We have carefully studied your proposed Amendment to the Medical Act relating to the prescribing of contraception, and watched with interest its passage through Parliament. We believe that the passing of this legislation, would be a milestone of social medicine in this state, and that nothing but good would come of it.
>
> Medical opinion about the advisability of trained nurses prescribing the Pill and fitting other devices, is divided; but from our own observations and discussion with colleagues, a considerable body of doctors is in agreement with the aims of the Bill.
>
> There is no reason why Community Health Sisters, adequately trained and supervised, cannot do this as well as or better than many medical practitioners. We believe that if a systematic programme of training is set up, these sisters would be as disciplined and as thorough in carrying out and following instructions to the letter and perhaps less likely to make mistakes or omissions, than a busy practitioner.

The Hon. N. E. Baxter: In my speech I agreed with that.

The PRESIDENT: Order! The Minister should let Miss Elliott make her speech.

The Hon. LYLA ELLIOTT: To continue the letter—

> The training of such nurses proposed, is as thorough and concentrated than that which medical graduates may obtain. As with similar routine procedures, if you do enough of them you become very skilled.
>
> Not so long ago a Bill to permit advertising of contraceptions in pharmacies was passed and dire consequences predicted by its opponents. Events have shown that they worried unnecessarily. Your Medical Act Amendment Bill would go part of the way to improve availability of and access to contraception by many people who at the moment are having difficulty. We hope that the Bill will not be voted on along traditional party lines.
>
> Yours faithfully,

The letter was signed by Harry Cohen and Terrence D. Thomas.

Another person who has authorised me to use his name in this Chamber as supporting the legislation is Dr Hugh Cooke. He is the Director of the family medicine programme of the Royal Australian College of General Practitioners. He points

out that he is expressing a personal opinion, and not necessarily the opinion of the college. However, I think it is significant that a person of his standing is prepared to say he wholeheartedly supports what is proposed in the legislation.

I also have a letter from Professor John Martin, whom I mentioned earlier, and he expresses his support for the proposal. I am sorry the hour is late but I want to quote from these letters. It is not my fault that the legislation has come on so late, and I hope members will forgive me if I continue to quote. I will try to keep it down to a minimum. I desire to show I have the support of other people of some standing, and the support of people who can be looked upon as authorities in this field.

In *The Australian* of the 4th November, 1976, an article appeared referring to the presentation of this Bill. As a result of that article I received a letter from a Miss Maureen Davey of Hobart. I might also add I have received telephone calls from people all around Australia who are interested in the Bill. One parliamentarian in South Australia was interested in introducing similar legislation in that State. I think the letter from Miss Davey is extremely interesting, and so I will quote it as follows—

> Dear Ms. Elliott,
>
> I read in the Australian of November 4th, 1976 of your attempts to give nurses authority to prescribe the pill. You may be interested in the results of my work.
>
> I am a medical student at the University of Tasmania, currently undertaking a Bachelor of Medical Science (honours) degree. My research is the investigation of the role of the general practitioner in the provision of family planning services. For this I interviewed 75% (97 doctors) of the GP's in urban areas of Tasmania (Launceston and Hobart), using a structured questionnaire. The response rate from the GP's was 90%—an excellent response which means that the results are statistically reliable. The questionnaire covered the doctors attitudes and actions in the areas of contraception, abortion, sterilization and sexuality. Medical and community education in family planning areas was also considered.
>
> One of the questions in the questionnaire was, "Do you think that the pill should be available from the following sources:
>
> (a) on doctors prescription
>
> (b) from trained nurses in clinics, without a doctors prescription
>
> (c) pharmacists, without prescription
>
> (d) freely available, including supermarkets."
>
> The replies were:

	No. GP's who thought the pill should be available from a particular source. %
on doctors prescription	100
from nurses in clinics	49.4
from pharmacies	12.6
freely available	9.2

I suggest that is a high percentage of doctors. A good response was received, about a 90 per cent response, and 49.4 per cent of those doctors surveyed said that the pill should be available from nurses in clinics. A further 12.6 per cent said it should be available from pharmacies, and 9.2 per cent said it should be freely available. Almost half the GPs said that it should be available from trained nurses. The letter states—

> i.e. almost half, 49.4 %, of the GP's thought oral contraceptives should be available from trained nurses without prescription.
>
> This is a very significant finding, especially when the GP is the main prescriber of oral contraceptives at present. I consider that my findings are applicable to other Australian GP's as most of the doctors practising in Tasmania graduated from the mainland or in Britain.
>
> On what information does the AMA base the belief "that doctors should keep the sole right to prescribe the pill" (quote from the 'Australian' article)? It has not done a survey of its members in this area—and it only represents 69% of the medical profession in Australia, anyway.
>
> My research has been completed and I am now in the midst of writing my thesis and papers. I will be submitting these papers to the Medical Journal of Australia and the Australian Family Physician for publishing. If you have any questions or would like further details of my work I would be pleased to assist.
>
> Yours sincerely,
> MAUREEN DAVEY.

As a result of that letter and the phone calls I received, I was made aware of the article in *The Australian*, so I got my secretary to obtain a copy of it. I will not read the whole article, but the two important paragraphs are as follows—

> A recent national meeting of the Royal Australian Nursing Federation called on governments to allow nurses to prescribe the pill, a call strongly supported by family planning groups throughout the country.
>
> The moves have been encouraged by the release of an influential report in Britain which recommends

> that nurses, midwives and even chemists should be able to prescribe the pill, provided they are properly trained and they follow safety rules.

In the course of my research I came across reference to this committee in a pharmaceutical journal dated the 26th April, 1975. For several months I have been trying to get the British Consulate-General here to ascertain whether that committee has actually brought down a report. This was a working party set up by the Central Health Services Council, the Medicines Commission, and the Committee on Safety of Medicines. Its membership was drawn from each of the standing medical, nursing, and midwifery, and pharmaceutical advisory committees, lay members of the council, the Medicines Commission, and the Committee on Safety of Medicines.

This committee has brought down a report which recognised that nurses, midwives, and chemists should be able to supply the pill. I obtained that information by telephoning the Australian journalist who wrote the article and asking from where he got the information about the report. He had received a telex from London about it on the 28th October, and he said he would send a copy of it to me on Friday, but unfortunately it has not arrived. That is the committee to which the article referred, and it is a very representative and authoritative committee.

The Hon. N. E. Baxter: Your proposal goes a lot further than prescribing the pill.

The Hon. LYLA ELLIOTT: I presume the Minister is talking about the insertion of IUD's.

The Hon. N. E. Baxter: And the examination, etc., etc.

The Hon. LYLA ELLIOTT: I do not know what "etc., etc.," means.

The Hon. N. E. Baxter: Yes you do.

The Hon. LYLA ELLIOTT: No, I do not.

The Hon. N. E. Baxter: Read your own second reading speech.

The Hon. LYLA ELLIOTT: We come now to the question of the training of doctors, which was raised by Mr Pratt. He used the argument that doctors received long and thorough training. This is the point that the Minister was hinting at; that I now have to tell him why nurses should be able to insert IUD's.

The Hon. I. G. Pratt: My comment was in relation to prescribing the pill.

The Hon. LYLA ELLIOTT: That is right; Mr Pratt was talking about training doctors. I think it is a misconception that doctors are thoroughly trained in family planning methods and in human sexuality; although I agree they are introduced to the subject in their fifth and sixth years, it is not covered in depth. There are many GP's practising today who are not properly trained in family planning methods, and this is one of the reasons that the Royal Australian College of General Practitioners is attracting doctors to its family medicine programme: to give them more training.

There have been recent improvements in this area as far as medical students are concerned, but in the past the training was not all that comprehensive.

I do not wish to weary members, but I think it is important to refer to a report about the position in Britain, which is similar to the position here. Doctor Robert Snowdon, the project director of Exeter University's family planning research unit is reported to have said—

> The present lack of adequate training among family planning practitioners is putting the health of many women at risk, acording to Dr Robert Snowdon, Project Director of Exeter University's Family Planning Research Unit.

Further on in the article we find the following—

> The Family Planning Association confirms Dr Snowdon's fears with statistics which state that about 90 per cent of the 23 000 GPs in the country had registered to provide FP services but of these only a few thousand had any training.
>
> The Association's Chairman, Mr Alastair Service, said "There is absolutely nothing to stop doctors who are registered from fitting IUDs without any training at all except the fear that something could go wrong!

Still further we find—

> In answer to a question about the suitability of nurses and midwifes to perform these fittings Dr Snowdon said he thought that, provided they received the proper training, they were probably the ideal people for the job with their knowledge and experience. However, he did think it necessary to have a back-up service by the doctors.

That is what I suggested in my speech.

The PRESIDENT: Order! I am obliged to remind the honourable member that the second reading reply is to reply to the debate and not to introduce new matter.

The Hon. LYLA ELLIOTT: I accept what you say, Mr President. I thought I was answering the Minister and other members who said that doctors are fully trained. I am endeavouring to show that not all doctors are fully trained in family planning and contraceptive methods.

The PRESIDENT: The Minister made the assertion that you did not have support for your Bill, and you were attempting to prove that you did. Having done that, I think you are now introducing new matter.

The Hon. LYLA ELLIOTT: All right, Sir. The point I want to make is that there is a misconception that all doctors, because they go through medical training school, are thoroughly trained in family planning methods. I have just read an article which shows the position in Britain, and I believe it is the same in this State. Many British doctors are coming to Australia to practise. Can the Minister assure me that every doctor, both Australian and immigrant, is fully trained in all aspects of family planing, contraception, the pill, and the insertion of IUD's? I do not think he can.

The Hon. N. E. Baxter: Did I mention that in my speech? Of course I did not.

The Hon. LYLA ELLIOTT: The point is that I have already said nurses can be thoroughly trained. They can receive theoretical and practical training to do this job very efficiently. I have already suggested that the persons who could do this best are registered nurses with midwifery certificates.

The Hon. N. E. Baxter: Did I say they could not be trained?

The Hon. LYLA ELLIOTT: I intended to refer to the syllabus of training for midwives, but I will not do so because the hour is late. If any member takes the trouble to look at that syllabus he or she will find it is very comprehensive and provides an extremely good grounding in this area. This training makes nurses with midwifery certificates ideal persons to receive post-graduate training as family planning nurses.

It is not my job to quote to the House in detail the syllabus that should be established for these nurses. I have already referred in my second reading speech to a very comprehensive suggested programme which has been drawn up by the national training officer of the Family Planning Association. Surely the people who are critical of me for not providing more information do not suggest I stand here and read through this volume to prove to them it is possible to set up an adequate training programme for these nurses. In addition, there would be plenty of material from other countries, if the Nurses Board is interested in obtaining it.

I believe I have done enough research to convince the House that courses exist, and that family planning nurses are practising successfully in other countries, that this is a highly desirable principle, and that it is necessary for Western Australia. I think it is ridiculous to suggest I should spell out in more detail the principles I am putting forward; this is not done in respect of any other legislation introduced in this place.

I did have other material I wished to use in reply to the Minister, but the hour is getting late. The Minister said he intended to establish a committee. If the introduction of my Bills has been responsible for provoking this action on the Minister's part, I am very pleased. However, I would still rather see the Bills carried. I believe there is plenty of evidence to show such a service is needed, and desirable.

Matters which are referred to committees are often lost sight of, and we never hear of them again. I well remember the Bill dealing with homosexuality; that legislation was referred to a committee, which brought down its recommendations, but those recommendations have been ignored by the present Government. I would hope my Bills would not meet the same fate. Parliament is going to rise very shortly, and will not meet again until July or August, next year. This means that any legislation to establish a programme put forward in a committee recommendation would not be introduced for another 12 months and perhaps it would take another year or so to set up the programmes. This is too long to wait.

In that time, there will be more unwanted pregnancies; babies will be born who will become children at risk both emotionally and physically; babies will die because of the ill health of the mothers and substandard living conditions. If members care about these issues they will support my Bill so that action can be taken as soon as possible to get these programmes under way.

The Hon. N. E. Baxter: Is this programme going to cost any money to get under way?

The Hon. LYLA ELLIOTT: The Minister knows we are only proposing to change the law to enable the planning to start. This is the first step.

The Hon. N. E. Baxter: To have a law like this you have to have some money in a vote, and there is no vote for this purpose. Therefore, as you well know, there would be a delay of 12 months anyway.

The Hon. LYLA ELLIOTT: Not only would we be helping the people of Western Australia but also we could receive visits from students from developing countries to train as nurses and return to improve family planning services in their countries, where there are even fewer doctors in proportion to the population.

For once, I think we should be leaders in innovation and progressive social measures, instead of trailing behind other States and countries. I urge members to support the Bill.

Question put and a division taken with the following result—

Ayes—7

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

Noes—15

Hon. C. R. Abbey	Hon. M. McAleer
Hon. N. E. Baxter	Hon. N. McNeill
Hon. H. W. Gayfer	Hon. I. G. Medcalf
Hon. J. Heitman	Hon. I. G. Pratt
Hon. T. Knight	Hon. J. C. Tozer
Hon. A. A. Lewis	Hon. D. J. Wordsworth
Hon. G. C. MacKinnon	Hon. V. J. Ferry
Hon. G. E. Masters	*(Teller)*

Pairs

Ayes	Noes
Hon. R. T. Leeson	Hon. R. J. L. Williams
Hon. R. Thompson	Hon. G. W. Berry

Question thus negatived.

Bill defeated.

MEDICAL ACT AMENDMENT BILL (No. 2)

Second Reading: Defeated

Order of the day read for the resumption of the debate from the 21st October.

Question put and negatived.

Bill defeated.

POISONS ACT AMENDMENT BILL

Second Reading: Defeated

Order of the day read for the resumption of the debate from the 21st October.

Question put and negatived.

Bill defeated.

House adjourned at 12.20 a.m. (Thursday).

Legislative Assembly

Wednesday, the 10th November, 1976

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

QUESTIONS ON NOTICE

Postponement

THE SPEAKER (Mr Hutchinson): I advise that questions will be taken at a later stage of the sitting.

PAY-ROLL TAX ASSESSMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 3rd November.

MR JAMIESON (Welshpool—Leader of the Opposition) [2.20 p.m.]: There is not a great deal I can say in respect of this Bill, except that it is one which keeps pace with inflation. As the Premier indicated, the proposed exemptions are about 15 per cent above those introduced last year, which is roughly in line with the rate of inflation over the year. Of course, one could only encourage the principle of allowing pay-roll tax exemptions for small businesses. As I recall it, it was suggested to the States by the Commonwealth Government that this was an area which the States could take over and obtain some finance for themselves, and that it could be regarded as a growth tax.

The Premier indicated in his speech that these exemptions would cost the Treasury some $4.4 million over a full year. This leads us to wonder whether the Government intends to make up this money from other sources. In fact, we are concerned that this may lead to the imposition of a direct income tax—which, of course, could be considered a growth tax—upon the people of Western Australia. If this State does not obtain an infusion of Federal funds to enable it to provide necessary amenities, it may have no recourse but to take advantage of its new powers in this area, and impose additional personal income tax upon the people of our State. If this is to be the case, we can only wait and see just how far it will affect us.

Nothing in the Premier's speech indicated that there would be specific advantages other than those of a general nature applying to those people indulging in business in the country. It seems that they are to be taken into consideration as part and parcel of the whole field of pay-roll tax and are to be considered in the same way as businesses in the metropolitan area are considered.

So far as it goes, this method is undoubtedly a small encouragement to people in the country. No doubt, like all other taxes, pay-roll tax is based on the exemption of more competitive industries and this measure will possibly give encouragement to those in the country to get into a higher bracket so that they will then be subject to higher pay-roll tax.

It appears that in all States the rates and exemptions have been running at about the same level. The rates do not vary very much. In Queensland an annual wage bill must be around $62 000 before a business is required to pay pay-roll tax. With those few remarks I support the Bill.

MR H. D. EVANS (Warren—Deputy Leader of the Opposition) [2.23 p.m.]: I join with the Leader of the Opposition in supporting this measure. I should like to point out that there is greater opportunity for using its waiver as an inducement in decentralisation. I have made representations about two particular instances. One was in relation to a business connected with television sales and servicing involving a turnover of about $300 000. It seems to be at this level that business is up against it. The other instance concerns a hop grower. Unfortunately his level of eligibility for concession is not possible.

It might be possible to have a further look at the level of operation of country businesses to see how far pay-roll tax affects them. I appreciate that there has been an extension of the concession