Legislative Council

Tuesday, 13 November 1984

THE DEPUTY PRESIDENT (Hon. D. J. Wordsworth) took the Chair at 4.30 p.m., and read prayers.

CLOSING DAYS OF SESSION

Standing Orders Suspension

HON. D. K. DANS (South Metropolitan—Leader of the House) [4.33 p.m.]: I move, without notice—

> That Standing Orders, including SO 117, be suspended so far as to enable any Bill to be introduced and passed through its remaining stages in one sitting and any message from the Legislative Assembly to be received and considered forthwith. Provided that this order shall expire on 1 March 1985.

Question put.

The DEPUTY PRESIDENT: To be carried, this motion requires an absolute majority. There being no dissentient voice I declare the question carried.

Question thus passed.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE BILL

Second Reading

Debate resumed from 25 October.

HON. G. E. MASTERS (West—Leader of the Opposition) [4.35 p.m.]: The Occupational Health, Safety and Welfare Bill is aimed at improving occupational health, safety and welfare in the workplace. I think it is fair to say no-one in the Council, on either side of the House, or in the Legislative Assembly, would not support every genuine effort to improve safety and health in the workplace. We all know that some very serious accidents take place in the workplace and we all know that many of those accidents could be avoided if greater care were taken.

The short title of the Bill seems straightforward. It simply says, "Occupational Health, Safety and Welfare Bill 1984". The long title goes into a great deal more detail and says—

> An Act to promote and improve standards for occupational health, safety and welfare, to establish the Occupational Health, Safety and Welfare Commission, to facilitate the co-ordination of the administration of the laws relating to occupational health, safety and welfare and for incidental and other purposes.

The long title opens up a whole field to a commission that is being established by the Government. The document, on the face of it, is straightforward and we support its objectives; however, we draw attention to the possibility of extreme consequences that could result from some of the events that have occurred in the past by way of Government papers and statements.

The statement that I am talking about is a discussion paper which was presented by the Government to the public, to the business and industry community, and to members of Parliament some months ago. It was prepared by Dr Judyth Watson. If one looks at this discussion paper one can see that it is an example of how far some people with extreme views are prepared to go in the area of occupational health, safety and welfare or, for that matter, in any other area.

That discussion paper caused a great deal of concern because, when political bias and external pressures from various groups are applied they can lead to the imposition on the community of the most unreasonable demands and pressures not necessarily related to health and safety.

The point I wish to make is that the discussion paper presented by the Government called, "Occupational Health, Safety and Welfare in the Workplace" proposed some of the most serious and extreme recommendations that I have ever seen. The recommendations went far beyond what I consider to be areas of health and safety in the workplace.

The Bill introduced into the Legislative Assembly is exactly what was expected, not only by the Opposition, but also by industry groups and employer groups. We were not surprised when we saw that the Bill was a small Bill which proposed to do certain limited things.

The discussion paper released by the Government some months ago was received with a great deal of misgiving. A storm arose when the paper was studied by some industry groups. The Victorian Government took a public thrashing when it tried to introduce legislation which included most of the areas proposed in this Government's discussion paper.

The Bill seeks to set up a commission whose responsibility it will be to put the wheels in motion for occupational health and safety to be applied in the workplace, to bring the relevant Statutes under one commission, and to create a separate department.

Having set up the commission and given it certain objectives and authorities, admittedly under the control of the Minister, how far can the commission go in the area of health and safety? How

much control will the Minister have over what comes out of the commission by way of regulation and new legislation? How much control will those people who wrote the discussion paper have in this area? How much control will the Minister have in the operation of the commission, and the way it publishes material and influences the workplace by codes of conduct, codes of practice, and the like?

We believe that people with extreme views—radicals if you like—are influencing the Government in the area of occupational health, safety and welfare. We think that such people will cause disruption in the workplace rather than achieve anything else. I do not include in that statement all those people who have been responsible for drawing up this Bill. I do not suggest that the objective of all those people, including the Minister, is to go right down the line of the Government's discussion paper. However, the point must be made because it is a possibility.

The second reading speech was significant in itself; it was a very extensive speech and I am sure the Minister was pleased to reach the end of it. It was like reading a small book. However, even though the speech was a snow job, we should not overlook the intent behind the words. A clear indication was given that those responsible for helping the Minister to write the speech had some of the objectives about which we have reservations, and that those objectives may be to lay the foundation for future legislation and regulation. If it is not carefully contained, the Bill will enable the commission to pursue a policy along the lines of the document proposed and written by Dr Judyth Watson. I imagine that in going about its business the commission will not only study the legislation but also take into account the debate in this House and the reservations expressed by the Opposition; in other words, *Hansard* will be consulted. We hope that before the commission goes about the business of setting up regulations, codes of practice, and preparing another Bill, it will use *Hansard* as a reference.

It is necessary for the Opposition to spell out in detail the concerns it has and its objections to the Government discussion paper so that there will be no misunderstanding in the future. Our one great fear is that the Bill can be used as a vehicle to achieve by regulation that which could not be achieved by way of legislation. The Opposition in this House, and I am sure in another place, gives fair warning to the Government and the Minister that if some of the matters contained in the discussion paper were brought forward by regulation, we would have no option but to challenge them and to seek their withdrawal to protect the workplace in the areas where we have concern. I am not saying we are against occupational health, safety and welfare. Certainly, we are in strong support of any moves that improve health and safety in the workplace.

However, the discussion paper has been prepared, and we would be very concerned if, by regulation, the Government tried to achieve all the objectives contained in that discussion paper. If those regulations appear in that form we would have no option but to challenge them.

I have information, and I am sure the Minister has, regarding Saskatchewan in Canada where a commission has been set up similar to the one the Government proposes to set up. That commission achieved by regulation all the things that Government had not been able to achieve by legislation.

The Government discussion paper proposes the most extreme requirements in Australia. In fact, those recommendations are possibly more extreme than the provisions of any legislation available in other parts of the world. I take the opportunity to discuss the discussion paper and relate it to the Bill so that it is on record that the Oppposition is concerned in some areas and supports some of the Government's objectives in other areas.

One of the Government's objectives is to codify the current legislation governing the areas of occupational health, safety and welfare in the workplace. The Opposition does not oppose the drawing together of the various Statutes and bringing together areas that are fragmented, if that is in the best interests of the community. However, it must be clearly demonstrated that such action is in the best interests of the community. The Government should not draw all the Statutes together and create another bureaucracy just for the sake of it.

I believe the Government will undertake consultations with interested parties; that is employer groups, employee groups, and unions. Surely an assessment of the cost of these changes to the employer and the public will also be undertaken. In his second reading speech the Minister referred to a sum of $300 000, but that is only the start. I will deal with that matter at a later stage.

If the Government is drawing these Statutes together, it must be recognised that many successful programmes have been achieved in both Government and private areas. We cannot bring forward legislation, regulations, and codes of practice which break down the successful programmes that have already been developed and exist under the present framework. Those programmes must be recognised and protected. Reference was made to these programmes in the discussion paper—I

think this subject was raised by the confederation and other groups—and probably in the document the Minister circulated to members of Parliament and other people and which dealt with discussions that had taken place on the discussion paper.

A great deal of progress has been made in some workplaces towards achieving better health and safety standards. Many members in this House who represent the forestry areas know of safety programmes in the forestry industry. Certainly, the programmes in Mundaring have been very successful. Also other industries and small individual businesses have developed programmes with immense success. I had the good fortune to go to Mundaring when a presentation was made to the forestry workers there who had achieved an outstanding safety record. The workers were presented with a small prize in recognition of their superb safety record. Everyone was working in the interests of safety. Provided safety objectives are achieved, an annual get together is held and they are thanked for their efforts. That sort of thing is becoming more prevalent in the workplace; it does not apply to all situations, but it is a start. The Government is proposing to bring forward these recommendations and it is important that it is not carried away by people with extreme views.

Hon. S. M. Piantadosi: Who are these people with extreme views?

Hon. G. E. MASTERS: One or two of them would be among those responsible for writing the discussion paper. They could be the people who threaten the present programmes.

Hon. S. M. Piantadosi: Are you saying that Dr Judyth Watson has extreme views?

Hon. G. E. MASTERS: If she was responsible for writing some of those recommendations, yes. I suggest that it should be brought to her attention that successful programmes are currently being carried out in the workplace and that, in the mad rush to achieve some extreme objectives, the Government could run over some of these good programmes. It is important to recognise the success already achieved in this area and to ensure that these programmes are not broken down.

Through the discussion paper and the Bill, the Government indicates that it intends to set up central machinery for the supervision and administration of the Act. It is proposed in this Bill to establish a commission comprising certain members—we will talk about that later—to administer the Act. It will be a tripartite commission. It is also proposed to set up an unspecified number of committees to advise the commission. Unspecified advisory committees and such like, with expenses paid, can be a considerable cost to the community, so care needs to be taken in the establishment of advisory committees and groups. More and more often, regardless of what the Government says about reducing the number of people involved in committees and the like, we find more and more people being involved in one way or another at public expense. We ask that the Government take more care with the advisory committees, and keep them to a minimum, bearing in mind the need for some advisory committees.

As I understand it from the Minister's remarks during his second reading speech, there will be established an Occupational Health, Safety and Welfare Commission. The discussion paper talked about the division of the commission into three branches or subdivisions, but I cannot find that anywhere in the Bill. However, I understand there will simply be a department set up to handle occupational health and safety, and to handle the commission's operations.

There is a proposal in the Bill or in the second reading speech to appoint more inspectors. We do not say there should not be more inspectors, but care needs to be taken because when we are in a situation with armies of inspectors enforcing regulations, the opposite tends to be the result. People become resistant and object to inspectors coming into the workplace, enforcing regulations, and laying down the law. There are better ways of doing it than that. Nevertheless, we accept the need to appoint some more inspectors.

With the proposals for the department, and the like, I wonder whether the Government has carried out an investigation of the cost of achieving its objectives.

Hon. S. M. Piantadosi: What is the cost of human life?

Hon. G. E. MASTERS: I do not know if the honourable member is becoming agitated because of my speech. I thought it was very reasonable, and we are not opposing the Bill, anyway.

In relation to the cost of human life, I say that no cost can be too great when we are dealing with the protection of human life. If it related to the children of Hon. Sam Piantadosi, or to my children, or to ourselves, we would be conscious of the need to have that protection. I am not talking about that. I am simply saying that we could reach the stage of too much Government regulation, too many inspectors, and too much pressure on people who will resist rather than co-operate. That sort of thing does not achieve anything. I will deal with the reason I think better methods could be adopted in a few minutes.

I was wondering if a costing had been carried out on the setting up of the new department, and the like. It is the job of the Government, when setting up a new department and taking on new inspectors, to consider the cost. The Government simply cannot say, "The public will pay for it". I notice that there is a figure of $300 000-odd. Had Hon. Sam Piantadosi read the discussion paper, he would have found a proposition for a new bureaucracy—a new department and a new commission—to be set up. It was suggested in the discussion paper that a loading or levy be placed on workers' compensation premiums. That is a serious proposition for business and industry. It was suggested in the discussion paper that if the department cost the Government X number of millions of dollars, the cost would be loaded onto workers' compensation premiums. We all know that the cost of workers' compensation is an enormous burden on businesses, and particularly small businesses. In looking at the additional costs, the costs of the department must be balanced against the additional burden which will be reflected in unemployment or more unemployment.

Another proposal was for a levy of one per cent to three per cent on workers' compensation premiums. That suggestion was made in the discussion paper but not in the second reading speech. As I understand it, the cost of workers' compensation in Western Australia was $140 million last year. If one per cent to three per cent of that is taken, the Government will take anything from $1.4 million to $4.2 million.

If the Government is to pursue the suggestions in the discussion paper and build up another bureaucracy, are we saying to business and industry, "Yes, we are committed to occupational safety and welfare, and it will cost you, the employers, up to $4 million per year"? We really ought to know whether the Government intends to consider that recommendation in the discussion paper.

I would like the Minister in his reply to the second reading debate to tell us whether the Government is considering or intending to place a levy on workers' compensation premiums to pay for the department and the operations of the commission. If he says, "No", that will be fine. I am simply asking the question, bearing in mind that such a thing was suggested in the discussion paper.

Let us take the example of the United Kingdom. I know that it has a far greater population, and that it has a great deal of secondary industry. However, as an example of what can happen with health and safety, and new bureaucracies in the workplace, I advise members that in the United Kingdom the Health and Safety Commission comprises 3 700 employees, and it costs the public $145 million per year. I know it will not cost Western Australia the same amount. However, there is a strong possibility that this proposal will cost the public a great deal of money. I want to make sure that very careful consideration is given to those costs, more particularly when they will apply to small businesses and industries, and the people who are already burdened with workers' compensation costs. Many people are now refusing to employ more workers because of that problem.

The Government's discussion paper can be reflected in the Bill we have before us, and that is why I am bringing this matter to the notice of the Government. I said that I thought the Bill could be used as a vehicle for achieving the objectives in the discussion paper, and this is of concern to the employers. It is proposed in the discussion paper that employers will set up a local health and safety policy; and as long as that applies to businesses and industries, it is a reasonable proposition. It goes further, however, and provides that at the request of the safety representative, who will be a union appointee, the whole matter can be referred to the safety committee. Many industries and businesses have already set up committees of this nature; but the provision about which I am concerned is that they shall have access to all safety and medical records. It is all right if a safety committee made up of employees has access to some safety records; but health records are a private and personal thing, and they should not be looked at by anybody. I suggest to the Minister that if there is any move to allow personal medical reports of employees to be made available by way of legislation or regulation, we would challenge that recommendation.

The employees will establish the safety committees to draw up policies, rules, and procedures. It is all very well for them; but the main responsibility for the safety committees rests with the employers.

It is possible to go too far down the line with some of these proposals. Again talking about the discussion paper, I have already pointed out that the employers will have certain responsibilities; but the employees will certainly have the better part of it. Under these proposals they could not be dismissed or discriminated against because of any action taken over health or safety matters, even if after they have taken action it was proved there was no basis for that action.

[Questions taken.]

Hon. G. E. MASTERS: I am relating the recommendation of the Government's discussion paper to the Bill, because it is stated in the Bill that the commission can set up codes of practice

and standards and recommend regulations and new legislation to the Government.

Some reservations are held with regard to the recommendations of that discussion paper and, as a result of the concern of the Opposition, I give a warning that we will look at such regulations with a view perhaps to changing them.

I have talked about self-regulation in the workplace and have discussed already the responsibility of employers. I have mentioned also the responsibility of employees, but there is a proposal to set up a safety representative in every workplace. I do not know whether that means every workplace with more than five or six employees. Let us assume that is the case. The discussion paper proposes that the union, not the employees who work there, should specify a person who shall serve in that workplace as a safety representative. The employees are not to elect the safety representative. I think that is unreasonable.

The safety representative will have the right to demand a safety committee comprising work force representatives. I am not saying that is bad, but the safety representative should have minimum rights. Of course that is where we and the Government would part company, if the Government were to introduce legislation based on some of those minimum rights.

I will not go through all of them, because some are reasonable. There are some, such as the right to order a stopwork for 24 hours if, in the opinion of the safety representative, the safety and health of the workers are at risk, pending mediation or assessment by an inspector. I do not know how a safety representative, who may be unqualified, can make that sort of judgment and stop work for 24 hours and then ask the inspector to come along and mediate as to whether something is safe. If it is necessary to call in inspectors to mediate and resolve arguments between the employer and employee, surely safety representatives lose their effectiveness.

We have talked already about more inspectors coming onto the work site, and that is the reason I oppose that matter outlined in the discussion paper. Such a proposal would undermine the powers of the inspector because the safety representative would be able to initiate prosecutions. It would seem to me that as there are already officers trained to do that, it would undermine their powers.

The idea of a union appointing a safety representative who is able to go through the workplace and say, "That is unsafe, all out for 24 hours" is ridiculous. We can only guess at the activities of some people whom the unions would appoint. There would be some very good representatives, but one can only hazard a guess at some of the people appointed by the ETU or the BLF. They might misuse or abuse this right to stop work at any time they wanted, bearing in mind there would be no comeback, according to the discussion paper. Those people could say, "I made a mistake", regardless of the cost to the business or the cost of jobs.

We have to look carefully at these issues. I urge the Minister, when bringing forward further legislation which more particularly looks at regulations, to pay attention to these matters we have raised, because they will cause a great disruption in the workplace.

We believe the discussion paper went too far. If we note the reference made to the ILO Convention and the Robbins system we see again the discussion paper has distorted the facts. In his second reading speech the Minister made reference to the ILO Convention and the Robbins system, which is used in the United Kingdom and other countries. In fact, I think many of the ILO proposals are based on the Robbins report.

The primary base of the ILO Convention is consultation, co-operation, and education. Nowhere does it suggest powers for union-appointed safety representatives, yet we have a discussion paper which states it was taking account of the ILO Convention and the Robbins system, but in fact it suggests and recommends that this Government should make such provisions in the workplace which exist nowhere else in the world—except perhaps in Sweden in Scandinavia, where extreme provisions been made in the name of health and safety.

It is far beyond the British system, and the Robbins report advises against having a statutory requirement to appoint either worker committees or safety representatives. Yet the Government's discussion paper ignores that proposition and says that it bases its recommendations on the ILO Convention. Both the ILO Convention and the Robbins report use the word "reasonableness". ILO Convention No. 155, article 4, paragraph 2, states—

> to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, by minimising, so far as is reasonably practicable—

They are the words: They must take account "so far as reasonably practicable". They are the points that must be recognised. To continue—

> —the causes of hazards inherent in the working environment.

So the discussion paper put forward by Dr Judyth Watson made no reference to "reasonableness" at all. The Minister shakes his head, "No". If he does not think "reasonableness" comes into it, heaven help us! If that principle is not to be drafted into industrial legislation, heaven help us! The United Kingdom legislation based on the Robbins report states—

> It is the duty of every employer to ensure so far as is reasonably practicable the Health, Safety and Welfare at work of all his employees.

The Opposition has no argument with that proposition, but the Opposition warns that if there is no reference to reasonableness, the measures are extreme, there is not an understanding of the problems through extreme measures, and business, industry, and the Government are not prepared to take action, when the legislation and the regulations come forward the Opposition will have no option but to take steps in an endeavour to change the Government's proposals.

The discussion paper contains all sorts of statements which the Opposition believes are misleading. It states as support for the recommendation that asthma and dermatitis are irreversible when, in fact, occupational asthma and dermatitis have been found to be reversible. It is only a small matter, but it is important to note.

The Government appears to support the discussion paper, but I hope that the Minister, when he replies, says that the Government will not go all the way down the line with the Judyth Watson recommendations.

It has been stated that many cancer cases are work related. It is acknowledged there is no scientific back-up for that statement. The authors of the report have dissociated themselves from that statement, yet it has been quoted in this discussion paper. It is also stated that the British Medical Research Council said that six per cent of cancer deaths are work related. That would mean that 107 Western Australians died from work related cancer in 1981. The inquiries I have made with the Confederation of Western Australian Industry and employer groups show that the British Medical Research Council has never made such an estimate. However, the statement has been included in the discussion paper.

After making the Opposition's position clear and having stated that we oppose some recommendations contained in the discussion paper, I advise the House that if the Government brings forward a Bill which sets up a commission with powers to bring in regulations, codes, and standards of practice, it will be challenged by the Opposition.

The Opposition implores the Government when it commences work on these papers to make reference to *Hansard*. Let us not reach the stage where regulations are put on the Table of this House and the Government says that it has the authority and the power to bring forward such regulations and that the Opposition must live with them. The Opposition cannot live with them and there is no point in challenging the Opposition and putting it in such a position.

Without any shadow of doubt, the Opposition is committed to working with business, industry and the work force to improve health and safety standards in the workplace. The Opposition pays tribute to the efforts and significant improvements made over recent years by business and industry, whether large or small. Tremendous improvements have been made in the area of forestry, as Mr Lewis would well know. The Opposition will not relent in its efforts to make further progress in this area and for that reason it does not oppose the Bill before the House today.

Let me make the Opposition's position loud and clear so that there will be no misunderstanding: It believes that a code of practice should be developed as a guide to employers, and that should not be difficult to achieve.

The amalgamation of various Statutes on health and safety in the workplace should be undertaken if that is clearly demonstrated to be in the public interest. It should be clearly demonstrated after careful discussion and negotiation and after studying the effect of bringing these Statutes together, because not in every case will it be desirable.

The Opposition believes that the most effective method of improving health and safety standards in the workplace generally, is through educational training programmes. These programmes can be developed in schools, technical colleges, and tertiary institutions.

I point out to the honourable member who interjected a while ago that it is all very well having armies of inspectors and having rules and regulations and beating people over their heads; however, the answer is to educate employers, employees, and union representatives in order that there will be a better understanding and appreciation of the problems in the workplace, which are caused through lack of care and education in respect of health and safety. We ask the Government to look more carefully at the setting up of a commission which will make recommendations, as suggested in the discussion paper.

It is the duty of every employer to ensure, so far as is reasonably practicable, the health and safety of his employees in the workplace. It is the duty and responsibility of all employees to take reasonable care in the workplace and to make sure that their workmates do the same.

The final responsibility in the decision making and the maintaining of health and safety standards in the workplace based on the regulations and legal requirements prevailing at the time must lie with the management. It is no good having untrained people in the workplace or having untrained union representatives. The real responsibility lies with the foreman and the management.

Hon. S. M. Piantadosi: Is he trained?

Hon. G. E. MASTERS: I do not know whether the honourable member is suggesting that he does not agree with what I am saying; I am not arguing with the Government, I am making the Opposition's point of view clear.

In most cases employers go to a great deal of trouble to employ people who have an understanding of health and safety in the workplace. The smaller businesses cannot afford to employ such a person, but they have the responsibility to pay workers' compensation premiums and to keep people happy as well as make a profit. If one does not have a happy and hard working business, one is not in business. The honourable member may turn up his nose because he does not agree that anyone in business works hard. It is no good Hon. Sam Piantadosi's friends from the BLF beating the hell out of employees.

Hon. S. M. Piantadosi: You are embarrassing and a joke.

Hon. G. E. MASTERS: If the honourable member is prepared to make a speech and tell the House what is in the discussion paper I would be thrilled to bits, but my bet is that he has not read it.

Several members interjected.

Hon. S. M. Piantadosi: You are a joke.

Hon. G. E. MASTERS: Go on and laugh.

Hon. P. G. Pendal: He is right.

Hon. G. E. MASTERS: We have legislation before the Parliament which has been brought forward by the Government which will set up a commission to do certain things—recommend regulations to the Minister, set up a code of practice and standards of behaviour in the workplace and recommend appropriate legislation.

Distinguished Visitors: House of Commons Delegation

The PRESIDENT: Order! I am sorry to interrupt the honourable member but I thought he was going to complete his speech. I have waited until now to recognise the delegation from the House of Commons in the United Kingdom who are in the President's Gallery. I know that they are about to depart and go to the other place. I apologise for interrupting the honourable member to inform the House of the presence of the delegation.

Members: Hear, hear!

Debate Resumed

Hon. G. E. MASTERS: In conclusion, the continual updating of safety and health standards in the workplace must remain a priority with employers, employees, parliamentarians, and anyone else. This legislation seeks to impose on industry and business the most extreme health and safety obligations and responsibilities to be found anywhere in the world, and that is what the discussion paper does.

I intend to speak in the Committee stage of the Bill, but I shall not make reference to the matter at this stage. The reason I have gone into some detail on what we fear could happen is simply because the Bill proposes to allow the commissioner to formulate or to recommend standard specifications or other forms of guidance for the purpose of assisting employers to maintain appropriate standards of occupational health, safety and welfare in the workplace. This Bill can allow all these things to happen, but we must be very careful, and I have taken the trouble to detail these problems so that reference to the speeches in *Hansard* can be made by those people carrying out the operation of this Bill. I urge Hon. Sam Piantadosi to read the Bill so that he understands what his own Government is about. That would help considerably the members on this side of the House who are doing their best to progress the objectives of health and safety in the workplace.

HON. D. K. DANS (South Metropolitan—Minister for Industrial Relations) [5.33 p.m.]: I thank the Leader of the Opposition for his support of the Bill, and I take this opportunity to allay some of his fears. In the first instance we have a Bill setting up an Occupational Health, Safety and Welfare Commission. We certainly do not have before the House the discussion paper. The discussion paper would probably be the worst possible scenario, because that is what discussion papers are all about. Out of that discussion paper came plenty of discussion. That was its intention.

One of the things which disturbs me in Australia is that when one circulates a discussion paper in the political arena it is taken to be gospel. A discussion paper is simply what it sets out to be—a discussion paper.

Hon. G. E. Masters: I did not suggest you were going down the line.

Hon. D. K. DANS: It is to promote discussion and to be as controversial as possible.

This Bill was put to a tripartite committee. In fact the idea of setting up a commission to bring in legislation was my own, and one that I pushed very strongly. I believe the only way to get co-operation rather than compulsion is by having a commission in the first place that recommends to the Government the appropriate legislation, taking into account the views of all the participants. That is what we are setting out to do.

I have had a look around the world and read the legislative powers provided in other countries. The first I rejected was the system which operates in the United States of America, and indeed some of the systems which operate in Canada. The system in Britain, on the surface, looks best. It is a consensus approach, and that is what I am looking for in this legislation; to set up a commission and to achieve in the first instance the best possible commissioner—a paid commissioner. We then have three industry representatives and three worker representatives, and those will be professional in this arena. They will recommend the future legislation.

I am very much aware of what happened in Victoria and in New South Wales, where the Governments ran into the Parliaments with legislation. That is exactly what we do not want to do. Western Australia is in a unique position to co-operate with the national commission, bearing in mind the peculiar problems we have in this State, such as its size and the variety of its industries.

I pay tribute to a whole range of employers and industries with magnificent safety records. I will attend a function of IFAP on Thursday night, as I have supported that organisation, as the Leader of the Opposition supported it when the Opposition was in Government. Those people recognise that we are now moving into other areas. It is certainly recognised nationally.

New chemicals are coming onto the market every day of the week and we possibly have no idea of the effects of using those chemicals and various other substances. Those are the kinds of things this commission will be looking at. It will co-operate with the national commission. It will hopefully recommend legislation, not from the discussion paper, but the kind of legislation which has been arrived at by a consensus approach.

As members know, committees will be set up, such as industry committees and advisory committees, to gather all the necessary information. The idea of occupational health and safety legislation is, above all, to make the workplace a safe and healthy place to work in. But the primary role of the commission is to bring down the costs of those damaging and crippling diseases which beset Australian industry every year—some $6.5 billion worth. There is often a great furore about the road toll, the cost of which runs at something like $3 billion. Even if we could bring that down by $1 billion in the first year, the commission would be doing its job.

The commission has not been set up to bring in oppressive legislation. It has not been set up to act on its own motion. I cannot imagine three professional men from industry and three responsible people from the employees' side doing anything detrimental to industry. In other words, they will be setting up standards and codes of practice which enhance the workplace rather than put it out of business.

I agree with the Leader of the Opposition; no-one is against proper occupational and health standards. Some of our legislation today, whether we like it or not, is more appropriate to the industrial revolution. The steering committee which has been working on the consolidation of all the Acts—the members are all senior civil servants—recommends this very fully.

The Leader of the Opposition asked a number of questions; I cannot recall them all. First of all, we do not have the discussion paper before the Parliament, we have a Bill setting up the Occupational Health, Safety and Welfare Commission. The second reading speech outlines to the Chamber how that is to be done.

Secondly, there is no intention of imposing a levy on workers' compensation. I hope before this Parliament runs its course we may be able to bring in some of the legislation which the Opposition will hopefully support to bring down the crippling burden of compensation on employers, particularly small employers.

Medical records will not be made available to every Tom, Dick, and Harry. Prior to the election I attended a seminar in regard to this matter. The reason that medical records will not be available is that the medical fraternity spoke very strongly against such a situation. I certainly would not like people perusing my medical records, although it must be remembered that medical records are perused from time to time by insurance companies

and the Workers' Compensation Board. Sometimes it may be necessary, with the consent of the person involved, to look at his medical history if he is working in an area which has a risk in respect of occupational disease. There is a good deal of that today that we do not identify.

Had we had this type of legislation 20 years ago, we would not be talking about Wittenoom Gorge today and all the things which flowed from that. Despite the fact that the dangers of asbestos were known before 1900—

Hon. I. G. Medcalf: We did not know much about them.

Hon. D. K. DANS: We would not be talking about Wittenoom had we had this legislation then. The Government of the day would have done something about the matter, but we simply did not have enough information.

At some stage in the future if my plans are realised, and if I am around long enough, it would be my intention, with the assistance of industry, to set up a chair of industrial medicine at the University of Western Australia. That would be a step in the right direction. It would achieve two objectives: It would set about training experts in that field, and many doctors are interested in it now; and it would lift the standard. It would remove this matter from the political arena—if it is deemed to be in the political arena—and make it a proper health subject.

This is a Committee Bill, and it is a very safe Bill. It is sensible that we deal with this type of legislation in detail in Committee. All members are aware that two States simply rolled legislation into the Parliament. In New South Wales where my party had a majority in both Houses, the Government rolled legislation and has been in trouble ever since with both the unions and the employers. Mr Masters has quite rightly outlined what happened in Victoria. Those are the mistakes which we are not going to make here.

Hon. G. E. Masters: I'll bet you aren't!

Hon. D. K. DANS: I detected that position long before the Victorian experience and any sensible person looking at this issue, reading the discussion paper, and examining the reaction to it, knew very well the way in which we had to travel. It is the Government's responsibility, first of all, to get the right kind of people on the commission and, more particularly, to get the right kind of commissioner. It is the Government's intention to advertise that position not only in Western Australia, but also in Australia generally and overseas.

I thank the Opposition for its support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Hon. P. H. Lockyer) in the Chair; Hon. D. K. Dans (Minister for Industrial Relations) in charge of the Bill.

Clause 1: Short title—

Hon. A. A. LEWIS: I thank the Minister for outlining what he intends to do and for allaying our fears in respect of the Victorian legislation and the cost to workers' compensation. I shall look forward to the new Bill the Minister will introduce in relation to workers' compensation, especially as it affects the small business sector.

The tripartite agreement deals with the unions and the confederation, but small business sometimes does not have an input. The Minister did not mention it in his second reading speech, but he told me that one of the reasons he intended to have a committee system within the commission was to sort out the problems of small businesses or the problems in areas such as the one in which you, Sir, know I am interested; that is, machinery dealers.

The seminar run by the School of Mines in Collie was exceptional. People gave their views on occupational health and safety. I suggest that when the commission comes into operation it hold as many of those seminars as is possible.

I do not think either the Leader of the Opposition or the Leader of the House touched on the problem which is one of the hardest to fix. The Leader of the Opposition dealt with the Forests Department and its magnificent record. However, the Walpole division of the Forests Department had an accident-free period of five years. When an accident occurred, the morale of the department, which had been superb until that time, dropped and their whole world seemed to fall apart.

This matter is not mentioned in either the Bill or the discussion paper, so I am probably out of order, but it is a very pertinent point to the whole area of occupational health and safety.

I thank the Minister for his assurances; he knows I shall be following the regulations and anything that comes out of them very closely.

Hon. KAY HALLAHAN: I am pleased that, with this Bill, we are moving towards a stage of co-operation. I draw to the Committee's attention the problems faced by young people in the working environment. This subject is often overlooked and the ILO paper titled "Young People in their Working Environment" points out that young

people suffer mainly as a result of inexperience and lack of training. When we deal with clauses in the Bill which relate to areas which can affect young people, we should keep in mind that they have a particular need.

In Western Australia, 16 per cent of all claims are made by workers under 20 years of age. We need to keep that in mind. Next year is the International Year of Youth in the United Nations, so we shall be giving greater consideration to the needs of young people, and it is relevant to the Bill to point that out at this stage.

Young people are much more vulnerable to occupational disease than adults. They are very sensitive to ionising radiation, because they are still in a stage of tissue growth and genetic damage can be caused which can affect their parenting abilities. That is a matter of grave concern also.

Those are the areas we need to keep in mind. In addition, I refer to the hazards that women face in the workplace. There are indications that women claim a great deal less in terms of compensation than do men.

That probably indicates that they need to be educated about their rights. It probably indicates that we need a database to let us know precisely what is going on in the workplace. I will deal with that matter later in the Committee stage. It is important particularly because women re-enter the work force in different phases. While in the work force we might have men as one body throughout their whole occupational lifetimes; in regard to women we are looking at three separate groups—working; leaving the work force for childbearing; and returning to it.

An important problem which is getting greater recognition these days is that of repetitive strain injury because women are locked very much into areas where jobs are tedious and repetitive. It does not indicate that women are more prone to injury, but that they are in jobs which have that potential.

I ask members to keep those things in mind as we go through the clauses of the Bill.

Hon. D. J. WORDSWORTH: Being in the Chair at the time, I was not able to speak on the second reading, but I would not like this occasion to pass without making some comment.

As a previous Minister for Forests, I point out that the Minister for Forests has more concern for safety than perhaps any other matter. I say that to the extent that in the past—I do not know if the Premier as Minister for Forests is able to continue with this practice—the Minister became involved with and headed a safety campaign. He probably meets two-thirds of the staff of the Forests Department every year and makes a presentation to those whose records have shown that they have worked for a year without an accident. The majority did so. It was not done by regulation or by Acts of Parliament; it was done by participation. The workers soon appreciated that it was to their benefit to prevent accidents and that this in turn assisted their families.

As Hon. A. A. Lewis pointed out, not only was an award given each individual within a division for a complete year without accident, but also an afternoon tea and a keg were provided and the whole family participated. The Minister for Forests, to my knowledge, has never missed one such occasion. I hope accidents can be reduced by that type of inducement to accident-free days rather than by attacking the employer. The case I mentioned involved a Government department carrying out this project. Let us face it, most people would consider public servants to be difficult people to induce into being aware of their job and wanting to do a better job. Undoubtedly, the Forests Department achieved that result. It won a national award, which was well deserved. I hope that pattern can be laid down throughout the Public Service of this State.

Hon. S. M. PIANTADOSI: I welcome the opportunity to make a few comments on this Bill. I am a little disturbed by some of the remarks that the Leader of the Opposition made earlier regarding the people who helped to draft the Bill being extremists.

Hon. G. E. Masters: I didn't say that. I was talking about those who wrote the discussion paper.

Hon. S. M. PIANTADOSI: Those comments really disturbed me because the only interest of those people was to ensure that people at the workplace would have a safe working environment which would be beneficial both to the employer and the employee.

Comment was made about awards and the safety records of the Forests Department. I will not question that department's record, but I take this opportunity to point out that other Government departments and other employers also carry out similar programmes and initiatives and have award presentations for achieving a certain number of accident-free hours, perhaps 100 000 or 200 000 hours.

Hon. G. E. Masters: That is very good.

Hon. S. M. PIANTADOSI: From my personal experience, what has been left unsaid is how that number of hours has been arrived it. As we proceed through the Committee stage, I ask members to bear in mind what I say. Personal experience in the past has taught me that many of those figures

were fabricated. One incident that I can recall relates to an employee of the Metropolitan Water Authority whose hand was crushed in a press. That man spent two weeks in Sir Charles Gairdner Hospital, yet the record showed no time lost off work. All records indicated that the accident-free days had reached a total of 737.

This man was off work for some four weeks, two of which he had spent in hospital. When we questioned management about that matter they were somewhat embarrassed and immediately withdrew the days listed since the day of the accident. What further disturbed a number of workers was that when this worker applied for lump sum settlement before the Workers' Compensation Board, the employer contested the claim in court and the award handed down was only $3 000. On discovering that information, the union went to the hospital and obtained references from the staff. The employer and the insurance office then decided to settle out of court, and subsequently the man was awarded some $9 000.

In other incidents employees who have been involved in accidents have been given incentives to return to work although not on workers' compensation. The employers have said they will give the person light duties and will send him home after two hours. Many such cases occurred within the MWA. These people were being driven to work for two hours and were sent off as being sick. No lost time was recorded. To make matters worse, an employee at a certain depot which had attained 98 000 accident-free hours injured himself. At eight o'clock in the morning he had two visits, one from a junior engineer and another from a foreman asking him to return to work. He said, "No". At 9.30 a.m. he had a visit from a more senior engineer, asking him much the same question. At 10.30 a.m. he had a visit from the engineer in charge who offered him six weeks' overtime if he reported to work. When we raised the issue with the MWA it just looked upon it as being an incentive for getting someone back to work.

Hon. G. C. MacKinnon: I hope you produce some proof of this utter rot you are going on with.

Hon. S. M. PIANTADOSI: There is proof. A meeting also was held.

Hon. G. C. MacKinnon: This is utter rot.

Hon. S. M. PIANTADOSI: The member is one of the people responsible—

The DEPUTY CHAIRMAN (Hon. P. H. Lockyer): Order, please! I inform Hon. G. C. MacKinnon that when I call order I expect even him to come to order. I remind Hon. Sam Piantadosi to direct his comments to the Chair and he will certainly be afforded the total protection of the Chair.

Hon. S. M. PIANTADOSI: I ask the Chamber throughout the Committee stage to remember the point that awards as incentives are fine, as long as when accidents do occur they are recognised and the figures are not manipulated. If the Chamber wants proof of these meetings that have taken place on several occasions over the years attended by me when I was secretary of the water supply union where we were given that information by the MWA to overcome the problem, it is on record. It is not merely a statement that I am fabricating here today.

Sitting suspended from 6.00 to 7.30 p.m.

Hon. S. M. PIANTADOSI: The competitions and safety awards mentioned by the Leader of the Opposition are in operation at the moment. They need to be looked at carefully. A number of employers use that practice, but there are still some areas of concern. I ask members of this Committee who join the debate to consider what I have said.

During this Committee debate I would like to see consideration given to the provisions relating to people of ethnic origin. They have some special needs. When one is looking at the ethnic work force, one needs to look at the difficulties of language, race, discrimination, and prejudices.

The DEPUTY CHAIRMAN (Hon. P. H. Lockyer): The Minister for Planning will resume his seat.

Point of Order

Hon. PETER DOWDING: The President has directed that the Minister handling the Bill shall sit at the Table. Sometimes Ministers have to communicate with other Ministers. I now wish to communicate with Hon. Des Dans, Leader of the House.

The DEPUTY CHAIRMAN: There is no point of order. I remind the Minister that it is unparliamentary for him to walk between the Chairman and the speaker. He will have to make some other arrangement.

Hon. PETER DOWDING: The solution to that is not to insist on this silly arrangement.

The DEPUTY CHAIRMAN: It is not a point of order and the Minister knows that. If the Minister wishes to raise this matter there is an appropriate time for him to do that. That time is not now. It is unparliamentary. While I am in the Chair, the Standing Orders will be obeyed.

Committee Resumed

Hon. S. M. PIANTADOSI: Generally, ethnic workers are employed in low-level jobs and, in most instances, in process lines where the unions are not very strong. These people have suffered poor conditions in the past. Many have failed to gain representation on safety committees.

There was some debate about the role of inspectors and the increased number of inspectors needed to work with the proposed commission. Should the numbers be increased, I ask members to insist on the appointment of bilingual inspectors so that access is given to a greater number of the work force. Bilingual information units should also be made available and rehabilitation provisions for migrant workers should also be considered. At the moment there is no database in which to identify the needs of migrant workers.

In conclusion, I wish to read a quotation by Nic Calabrese who has studied and researched problems in the ethnic area. He wrote a paper entitled "Migrant and Occupational Health". He clearly indicated in that paper that people of ethnic origin have a problem. His paper said—

> Occupational injury and disease amongst migrants (male or female) must be viewed in terms of occupation rather than ethnicity. The strong association between JOF and ethnicity that exists in Australia has been used to label some migrant groups within the community as being prone to occupational injury and disease. The failure to consider causal factors beyond this simple association has resulted in myths which to say the least have been grossly unfair. The overseas experience and limited Australian information available suggests that occupationally related morbidity and mortality is unlikely to be significantly higher for migrants than for occupationally comparable Australian born. However the former face special problems in attaining appropriate H & S information, access to medical care and just compensation in the event of industrial illness. The solutions to the problems facing all workers in gaining access to a safe and healthy work environment will depend on major social, economic and political changes.

That clearly indicates there is a need in the ethnic area and all members of this Chamber should look upon this area justly and take those remarks into consideration. A lot of ethnic people work in process or mass-production line areas and in cleaning areas where there is much use of chemicals the effects of which are unknown. It has been proved that there are a lot of dangers in those areas which can affect people permanently. Many workers from Wittenoom Gorge are now dying from the effects of the jobs they held at one time and are receiving no real assistance. They received no information. I would hate to see a situation like that again occur. I strongly urge all members to consider the plight of those migrant workers.

Hon. G. C. MacKINNON: It had been my intention to sit quietly and to allow this Bill to proceed. I now tell my leader that I have changed my mind. It is my intention to oppose the measure. Motherhood would not be safe with this Government. It might be overworked, but it would not be safe. After listening to Kay Hallahan and Sam Piantadosi, I am convinced that this is an extremely dangerous measure.

Mr Piantadosi said, deliberately, with malice aforethought, that injuries covered by workers' compensation were covered up by departments. He especially mentioned the Metropolitan Water Authority. However, by inference, the same thing applies to other bodies.

We all know that one of the dangers of this sort of legislation is that safety becomes competitive. Indeed, it becomes more than competitive, it becomes a reward. All sorts of rewards are offered. We all know that in order to improve the figures, some staff members will do things on which the wrong interpretation could be placed. They might say, "What about coming back to work a little earlier". A manager might say, "You have had your compensation. We will put you on full pay and we will not make you work as much. You can sit in the truck and do all sorts of things". That is wrong and we admit it is wrong. Everyone knows it is wrong and everyone knows, to some extent, that it is done.

Mr Piantadosi told us that men with crushed hands were having that problem covered up.

Hon. S. M. Piantadosi: A man.

Hon. G. C. MacKINNON: I do not care if it is one man or a thousand men.

Hon. S. M. Piantadosi: Check your figures.

Hon. G. C. MacKINNON: What does the member think I have been doing during the tea break? Does he think that I went and ate after I had listened to the sort of malignant rubbish that he told us? I like the man as a fellow, but as a union secretary, he has made all sorts of unfounded accusations. His accusations in relation to *The Western Mail* and his accusations in relation to this matter are unfounded.

I lay a challenge down, here and now, to Arthur Tonkin to bring proof of the cases. This is representative of the sort of thing that can happen under this legislation.

When safety becomes a God and when prizes are offered for good figures, problems are created. One speaker referred to making the workplace safe and making people observe safety regulations. It is not always as simple as that. I was in the coach and motor body building trade. I worked with circular saws, bandsaws and shapers. Shapers are very dangerous pieces of equipment, they have a blade which sticks up and spins around at high speed. The machine is used to shape all sorts of wood. It is the most fiendish piece of mechanical equipment and can do a tremendous amount of damage. It shaves past the grain of the wood and bites into the timber. It is not possible to make the workplace completely safe.

I have also worked with grinding wheels and no matter how careful one is, bits fly off in all directions and can cause damage. I have been in workshops where it is necessary to yell to young people to put on their safety goggles because of the dangers in that situation. Everyone who has worked in workshops knows of the dangers which exist.

Of course, in order to improve the morale of employees, employers try to get the fellows back and give them light work. However, that is not the sort of criminal activity to which Mr Piantadosi refers. He referred to Wittenoom. It is true that I opened the hospital at Wittenoom one month and closed it the next. Nevertheless it was a Western Australian doctor, Dr McNulty, who was one of the pioneers in the discovery of mesothelioma. He discovered and laid down the principal effects and dangers of asbestos. There is a current wave of complete emotionalism sweeping the State over the use of asbestos, but there are plenty of ways in which asbestos can be incorporated into material and subsequently handled without danger. If one asked any sensible and well-meaning specialist in the field he would say that is the truth. Some very good men, both senior and junior, have been maligned without their having the opportunity to reply. I refer to senior men such as Harold Hunt, Jim Glover, Laurie Coonan, Ken Kelsall and the late Bill Batty who have given years of excellent service to this State and had the welfare of their fellow men very much at heart.

Mr Piantadosi has shown that this Bill can be a vehicle for stupid competition and for the sort of malignant rumour he is spreading tonight.

Hon. S. M. Piantadosi interjected.

Hon. G. C. MacKINNON: Prove it.

Hon. S. M. Piantadosi: I will prove it.

Hon. G. C. MacKINNON: If these people did what Mr Piantadosi said they did, then they are, if not criminally liable, so close to it that it does not matter because they took risks with men's welfare and with those men's future under workers' compensation.

I do not mind if a fellow in order to make his figures look good, says to a worker, "You have a bad back but come in and we will give you a light job for a week while you get over it". We all know that that sort of thing goes on—at least those of us who have worked in workshops in the real world. Even that is reprehensible to some extent, because how does one know if the fellow has a hairline fracture and whether he will run into serious problems if he lifts anything or carries out other duties? Malingering does take place in the workplace and, of course, efforts are made by good leaders to try to overcome that. However, when talking on the subject, Mr Piantadosi paints the worst possible picture of this sort of activity. He talks about people who are playing with men's lives. This legislation will apparently make it a State pastime. These are the sorts of things which lead me to think that although motherhood might be overworked by this Government it is certainly not safe because health and safety are not given the eminence they deserve.

Some unions are challengeable in this field. Mr Piantadosi talked about engineers, but some unions I know of have used this excuse in order to cover up a stupid strike or because they wanted to knock off for a day. We all know that is true, particularly you, Mr Deputy Chairman (Hon. P. H. Lockyer). You are from the northern part of the State and are close enough to the iron ore industry—although not representing it—to know that it happens now and again.

There was a time when safety issues were sacrosanct. If safety was involved, no one argued and everyone walked off the job straightaway. Mr Piantadosi says that under the legislation, it is covered up. I know that the Minister is very upset about this; he is probably about as upset as I am.

I have a personal axe to grind which I will now mention; I was Minister during the times he has talked of. I must say it was such a relief to deal with Mr Piantadosi who was half-way human as opposed to his predecessor, Mr Bennett. It was quite a change. These sorts of accusations level very serious doubts against good, loyal men who worked for the State and handled emergencies to ensure that we had the water we needed. Water can be a very dangerous substance; it washes away roads and can create many hazards. These men had to look after their jobs. We all know of the kinds of things that can happen and we are now warned that this will be enshrined in a special commission under the provisions of clause 6. The clause covers the responsible people in which this

whole field will be enshrined. Shall we make a total competition of it and lead men into the real situations that Mr Piantadosi swears occur even today? I think he is wildly exaggerating the situation. He has referred to cases where a person of ethnic origin who is unable to speak English very well, is sent home by the doctor but does not want to go, and is put on reduced pay as was the case in those days. At that time workers' compensation payments were considerably reduced. Mr Dans, Mr Logan, and I were on a Select Committee looking at workers' compensation and we are aware that the pay was reduced quite substantially.

Hon. D. K. Dans: We came to a unanimous decision.

Hon. G. C. MacKINNON: Yes, it was unanimous that day but I do not think it was the day after we made it. It is quite understandable that a good foreman should say to the fellow, "Come back and we will find an easy job for you to do. It must be done by somebody and we will let you do it and you will be on full pay". That kind of thing was done with the best intention and with the kindest consideration on the part of the foreman.

However, Mr Piantadosi made it sound like a criminal activity. It is not good enough. Will that be the end result of this Bill? I think it will be.

I will tell members a secret: Today in the party room I warned about this and I was told that due consideration had been given to it. I said that if that was the case I would go along with it and say nothing. I assumed that members had examined the Bill carefully and read the documents. I have been involved in workers' compensation. I worked in a trade which used dangerous equipment. I was born and bred in the timber country and in the timber industry we were using heavy equipment, rolling logs and carrying out other dangerous activities. The dangers that then existed do not exist today. The work is all done by machines. I have seen what happened in the past and I have known cases where men deliberately cut off their toes during the Depression in order to get compensation.

The classic story was told about the bloke who took his boot off to cut off his toe and then put the boot back on afterwards. That story was told to get a macabre laugh.

The sort of talk we have heard tonight puts ideas into people's heads. This Bill could lead to safety becoming a competitive matter, in order that people can get a free dinner at Christmastime, a bottle of beer, and the like. Is that where we shall finish up with this Bill? I sincerely hope the Minister for Industrial Relations allays my fears in this regard, because I was a little alarmed at one or two matters which Hon. Kay Hallahan raised. She referred to ionising radiation as being a great fear. Let me suggest that the average child doing his homework gets some form of ionising radiation from his computer. Children sit so close to their computers when they are working that this occurs.

As you, Sir, are well aware it is planned that, in order to meet hygiene standards in respect of fruit, vegetables, meat, and all export products, a cobalt radiation—ionising radiation—plant be set up. It would be to the detriment of Western Australia if such a plant were not established and if workers did not work there. I sincerely hope we are not put off such a project by emotional forewarnings.

We saw the effects of the data used in respect of Capel sands. Anyone knows it is possible to get more radiation from walking along the beach down there than from walking over the tailings in the town. Nevertheless, we saw headlines in the newspaper and a man was appointed to investigate the matter.

Is that to be the end product of this Bill? I was alarmed at the vitriolic attack on his old stamping ground by Mr Piantadosi.

I took the opportunity to ring some people who are no longer involved in these areas to check the position and I know exactly the situation and what has happened in regard to these cases. I know how well-meaning people, doing the best they can, not just for the Metropolitan Water Authority, but also for the men under their employ, have had their intentions totally misconstrued.

I was afraid that, if I did not speak, the position would not be made known. Are we to see a totally competitive field operating under this legislation? I sincerely hope not, because I took the assurances of Mr Masters and I had every intention of sitting quietly and not mentioning any of those sorts of fears. I have seen people hurt themselves slightly and go on working. It has been said, "You have a bit of dust in your eye. Let us look at it properly. You never know". Will that now be covered up?

I accept that the danger of manipulation always exists. I sound a warning that, however good the intention, let everyone beware and remember the speeches made by Mr Piantadosi and me tonight.

Hon. D. J. Wordsworth: I think he will explain himself later on.

Hon. G. C. MacKINNON: I hope he does and that his explanation and the Minister's explanation allay my fears, because at present I intend to vote against the Bill. I hope my somewhat

emotional approach to the matter has persuaded two or three others to join me.

Hon. D. K. DANS: Let us get the debate back to the Bill before the Chamber. We are talking about the Occupational Health, Safety and Welfare Bill which seeks to set up an Occupational Health, Safety and Welfare Commission. With the best intentions in the world, both Mr Piantadosi and Mr MacKinnon have been talking about aspects of the Workers' Compensation and Assistance Act. We are not talking about the Workers' Compensation and Assistance Act here tonight; we are talking about a Bill designed to set up an Occupational Health, Safety and Welfare Commission. That commission, established as we envisage, will prevent some of the things that have been spoken about tonight from happening.

The question of occupational health and safety is not obscure. Steps have been taken in this area in many parts of the world for a number of years. Indeed, the United Kingdom, Scandinavia, and the United States of America have been active in this area for some time. I do not want people to relate this matter to abuses of the Workers' Compensation and Assistance Act.

A report appeared in *The Australian Financial Review* of 17 October 1984 under the heading, "Court sets Tough 'Safety' Rules". It does not refer to tough workers' compensation rules. It goes on to point out that employers are obliged to prevent accidents, and that is what this Bill is all about. It says—

> Two decisions by the High Court yesterday imposed extremely high standards of care on employers (and their insurers) to provide a safe system of work for their employees.

I will not read the whole article, but I shall pass it to Mr MacKinnon, because these are the kinds of things the commission will be obliged to investigate.

If members read my second reading speech, as I am sure they have, they will see we are aiming at preventing these issues ending up in court, resulting in big awards against people. We do not seek to do that because those people have abused the Workers' Compensation and Assistance Act of whatever State is involved, but rather we are seeking to ensure that people have observed proper safety standards.

I take Mr MacKinnon's point about Dr McNulty. I am fully aware of that matter. When I spoke earlier, I referred to the fact that, had we had this kind of legislation in earlier days, certain things would not have happened. Dr McNulty may have been given free rein to do this work. His reputation in this field is worldwide and I am well aware of that.

However, the Bill before the Chamber is one which seeks to set up an Occupational Health, Safety and Welfare Commission, as outlined. It goes no further than that. It is a very good Bill, because it will not allow anyone to charge down the track doing his own thing, as has happened in many parts of the world. In the first instance, there will be a great deal of consensus. I imagine the employers will appoint the best possible people to the commission. I shall certainly look for the best professionals available, of whom there will be three. There will be an independent chairman, and we shall advertise that position worldwide, and three union representatives. Those people will be responsible for bringing forward the right kind of legislation which is acceptable to everyone and which will make the workplace reasonably safe. I take the point that we cannot have a 100 per cent safe area. It is true, however, that nine-tenths of the accidents which occur could be prevented.

In this Bill we seek to put together the machinery in order that the commission may give the legislators the right kind of information to enable them to make the decisions which will produce the right kind of legislation.

Hon. D. J. WORDSWORTH: I, like Hon. Graham MacKinnon, was worried about Hon. Sam Piantadosi's comments regarding the rigging of these competitions. I am still concerned when the Minister refers to the poisoning of cattle in the State of Michigan, because that was a different matter altogether.

Hon. D. K. Dans: I said it gave a spurt to their occupational health and safety legislation.

Hon. D. J. WORDSWORTH: I thought we were talking about workers' safety, but if this Bill gets into the field of the stock medicines Act we should take a second look at it.

Hon. D. K. Dans: You don't believe that? I didn't say that. Have you seen the factual record of how the accident happened at the factory?

The DEPUTY CHAIRMAN (Hon. P. H. Lockyer): Order, please! Let us get back onto the Bill.

Hon. D. J. WORDSWORTH: We are addressing the title and I believe that is what I am talking about. I never thought that the matter the Leader of the House raised could have come under the title. I would like an explanation or an assurance from the Minister that we will not go off that tangent in regard to the application of this Bill.

Hon. D. K. DANS: What everyone must understand is that a Federal commission has already

been put in position. It will be administered by the Ministers for the Environment, Health, and Industrial Relations. It will be looking at chemicals and matters concerned with occupational health. When I mentioned the State of Michigan, I was not making a point in regard to stockfeed. I saw a television programme which indicated that workers were handling materials about which they knew nothing.

One of the aims of this Bill is to make possible somewhere down the track the proper labelling of materials so that this kind of incident cannot happen. Occupational health and safety concerns all of us, not only people involved in factories. I made that point because in the American case 25 000 inspectors with records about 1 500 feet high resulted. That is the sort of thing we do not want to happen here, and that is why a commission has been brought in in the first instance by those people actually engaged down on the job.

There will be three union representatives and three employer representatives. There will be three professionals in this field and an independent chairman, I hope of very high standing, if we can get him; because that is the only way, given the vastness of our State, we will in a very balanced manner get the kind of legislation that we want which will not be draconian and will do the best possible job under the existing circumstances. The Bill goes no further than that. It does not bring anything into play at present. I hope members keep in mind that an occupational health and safety Bill should not be a workers' compensation Bill.

Hon. G. C. MacKinnon: I think we need to have a look at that again.

Hon. D. K. DANS: Yes.

Hon. G. E. MASTERS: I, like Hon. Graham MacKinnon and other members of the Opposition, was deeply upset and concerned by the comments of Hon. Sam Piantadosi. I point out that I do not propose to oppose the legislation, although Mr MacKinnon appears to have been convinced that there are now some risks with it. I think the member would agree with me: I do not think I have seen a Government Bill which was supported by the Opposition which was being passed and with the assurance of the Minister—we accepted it—so nearly destroyed or threatened by a Government member of Parliament, with no good reason.

That the member forgot to stand up at the second reading stage and had to bluster away on the title is no excuse. I suppose he was frustrated, or he appeared to be frustrated, by the apparent support from the Opposition for this proposal. The member showed an abusive attitude when I was speaking during the second reading debate which amazed me. The accusations that were levelled at people in departmental jobs were an utter disgrace, and I challenge the member, if he has the guts, to go outside and repeat those accusations about people in the community, unions, and departmental heads.

I mentioned that matter during the debate. I am not talking about workers' compensation; I am talking about the Bill. Mr MacKinnon properly mentioned discussions we had in our party room today. Mr MacKinnon said to me, "Are you absolutely sure that what the Government says it is going to do, it will do?" In other words, "Do you think they can go too far down the road? Do you think that people with extreme views such as Mr Piantadosi will have an influence on the regulations and the legislation that is coming forward, particularly in regard to the commission's duties?" I said, "All we can do during the debate is to accept the Bill in good faith on the assurance of this Minister, but at the same time spell out in detail word for word our fears that were mentioned and brought forward in the discussion paper.

We believe, and I think quite properly, mainly from talks with business and industry groups, that the discussion paper appeared to recommend extreme measures; in fact, the most extreme recommendations or measures of anywhere in the world except Scandinavia. With respect, we cannot live with those proposals and recommendations. I said to Mr MacKinnon, "I will sort it out. I will put it on record that if these things come forward the Opposition will oppose regulations and new legislation that brings forward these extreme measures". The Minister stood up and said he did not propose to bring forward those measures. The document is called "Occupational Health, Safety and Welfare Legislation—A Public Discussion Document, October 1983". The Minister said, "Right oh, I brought this discussion paper forward in an extreme way to get the reactions", and so he did.

Hon. D. K. Dans: And, I got them.

Hon. G. E. MASTERS: Nevertheless, it was our job as an Opposition to set out loud and clear, word by word, recommendation by recommendation, that if these things were introduced in that way we would oppose them. We were not opposing this Bill, so Mr Piantadosi got up in frustration, and started really breaking all our efforts. The Minister says, "All right, as far as I am concerned, they will not have extreme conditions. We will not have any extreme recommendations. We will bring forward legislation after consultation".

Hon. D. K. Dans: The commission will do that.

Hon. G. E. MASTERS: Yes, it will be the commission. The commission recommends to the Minister who then makes the decision.

Hon. D. K. Dans: That is right.

Hon. G. E. MASTERS: So it is really the Minister's decision, not the commission's. We have to understand that it is the Minister's decision. We are saying, "All right, this Minister has given an assurance to the Chamber. He has said that he will not bring forward any of these matters which the Opposition fears", but it may be that in years to come this Minister may not be in that position. He might be gone, or he might even be—

Hon. D. K. Dans: He might be up with the angels and Mr MacKinnon!

Hon. G. E. MASTERS: The new Minister may be someone like, heaven forbid, Hon. Sam Piantadosi. Imagine if a person such as he were handling this legislation and the regulations in the future! He has given us fair warning to expect the most extreme conditions. He will go right down the list. That is what we are pointing out. We fear people like Mr Piantadosi and so does industry. He has bitterness and frustration in his body and he will take the extremes in decisions if he can. I am staggered that he could stand up and embarrass his leader in this way but, more particularly, that he could sound a warning to all of us on the opposite side of the Chamber about what could happen if people like him were in charge of this legislation.

Mr Ian Taylor of another place, the member handling the Bill, issued the same warning. He said that the commission would go about its business as soon as it could, and he indicated to the Opposition that it was likely that some of these extreme measures could be proceeded with. The Premier came in and took over from him, luckily, I guess, for the Government, and he allayed the fears of the Opposition. Certainly Mr Piantadosi has done nothing to help us in our consideration.

I was going to oppose the Bill, but I take the Minister's comments in good faith.

We have put on record our fears and mentioned those aspects we will oppose in the future if they are included in legislation or regulations. By heaven, if the sort of comments made by Hon. Sam Piantadosi tonight are any indication of what could happen should the Ministry change, we will have a lot to do as an Opposition if we are still in Opposition.

I am not going to oppose the Bill, but I am disappointed that this sort of attitude has been adopted. I say again in clear terms that if the Government intends to proceed along the lines of the discussion paper with all its recommendations, we will have no alternative. I accept what the Minister has said, but we are very upset at what happened tonight after we showed our good faith in supporting Government legislation.

Hon. I. G. PRATT: I am in the position of disagreeing with my leader, although previously I would have agreed with him in supporting this legislation. I compliment the Minister for Industrial Relations for his answer to the second reading debate, which at that stage had me convinced that my decision to support the Bill was correct. My leader has mentioned the reservations which I find I now have. The realities of politics are such that I am afraid I cannot accept the Minister's assurances on this, with all the best goodwill towards Mr Dans—and it is not a personal slight on him because I have always found him to be a man of his word, and in other circumstances I could have accepted it.

I am sorry he has been put under pressure. We have heard rumours that he is about to be shuffled sideways and replaced with Hon. Peter Dowding, but tonight another person is staking a claim in the race for his portfolio—Hon. Sam Piantadosi. In those circumstances I cannot accept the assurance we have been given by the Minister, because when it comes into operation he may not be the Minister. Alternatively he may be a Minister but not handling this portfolio. Mr Dowding may be handling it, heaven forbid; or even worse, it may be Hon. Sam Piantadosi who is now staking his claim for that niche in the Government's action. I cannot accept those sorts of assurances in that sort of situation. I agree with Hon. Graham MacKinnon that what looked like being a Bill that faced a quiet, easy passage through this Chamber has now become a Bill which is not acceptable. The speakers on the Government side, and one in particular—Hon. Sam Piantadosi—have put a shadow on the Bill. Something we accepted is now in question. I cannot support it and I will vote against clause 1.

Clause put and passed.

Clauses 2 to 4 put and passed.

Clause 5: Objects—

Hon. G. E. MASTERS: I direct a question to the Minister. Clause 5(a) says that the objects of the Bill are "to promote and secure the health, safety and welfare of persons at work". I understand "health and safety", but can the Minister give an idea of what is meant by the word "welfare". It could mean anything and everything. I think we need to be specific in these Bills.

Hon. D. K. DANS: It really means what it says. We are not using the word "welfare" in the terms of social welfare. It is "wellbeing"—its broadest interpretation. These objects have been developed by the Western Australian Tripartite Labour Consultative Council. They are based on principles endorsed in ILO Convention 155 and recommendation 164, and on objects of similar Acts. The word "welfare" means "wellbeing"; it is not that a worker will claim any extra money for working there. We could take the word out and it would not make a great deal of difference to the Bill.

Hon. G. E. MASTERS: My next question relates to clause 5(g) which refers to promoting education and community awareness on these matters. The Minister may recall during my speech on the second reading debate I drew attention to the importance of education as the best method of dealing with injuries in the workplace. It is fair to say that no matter how much regulation or legislation is introduced or how many people we have wandering around with sticks rapping people over the knuckles, the one certain way to get improvement is to use education. We have to start when children are at school and train them to realise the dangers in the workplace.

Has the Government started work on or considered methods for promoting health and safety in the educational area? I know certain projects exist, but has the Government any specific ideas or proposals to pursue this matter from an early stage of school life in order to get young people involved in understanding this serious problem? It must go right through school life and into special training programmes. Are any changes planned to the education system?

Hon. NEIL OLIVER: I have in my possession a Bill introduced in the Legislative Assembly in Victoria, and as one reads the objects one sees they are identical—virtually word for word. The only difference is one Bill talks about "promoting" while the other refers to securing the health and safety of people. Clauses (b) to (e) are the same and the Government has put in (f) and (g). The point I raise is whether the objects of this Bill encroach on any other legislation. I refer to Acts such as the Construction Safety Act and the Machinery Safety Act, and an enormous number of others which encompass safety in the workplace. I am interested to know how the objects of this Bill will operate because obviously they will come into conflict with other Acts. Can the Minister say who will execute the administration of this Bill when it becomes an Act? Will there be a duplication of effort by inspectors under the two Acts to which I have referred? How does the Government intend to co-ordinate it? At this stage the objects of the Bill do not spell that out.

Hon. D. K. DANS: This matter has been well canvassed. The clause is self-explanatory. A special unit will be set up within the commission charged with the responsibility of education, because prevention is better than cure. In addition, one of the first special advisory committees to be set up, I hope, will be that dealing with education. That is what it is all about. To some extent, Mr Masters has hit on the nub of the Bill. An advisory committee will advise the Government on what educational methods should be employed and a special unit will be set up in relation to education.

I thought I had spelt it out clearly in the second reading speech. The commission will be an umbrella. A steering committee of Government heads of department has been working on this for many months.

Yes, some of the roles of the inspectors will come to the occupational health and safety division. The Government will be rationalising the situation, and that is what the heads of department have been doing for the last 12 months.

The Government will make a cash saving as it develops in that area. The objects of this Bill are similar to those in the Victorian Act because the draftsman chose to use the words of that Act, which were accepted by the consultative committee.

In answer to the question by Hon. Neil Oliver, the Occupational Health, Safety and Welfare Commission will be an umbrella to produce legislation and regulations which will all come to Parliament. This will be done in a rational manner similar to the way in which all the heads of department have set about rationalising these matters. The meetings of the heads of department were chaired by the Chairman of the Public Service Board, Mr McKenna. This is something that has been long overdue.

Hon. NEIL OLIVER: I appreciate the sincerity of the Minister in relation to this legislation. I am sure everyone wishes to see an improvement in safety in the workplace. However, the area of health needs more attention.

I seek the Minister's assurance that when the commission commences its deliberations he will not come back to this Chamber and say that the commission has met on so many occasions, that he has six volumes of reports, and that it has agreed unanimously to several recommendations, but not to others. We do not want to be told that we must accept the recommendations of the tripartite council.

The Minister is to be commended for bringing this Bill to the Parliament, but I am concerned as to where it will end. I am sorry that the Minister does not want the words "workers' compensation" used again, but it is a fact of life that the fewer claims one makes the lower the premium, the lower the cost to the employer, and the greater the net profits. There is a vested interest in safety and it has been going on for many years.

I ask the Minister once again if the objects approved by the Occupational Health, Safety and Welfare Commission will be brought forward to this Parliament in the same manner in which he has been so keen to put other recommendations of the tripartite council to this Chamber.

Hon. JOHN WILLIAMS: While I held some misgivings about this legislation the Minister, in his last reply, cleared up any misgivings I may have had. I know him well enough, and when he tells me something will come back to the Parliament that, Mr Oliver, is where it will end.

Hon. D. J. Wordsworth: In five years' time?

Hon. JOHN WILLIAMS: This legislation is trying to do something which I did not grasp until a few minutes ago. It is aiming to set up a new educative force within the community to educate workers from the word "go" about other aspects of life—safety, health and welfare.

I take this as a piece of legislation similar to the Bill concerning alcohol and drug awareness. I do not see anything sinister about this legislation because the checks are available. No regulations or legislation can be promulgated by the Bill itself unless the matter is brought back to Parliament. If that is not what the Bill states, I ask the Minister to correct me. The Bill is trying to create a public awareness and obtain a different industrial lifestyle from that which has been in place for the past century or so.

Hon. D. K. DANS: I say once more to Hon. Neil Oliver that the question of what regulations would go over to the Occupational Health, Safety and Welfare Commission was decided by the Government heads of department under the chairmanship of the Chairman of the Public Service Board. I have great regard for all the heads of department with whom I have come in contact and I have the utmost regard for the Chairman of the Public Service Board. They put their proposals to the Government and to the tripartite council which accepted them, and I accept them. There is nothing sinister about it. It is the start of something new.

In 12 months' time I would not expect to see a radical change, because in other parts of the world where this type of legislation has been enforced, the results have taken time.

In Denmark 55 per cent of the workers' compensation claims were for back injuries and after 15 years of legislation similar to this, the percentage was reduced to 5 per cent. One cannot put a price on human life.

In Australia, approximately $6.5 billion is being spent each year on industrial accidents and diseases. I am sure that if we can start whittling down that figure successive Ministers, of whatever political party, will surely be proud to look after this Act. Public awareness of this Bill should be at a great level.

I know that no matter how safe a workplace is, the worker is his own worst enemy. Sure, a person may saw off his finger to get workers' compensation, but when he goes to pick his nose he will realise that he should have kept his finger. I am not being smart, I am just giving a graphic assessment of how it works. The committee will act as an umbrella and will produce legislation and all recommendations will be brought to this Parliament. It is a two-stage operation.

The second step is that these matters must be brought into the Parliament. If the Parliament does not agree, we know what happens; it does not pass.

Hon. D. J. WORDSWORTH: What worries me is the extent to which these recommendations will go. When I spoke initially I saw this commission as making recommendations with regard to the wearing of safety helmets, etc. But will it go as far as recommending which chemicals such as 2,4-D farmers should be using on their farms? Will Hon. Lyla Elliott use this commission to air her concern about asbestos in brake linings?

It appears the Minister can take responsibilities from other Ministries to put under his own Ministry. I guess the Bill covers practically all one could want it to do. For example, even if the Government did have to list regulations, I do not know whether coming before this Parliament would be much good if the Government had control of both Houses. If the Government made a recommendation to stop, for example, the use of 2,4-D, would there be any appeal? I cannot see any provision for that.

Hon. D. K. DANS: That kind of thing would not be in the Bill. The commission would not be talking about what farmers should use; it would not be talking about the National Safety Council.

What one must understand is that there is a national commission, and the question of occupational health and safety is part of the accord. Members know as well as I do what will

happen at the national level. We do not have the money to examine every chemical which comes into the State. As many as 500 or 600 tests may be required on one chemical, and each test costs about $500. The national commission will see that that chemical is properly labelled, setting out any dangers, if there are any, and setting out how it is to be used and handled.

Hon. D. J. Wordsworth: Do we not have other Acts?

Hon. D. K. DANS: I am just saying what the national commission will do. None of the States has the resources to carry out all the tests necessary.

The matter was raised by me and by two Ministers from Labor States, and two from non-Labor States; we felt we had to be particularly cautious that the national Government did not exercise its external powers in this area. That is why I have been very quick to have this Bill in operation. It is fundamental to the accord, but more importantly, it is fundamental to the State of Western Australia.

There is no question of the commission banning chemicals used on the farm. It does not say that in the Bill. Any recommendation it makes will come to the Parliament. If there are to be new regulations, they must lie on the Table of this Chamber. That is why I was very keen to have a commission first, so that a consensus of the bodies in this State could make the decisions; in addition to that, it will have the power to set up advisory committees anywhere it likes.

One of the advisory committees I would like to see set up would deal with education and advise the education unit. It may well be that the education unit may from time to time go to field days in the country to show movies or give lectures. I do not think anyone would grizzle about that.

Hon. A. A. LEWIS: I was not going to enter into the argument again, because I thought the Minister had explained everything that we needed to know. Now he starts talking about the national accord and he has really got me worried. I thought the Minister was taking a very responsible attitude to the Bill by his consultative programme, but if the national accord and the national body has external powers and is going to threaten us or tell us what we are to do in Western Australia, I become extremely worried.

Hon. D. K. Dans: So do I.

Hon. A. A. LEWIS: What the Minister does not realise is that his fellow Minister, Mr Dowding, offered to let the Opposition have a member on its regulation-drafting body concerned with dangerous goods. The member who was nominated has never been consulted since. If we let the Minister go ahead with this proposal, I wonder whether the same thing will happen here.

This is to allow the Government to get the Bill through. When the Minister talks about national accords, he should remember his fellow Minister took no notice of what was being done nationally in respect of chemicals. Western Australia, funnily enough, leads Australia in mining chemicals. How do we know that we can believe the Minister in this present situation? I would like him to explain one thing, and that concerns the promise which has been wiped aside.

Hon. D. K. DANS: I think everyone who studies the political scene in Australia knows I was at the summit meeting where the accord was endorsed by all the people there, including the counsel of employer and employee organisations and leading businessmen in this country. The question of occupational health and safety was part of that accord.

To put members' fears at rest, we have our own Bill in the way we want. We are the only State in Australia which has brought in a commission first. The Commonwealth will do that. The establishment of the National Health and Safety Commission was part of a statement issued by Hon. Ralph Willis, and this is what he had to say—

> COMMONWEALTH/STATE RELATIONS
>
> The Government endorses the Interim Commission's view that the role of the Commonwealth should be primarily one of coordination and facilitation. The major jurisdiction over occupational health and safety lies with the States, some of which have recently taken significant initiatives in this field.
>
> State and Commonwealth governments have clear and distinctive roles and responsibilities in this area. The establishment of the National Commission will see no transfer of these responsibilities, but the undertaking of additional, beneficial activities. The significant Commonwealth input will be in standards development, research, training and information collection and dissemination, all more efficiently and effectively done at a national level.

I will not go on; it is there for everyone to read. It goes on to explain that the national commission will involve a tripartite-type situation and comprise the following people: Three members nominated by the Australian Council of Trade Unions, three by the Confederation of Australian Industry, one by each State Premier, one by the

Chief Minister of the Northern Territory, and one by the Federal Minister for Employment and Industrial Relations. When I answered Hon. David Wordsworth, I outlined the role of the national commission.

The Bill bolsters the position of the States in the areas in which they find it too expensive to operate.

In my naivety not long ago, I went to WAIT to have a chemical analysed. I thought it was a simple matter to have this done but I found that the cost would be about $500. We cannot afford that with thousands of new chemicals coming onto the market every year. The Commonwealth is prepared to undertake this work and the States are pleased that this should be so. We will certainly tap into the various institutes to be established to do the various labelling and to provide various information. We will have our own representative, as will the Confederation of Australian Industry.

Hon. A. A. LEWIS: The Minister for Industrial Relations left me a bit when he spoke about tripartite agreements, because 40 per cent of our work force will not be represented—big business is represented, but small business representing 40 per cent of our work force is not represented. It is very easy for him to say that these commissions will go on, but the people at risk are the ones in small business, and they are not represented. They were not represented in the national accord.

Hon. D. K. DANS: I was at the national summit and I thought that everyone was represented, even the flies on the wall. People there were representing all sorts of obscure groups besides small business, big business and tycoons. Let us leave the national commission to its own devices.

Sure, manufacturers do some labelling and other work, but it has been found necessary for more work to be done. Further, we have picked up a lot of information from around the world from countries where conditions are much more stringent, which means we must apply those conditions to our own. We should not knock that.

If the Commonwealth wants to set up its own facilities, it should be encouraged to do so, and we should obtain our information from those facilities.

The body established under this Bill will have a co-ordinating role. I told the member, and he readily agreed, that we would be setting up advisory committees. I have deliberately provided for this so that any industry group, large or small, which thinks it is somehow disadvantaged, can have an advisory group which will feed information into the commission. I do not understand how much further we can go, because I am very mindful of legislation in other parts of the world which has looked pretty good on paper, which has been extremely expensive, and which has produced no results. That has come about because other countries have put legislation in place first and then started to fit the framework around it.

We are doing it in two stages: We are getting the experts in first and then we are having them fit it out. Hopefully we will not commit the errors that other countries have made. Victoria has had trouble and in New South Wales, where Labor has control in both Houses, the Government leant over backwards to please everyone, but its legislation has not worked.

Hopefully, by taking this matter out of the political arena and giving it to those people who have to work in the industry and make money out of the industry—and that includes the union representatives assisted by some professionals and a top-rate chairman—we will not make those mistakes. At least we will minimise the chances of doing so. In any case, it will all come back to Parliament. We are simply setting up a commission and the objects around which it will work. Hopefully it will be in position by late 1985. It is not possible simply to wave a wand and have this established overnight.

Hon. C. J. BELL: The Department of Agriculture registers herbicides and pesticides and another organisation registers veterinary preparations. Is it intended that these products will go through a double process or will they continue to be registered by the present bodies?

Hon. D. K. DANS: I will have to quote from this paper on the national commission—

> The proposed National Institute is expected to be a most important part of our national strategy. It is to be the scientific and technical arm of the National Commission but it will also be able to develop an identity of its own because of the nature of its work.

That body will deal with those matters; an institute Bill will be introduced. I have no doubt that this will flow down through our own Occupational Health, Safety and Welfare Commission out to the Department of Agriculture.

Hon. C. J. BELL: So the current procedure will continue and the new arrangement will be an additional one. Is that correct?

Hon. D. K. DANS: At the national level the emphasis will be on research, training and education. The States cannot afford that—even New South Wales, which has all the money. The Minister for the Environment will be in control.

Hon. D. J. WORDSWORTH: I am amazed at where we have come in debating clause 5. We have reached the stage where the Minister, in response to my question, has explained that we have had a national accord.

Hon. D. K. Dans: You knew that.

Hon. D. J. WORDSWORTH: Yes, but I will be honest and say that I thought it was a great bit of showmanship on the part of the Prime Minister. I was staggered that he should have held it in the national Parliament. We have never had a public meeting there before.

The DEPUTY CHAIRMAN (Hon. P. H. Lockyer): What has this to do with clause 5?

Hon. D. J. WORDSWORTH: I am getting to that. The Minister has explained that it will be our duty to look at the regulations and that it will be up to the national accord to decide the major issues of this nation. He explained that this had all come from a decision—part of the accord—to have occupational health and safety standards and that the States would be expected to implement the various standards, the Commonwealth having done the overall research.

I am amazed that we should have reached the stage where the parliamentary system has given way to the national accord.

Hon. D. K. DANS: I want to be as objective and honest as I can. Surely Mr Wordsworth cannot be serious. I know he was educated. Everyone in politics, at least in Australia, knew what came out of the summit. Last night I heard the Prime Minister saying the same as Mr Wordsworth was saying—that people thought it was a bit of razzamatazz. However, whether the member likes it or not, it is working.

New South Wales had an occupational health and safety Bill long before the summit meeting, as did South Australia and Tasmania. Queensland had been working on its own for some time. We produced our green paper, long before the summit meeting where occupational health and safety was discussed.

All I am saying is that the Commonwealth Government will provide some extra facilities from which all the States will be able to obtain information. I think that is a good thing. That is done in a whole lot of other areas. That will be applied in three months.

This is our Bill, and we are dealing with how we will operate occupational health and safety in Western Australia. We will set up a commission which will provide all the things I have said before.

The member, I, and other people in this Chamber must accept or reject what is put before the Parliament. It is simple; it is not very difficult at all.

Clause put and passed.

Clause 6: The Commission—

Hon. G. C. MacKINNON: I would like to draw to the attention of the Minister a particular matter which concerns me in relation to the commission. The Minister was kind enough to send me a copy of a cutting from *The Australian Financial Review* dated 17 October 1984, headed, "Great Steps—Tough Safety Rules—Employers Obliged to Prevent Accidents" by David Solomon.

I have read and accept the point that this has become a serious matter. However, I am concerned about the attitude of the three judges who said that all blame rests with the employer. The particular case involved a garbologist who had to run across the road with a humper, which is a big rubbish container in which he puts the household rubbish and humps it across the road. He was hit by a negligent driver, yet the judges said that some blame rested with the employer. Fair enough, the employer has to accept some blame, but I noticed the Minister said he accepted that workers were their own worst enemies sometimes. An employee is often his own worst enemy. The point I want to make about the commission is that if we look at subclause (2) we note that the commissioner will be a man of academic qualifications.

Hon. D. K. Dans: Elected by the Public Service Board.

Hon. G. C. MacKINNON: What physical work he may have carried out in the work force would be purely coincidental.

Hon. D. K. Dans: I do not know about that.

Hon. G. C. MacKINNON: He need not necessarily have had any knowledge of work in the industrial situation.

Hon. D. J. Wordsworth: He may be a union secretary.

Hon. G. C. MacKINNON: I will come to that point in just a moment.

The next appointment is to be an officer from the Office of Industrial Relations of the Public Service of the State, nominated by the Minister responsible for the administration of that office. He again is more likely to be a man of academic background, rather than industrial background. The next member of the commission is to be an officer of the department, nominated in writing by the Minister. Nine persons are to be nominated by the Government, three of whom shall be nominated for appointment on the

recommendation of the body known as the Confederation of Western Australian Industry. There is no guarantee that anyone who has worked physically in the workplace, in a situation which encompassed some danger, will be included. Three persons are to be nominated on the recommendation of the Trades and Labor Council of Western Australia. At one time the ALP used to be run by the cream of the working class, but that is no longer the case. Might I suggest it is far more likely that the gentlemen from the TLC would be academics, with a background in union management.

I think Mr Jim McGinty is an academic with no real knowledge of the workplace. I have a feeling that Mr Meecham, the Assistant Secretary of the TLC, is an academic. He has a Bachelor of Arts degree, rather than a knowledge of the workplace as such. I think Peter Cook, now a Senator, who was on the TLC, has qualifications which are more academic than physical. I think so, though I am not certain about that.

I have had experience in the workplace, as have others, but it does not necessarily have to show. However, one would think that one would find some people with that experience on the commission.

Three people having knowledge of or experience in occupational health and safety shall be nominated after consultation with the Minister. Again, I believe that occupational health is a university, or at least a WAIT course. Occupational safety is probably likewise. The point I wish to make is that the responsibility is placed on the employer, as is illustrated in the Press cutting the Minister sent to me. I think that is somewhat unjust. There should be a division.

I am pointing out the alarm that we have been caused to feel in respect of this Bill. It seems to me that there will be no-one on the commission who has personal experience of the workplace or who has actually taken up a piece of metal and gone across to the grinder in a hurry and ground that metal without first putting on safety glasses. I think now there are safety glasses that are thrown away after use. I am afraid I am not up to date on that.

There does not seem to be any surety that anyone on this commission will understand the real day-to-day problems with various machines that are operated in the workplace. I know the situation has changed over the years and that all sorts of safeguards are present. I know that some of the high-speed, diamond-edged saws today could cut off one's arm quickly. I am amazed at the speed at which these machines operate.

I would like the Minister to say what assurance there will be that those people represented on this committee will not just be academics. I have pointed out that we could find ourselves with a commission of people with nothing more than an academic viewpoint. There is a need for some knowledge of the workplace.

The Minister mentioned that agriculture might be involved. I think that might have been a slip of the gun hand.

Many points of view will not be represented on that commission. The major point of view to be represented will be the university, or tertiary point of view, not the real day-to-day work point of view.

Hon. D. K. DANS: I assure Hon. Graham MacKinnon that the Confederation of Western Australian Industry, with which I have dealt from day to day on the question of safety, knows all about that issue.

Hon. G. C. MacKinnon: Not in a theoretical way?

Hon. D. K. DANS: No, not in a theoretical way. The Trades and Labor Council also knows all about it from its work in the workplace. IFAP at Mosman Park, a private organisation, also has excellent people involved in occupational health and safety.

Hon. Graham MacKinnon keeps missing the point, with due respect to him. In addition to the commission, there is the power to appoint advisory committees. It will not work unless that is done.

Hon. G. C. MacKinnon: What clause is that?

Hon. D. K. DANS: Let us get to that in a moment. There is the power to appoint advisory committees. That applies in the educational field and in this field. A person cannot be all things to all men no matter whether he works on the shop floor or whether he has a tertiary education. We need to be able to call on people and receive advice in this area, otherwise it will not work. We are not concerned about how many advisory committees we have. They will be very essential to the proper operation of this legislation.

Hon. G. C. MacKINNON: I thank the Minister. I take the point he has made. The Minister and you, Mr Deputy Chairman, have almost convinced me that we may not have to face up to all the fears that were apparent to us a little while ago.

Clause put and passed.

Clause 7: Acting members—

Hon. G. E. MASTERS: This clause relates to the appointment of an acting member to carry out the duties of a member who, for one reason or

another, is not able to carry out his duties. The clause states—

> the Minister may appoint an eligible person to act in the place of that appointed member . . . .

Who exactly is an eligible person? Who decides who is eligible, bearing in mind that the members of the commission are nominated by certain groups?

Hon. D. K. DANS: To be eligible to act as a member of the commission, a person must be nominated by the Trades and Labor Council or the Confederation of Western Australian Industry. I will appoint a person to act in that position upon that person being nominated by either body. Acting members have the same duties, powers, entitlements, and protection which will be afforded to appointed members. In other words, if one of the commission members who was a member of the confederation was not able to attend, the confederation would nominate someone to be appointed as an acting member.

Hon. G. E. MASTERS: I accept that the intention of the legislation is as the Minister says. I think there is always a risk, when these sorts of things are not written into legislation, that at one time or another, when Ministers change, a procedure will not be followed. I recall that, when I was a Minister, I did not put down in detail this sort of issue and I was hauled over the coals, not so much by the Minister handling this Bill because he would accept this sort of explanation, but by other members who would, under no circumstances, accept the explanation that I gave.

I accept what the Minister says on the understanding that what he says is recorded in *Hansard*. If the procedure is not followed in the future, reference can be made to the Minister's words in *Hansard*. I will not pursue this matter any further.

Clause 7 (2) states—

> The appointment of a person as an acting member may be terminated by the Minister at any time.

Again I would have thought that the normal procedure would be for the Minister to specify that notice be given in writing to the acting member and that the termination of the appointment of an acting member should be effective only upon notice in writing. It is not written into the legislation. I expect the Minister to stand up and say, "I can assure you that I would not terminate the appointment of a person without putting it in writing to protect myself". The point is that it is not in the legislation. The normal procedure in this sort of legislation is that notice be given in writing.

Clause 6, which I cannot talk about now, refers to the appointment of a person with some experience being nominated. We have passed that matter and I will not go back.

There are two examples which I have brought to the Minister's attention relating to the termination of the appointment of an eligible person being in writing.

I think there is a deficiency in the legislation but, having placed my objections on record in *Hansard*, if there are any problems in the future we can simply make reference to *Hansard*.

Hon. D. K. DANS: I thought my explanation was self-explanatory. I pointed out that a member must be nominated by a particular group. It would be hard to imagine my appointing an acting member from outside the groups involved in the commission as I would not do it, and my assurance is now in *Hansard*. Could the member in all fairness expect the Confederation of Western Australian Industry to go along with my appointing someone from the Chamber of Mines as an acting member?

All of the conditions are in the legislation. When the member who was unable to act in his position returns to the commission, I will inform the acting member in writing that his services are no longer required.

Clause put and passed.

Clauses 8 to 12 put and passed.

Clause 13: Meetings of the Commission—

Hon. G. E. MASTERS: Clause 13(6) states—

> At a meeting of the commission—
>
> (a) Only appointed members are entitled to vote;

Why are only appointed members entitled to vote? Does that mean that an acting member is not entitled to vote? I cannot follow why only appointed members should vote when the commission has a certain number of people on it.

Hon. D. K. DANS: Only nine appointed members are entitled to vote. When a vote is decided it shall be decided by a majority of the votes of the appointed members. That applies also to acting members.

Clause put and passed.

Clause 14: Functions of the Commission—

Hon. G. E. MASTERS: Clause 14 refers to a function to formulate or recommend standards, specifications or other forms of guidance for the purpose of assisting employers, self-employed persons, and employees to maintain appropriate standards of occupation health, safety and welfare. This is important because I understand the commission will be able to recommend regulations to

the Minister and, I would think, standards of practice and the like. After consideration and discussion in the normal way regulations can be presented to Parliament.

In formulating or recommending standards, is the commission in some way or other able to enforce those recommendations, or does it simply specify certain standards and circulate them to the industry purely as a guide without the ability to enforce those standards? The Government has included self-employed persons, and I make special reference to that. I would like an indication of whether there is any way the commission can formulate standards and enforce those standards.

Hon. D. K. DANS: I would have thought the clause was self-explanatory. The word "guidance" is used and that is an indication that it simply provides a guidance function for the commission. It cannot enforce its recommendations in any way. It will allow the commission to assist and develop with employers a safe system of work to maintain the desired standards in particular industries and occupations. If a self-employed person or a small business had some problems it could ask the commission to make recommendations and to provide guidance in this field. The educational unit may be used in some cases. If the educational unit is not used, certain specialised officers with knowledge of particular industries can be used. It is not a penalty clause, but merely one to allow for guidance to be given and to allow the Minister to have this guiding role.

Hon. G. E. MASTERS: In some ways the Minister is correct in saying that clause 14(1)(e) is self-explanatory. It must be understood that because of the Opposition's concern over what could happen under this legislation if, in fact, certain people were able to influence it as they would like, these explanations of the exact position must be on the record. I accept the Minister's word and I do not argue with him. We are taking the trouble to place this on record as we did previously with regard to the discussion paper. I accept that recommended standards and specifications will be circulated to employers and self-employed people as a guide to them on the precautions they should take in the workplace. The clause provides for nothing more and nothing less than that.

Hon. NEIL OLIVER: I refer to paragraph (k) of subclause (1) which states that one of the functions of the commission is to formulate reporting procedures and monitoring arrangements for identification of workplace hazards, and incidents in which injury or death is likely to occur in an occupational situation. That is a Pandora's box. I do not know what army of people will be required to move into the workplace in order to comply with that function of the commission. It is not included in any other legislation of other States to my knowledge because it is so encompassing. I do not think it would be possible for this function to be carried out.

Hon. D. K. DANS: It will not require an army of people. One of the areas in which we are deficient in this State and in the workplace is in the provision of a proper database. That is urgently required. There will be a simple reporting procedure. This is one of the areas in which we did a great deal of research and it is necessary to establish a data information base that can be used for prevention. The commission will need to devise procedures for reporting accidents and incidents and identifying hazards and monitoring them. That is all that needs to happen. It is nothing spectacular. For example 15 people could have had their arms sawn off in a particular sawmill and the reason not be known. In those circumstances it would be a good idea to have a database to ascertain that by simple adjustment the saw can be stopped from cutting off people's arms. In all good management procedures today, in this or any other State, a database is essential and it is not difficult to obtain in this age of computers.

Hon. NEIL OLIVER: I accept the need for a database and I accept the example given. However, the clause is very open-ended with regard to identifying workplace hazards. One could go on *ad infinitum* doing that. It is hazardous to work on a single-storey house on a scaffold when laying the last two courses of brick. I hope that reason will prevail in this case because I find this provision is not included in other legislation and it is open-ended.

Hon. D. K. Dans: Other States have very good databases in the workers' compensation field. We have not.

Hon. NEIL OLIVER: The clause is open-ended and it could never reach a conclusion.

Clause put and passed.

Clauses 15 to 18 put and passed.

Clause 19: Governor may transfer administration of certain laws to Minister—

Hon. D. K. DANS: I move an amendment—

> Page 12—Delete the subclause (1) and substitute the following—
>
> (1) For the purposes of facilitating the co-ordination of the administration of laws relating to occupational heath, safety and welfare, where the Governor is of the opinion that—
>
> (a) any law or a provision of a law relates to occupational health, safety

and welfare and that law or that provision is administered by a Minister other than the Minister charged with the administration of this Act the Governor may by order transfer the administration of that law or that provision to the Minister;

(b) any law or provision of a law not relating to occupational health, safety and welfare that is administered by the Minister refers to an officer of the Department the Governor may order that the reference shall be read and construed as a reference to an officer specified in the order,

and any such order shall have effect accordingly.

Hon. G. E. MASTERS: I would like the Minister to explain this amendment and the reasons for it. I had no trouble understanding the original clause 19(1); I have some difficulty in understanding the amendment.

Hon. D. K. Dans: It is the same as the present clause.

Hon. G. E. MASTERS: I cannot see it is. The words are different.

Hon. D. K. Dans: It means the same.

Hon. G. E. MASTERS: Would the Minister just explain it to me? I refer the Minister to clause 19 (1)(b). I guess there are some commas missing.

Hon. D. K. Dans: It was done in haste.

Hon. G. E. MASTERS: It may be some punctuation is needed.

Hon. D. K. DANS: This was put together during the meal break when we discovered a couple of things. I have just said proposed subclause (1)(a) is the same as original subclause (1). Paragraph (b) has been added to provide means whereby statutory boards under existing legislation will have power to refer occupational health, safety, and welfare matters, for instance, as in section 9 of the Factories and Shops Act. It will enable such responsibilities to be transferred to another officer mentioned in that order. Further examples relate to furniture and footwear.

What I am saying is that after the amalgamation the department of industrial affairs will still have control over those particular officers. I am just spelling it out. In other words, the Commissioner for Occupational Health and Safety will not direct the officers in those areas or any other officer carrying out those functions. We must maintain control.

Hon. G. C. MacKINNON: Do I understand that when the clause says, "any law or a provision of a law relates to occupational health, safety and welfare", this would include the Explosives and Dangerous Goods Act and the carrying of goods which relate to the safety and the welfare of the guy driving the truck? Can the Minister be given control of the whole Explosives and Dangerous Goods Act?

The Bush Fires Act refers to the use of spray for the control of weeds, for instance on a firebreak. That could affect the occupational health, safety and welfare of the occupants. Does that mean the Act can be taken over by the Minister?

Hon. D. K. DANS: Is the member talking about proposed clause 19(1)(a)?

Hon. G. C. MacKinnon: Yes, I am.

Hon. D. K. DANS: The member is just about spot on.

Hon. G. C. MacKinnon: It is rather sweeping.

Hon. D. K. DANS: Not really. This provides for the transfer from another Minister of facilities for the co-ordination and administration of provisions. The relevant Ministers must first agree on the subject matter. This will be subject to an order by the Governor.

To use the member's example of explosives, the two Ministers would come to an agreement. If they did not do it then and there, they would do it in Cabinet and it would be subject to an order by the Governor as to which Minister would carry out that function.

Hon. G. C. MacKINNON: On the face of it, this presents no real problem in that the law must be administered.

Hon. D. K. Dans: That is right.

Hon. G. C. MacKINNON: Let us stick to the Explosives and Dangerous Goods Act. The law is administered by the Minister for Transport. He administers it in a certain way. This will present difficulties in interpretation and administration in that by a decision of Cabinet the exercise of all the functions pertaining to that law and the regulations under it would be suddenly transferred from one department to another. With the changes inherent in this proposal, there are risks to the people operating here.

Following that train of thought, the Minister, who I understand is a very effective Minister, might tell me if he sees any worries, not from the Government point of view, but from the point of view of whoever might be driving the truck under the control of the Minister for Transport. This control is suddenly transferred to another Minister with a totally different idea of administration. I

wonder if the Minister could pursue that line of thought for a moment.

Hon. D. K. DANS: The member has taken a bad example in the driver of a truck containing explosive goods, because this is one of the matters the steering committee is still looking at. A better example is the hearing conservation Act.

Hon. G. C. MacKinnon: Now you are getting me frightened.

Hon. D. K. DANS: Not really. We have not determined whether that should stay with the Minister for Health or with occupational health and safety. We will work that out eventually.

Within our legislation and the issues we have discussed, it has been decided that the results of hearing tests will be confidential. The Minister for Health has not yet got that far. However, we shall determine who is best able to administer that Act.

Many employers maintain that the provision should be in this Bill, so that the department of occupational health and safety can carry out tests on the job. It is considered that department would be better able to understand the position. I do not know whether that is correct, but the steering committee will look at whether that will work. If it does not work, it will not be recommended, and the Minister must agree.

The only time that we shall make a decision like that is when it is in the best interests of commonsense and it would not be used to someone's advantage. The best example I can give relates to hearing conservation.

Hon. G. C. MacKINNON: I am worried about interpretation. For instance, enthusiasm sometimes runs away with people. I have no doubt our Premier is a well-meaning fellow and he has been very enthusiastic about stopping people smoking. He has increased the taxes on cigarettes and taken all sorts of other outlandish steps to achieve his aim. I am a reformed character in every sense of the word in respect of smoking. However, that illustrates that some people can get very enthusiastic about certain issues and that enthusiasm varies from Minister to Minister, but it can upset the whole structure of the legislation. These are the issues which are of concern.

I am concerned about the constant repetition of the word "welfare". I understand that, as far as the Minister is concerned, the word "welfare" is used in terms of a holistic approach to the well-being of people. However, the ACTU looks at welfare as being all the little backhanded payments to workers by way of extra time off, superannuation, etc.

Hon. D. K. Dans: You may think they do that, but they know what welfare means in this respect.

Hon. G. C. MacKINNON: The Minister may be right, but I am sure he is beginning to understand my worries. Practically every example he has given us has brought on another avalanche of concern. I accept that the explosives example was referred to on the spur of the moment. However, that is not the position in respect of sprays used in market gardens. Therefore, I am seriously concerned about this legislation. This whole issue could snowball and end up in chaos. I am quite sure, because of the remarks which have been made, that the Minister is aware of some of the concerns some of us have, and he has been so long-suffering that I shall withdraw my opposition because I have made the position quite clear.

Hon. G. E. MASTERS: I ask the Minister to examine the wording of proposed new subclause 1(b) which says—

> any law or provision of a law not relating to occupational health, safety and welfare that is administered by the Minister refers to an officer . . .

Surely it should read ", referring to an officer of the department". I could be misreading the provision, but it does not appear to make sense. It is not only our job to test the Minister on the details of the amendment, but we must also look at the wording of it to see what it means.

Hon. D. K. DANS: The amendment was put together during the tea suspension. I shall look at it. If a comma is inserted after the word "department", we may be getting somewhere, but if it needs tidying up I shall certainly attend to it.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 20 to 22 put and passed.

Title—

Hon. D. J. WORDSWORTH: We have heard a great deal about the Costigan Royal Commission.

Hon. D. K. Dans: I can't answer that one.

Hon. D. J. WORDSWORTH: Does not the Minister feel that this commission can also make statements and recommendations which could affect the livelihoods of people? It appears there is no right of appeal for the public.

Hon. D. K. DANS: I have not been involved in the Costigan commission. However, this commission will not be doing things like that. It will be formulating legislation and regulations which will come back to the Parliament. Hopefully, with the composition of the commission, it will not be making any silly decisions. That is why we went for a

commission in the first instance. I could understand the member's question if I actually had legislation, but I do not think any of his fears are real. As a matter of fact, in due course, I am sure he will be a great supporter of the commission and what it does in the future.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon. D. K. Dans (Minister for Industrial Relations), and returned to the Assembly with an amendment.

ACTS AMENDMENT AND REPEAL (INDUSTRIAL RELATIONS) BILL (No. 2)

Returned

Bill returned from the Assembly with amendments.

COMMERCIAL TRIBUNAL BILL

In Committee

The Deputy Chairman of Committees (Hon. P. H. Lockyer) in the Chair; Hon. Peter Dowding (Minister for Consumer Affairs) in charge of the Bill.

Clauses 1 to 11 put and passed.

Clause 12: Constitution—

Hon. P. H. WELLS: Clause 12(1) makes reference to the method of selecting persons from panels referred to in subclauses 6(1)(a) and (b) and 6(2) of the Bill. Is it envisaged when transferring subsequent Acts in relation to the Builders' Registration Board, the real estate board, or the settlement agents board—each board currently has panels of people who are drawn from their respective representative groups—that the Government will have specific panels within those Acts that will ensure the retention of people who are representative of the industries and the organisations connected with those industries, as is currently reflected in those Acts?

Hon. PETER DOWDING: One of the problems is that we are trying to set up an umbrella organisation and then bring in the specific legislation. The short answer to the honourable member's question is, "Yes, most definitely". Remember, if he would, that what he has brought in will be the subject of legislation itself and open to debate. I have made it quite clear that my attitude to the philosophy of the bodies that have been set up is that they are most effective when they are essentially self-regulatory bodies; in other words, the legislation must have industry confidence and industry support and there must be a very great deal of industry acknowledgment of the imnportance of the standards set by those boards. The short answer to the member's query is, "Yes". It is the Government's intention to make sure that those Acts as they are brought forward fully accord with those principles.

Hon. P. H. WELLS: I thank the Minister for that explanation because it clears up a big question in my mind. I have another small question which I am certain the Minister could clear up just as quickly. Am I to understand that clause 12(4) is intended to accommodate that type of setup and that any subsequent Act will override this proposed Act; so that is the means by which these panels will be able to be set up and drawn as the Minister has outlined?

Hon. PETER DOWDING: Yes, that is so.

Clause put and passed.

Clauses 13 to 15 put and passed.

Clause 16: Powers of the Tribunal—

Hon. PETER DOWDING: As a result of a report to this Chamber by a committee, I have had put on the Notice Paper some amendments which I believe meet the points raised by the committee. I move an amendment—

> Page 9, after line 39—Insert after subclause (1) the following new subclause to stand as subclause (2)—
>
> > (2) A person is not excused from complying with a requirement under subsection (1) to swear, or to answer any question, on the ground that the answer to a question put to him might incriminate him or render him liable to a penalty, but an answer given by a person pursuant to a requirement under subsection (1) is not admissible in evidence against the person in any civil or criminal proceedings other than proceedings for perjury or for an offence under a relevant Act arising out of the false or misleading nature of that answer.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 17 put and passed.

Clause 18: Reasons for decisions—

Hon. PETER DOWDING: I make it clear that I am not explaining my amendments because the reasons for them are amply expressed in the report of the committee. I move an amendment—

Page 11, line 17—Delete the figure "7" and substitute the figure "14".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 19 and 20 put and passed.

Clause 21: Power to cure irregularities—

Hon. P. H. WELLS: I have some difficulty in accepting this clause and perhaps the Minister might be able to assist my understanding of it. The clause appears to have an extremely broad coverage, much broader than I have been able to find in other Acts, because it talks about irregularities which may have occurred. It is therefore an appeal on an application or a proceeding before a tribunal. It says it will cure irregularities and I gather it means like a doctor might cure a cold; so, in other words, it will reverse it. The point is that the reversal, according to the definition in the Bill, overrides every other Act in existence, as I understand it. Clause 21(1) provides—

> the Tribunal or the District Court may cure the irregularity by ordering that, subject to the fulfilment of such conditions as may be stipulated in the order, the requirements of this Act or of any other Act or law be dispensed with to the extent necessary for the purpose.

The first thing we need to find out is what is meant by "irregularity". The dictionary says "irregular, contrary to rule". I assume that to mean contrary to law. It also defines it as "abnormal, uneven, varying, not normal, disorderly", and so on. Can the Minister explain what he means by "irregularities" in this case and give us some examples which would require the power to dispense with any other Act which this Parliament has passed?

Hon. PETER DOWDING: There are a lot of clauses calling for formal requirements of certain procedures in relation to credit contracts; for example, the requirement for certain time to lapse or for certain writing to be entered into or a certain form of contract to be adopted. I understand the clause to give the tribunal the power to get to the real issues between the parties rather than being bogged down in too much technicality on exact formal compliance with the various requirements of the credit legislation. I read "irregularities" as referring to procedural matters and the requirements in relation to form, but not going to the substance of the credit laws.

It is intended the tribunal should have the power to deal with the real issues rather than some technical, legal, or procedural matters. We all know what a good reputation the legal profession has in this Chamber and how much members like to see the technical form of the Statutes we pass adhered to at all costs. We are seeking to give the tribunal power to get to the real issues rather than procedural issues.

Hon. P. H. WELLS: I would like to explore that further. Is the Minister saying that the extent of the word "irregularities" in this case relates to procedural matters? I had some feeling that may have been the Government's intent. If that is the case, would it not be appropriate for the word "procedural" to precede the word "irregularities" because the present wording really goes beyond that although the Minister says that that is what is intended? Why should not the intent be written into the Bill?

Hon. PETER DOWDING: I do not share the member's view that the word adds to the clause. I believe the intent of the clause is clear. As soon as we start inserting words which restrict the meaning of the word "irregularity" we start limiting the power of the tribunal to get to the real issues and then there will be a debate about whether a time limit is procedural or administrative, or has some other characteristic. We are talking about irregularities; they may go beyond procedural practice and deal with statutory irregularities—the formation of the contract may be in 16 point type like the old Hire-Purchase Act required, and it may be that when the tribunal looks at the issue it will find it is not the substance of the dispute between the parties. It may be simply a red herring. It is intended the tribunal should be able to deal with the real issues. The tribunal cannot overlook the real issues because it has been directed only to overlook or exempt compliance with irregularities. To limit the framework of that to procedural irregularities does not advance the cause of the litigants before the tribunal at all.

Hon. I. G. MEDCALF: I have listened with interest to the questions raised by Hon. Peter Wells and to the Minister's replies. I have been concerned that this Bill, as far as I can see, does not lay down the functions of the tribunal. It says it will have jurisdiction to hear such matters as are conferred on it by various Acts. I have been at some pains to work out in my mind what kind of issues will go before this tribunal and what kind of disputes it will hear. If the Minister could explain that, we could consider further the question of what irregularities might have to be cured in the course of hearings.

The point that concerns me is that the Minister has indicated that not only procedural irregularities may be included but that it may mean—I think he said—changing some statutory requirements. Of course it would because it talks

about altering or amending other Acts in which there is some irregularity. Of course that is for the purposes of the dispute, and I concede that, but if we knew the kind of dispute which might occur and the kind of irregularity which might be cured it might help to explain to the Chamber the justification for this proposed section.

I am aware the Law Society committee has raised objections to this proposed section, and no doubt the Minister has received a copy of the paper from the society. The Law Society has raised a substantial issue on which I would like to hear some further discussion with perhaps an example of the kind of dispute and irregularity which might arise and which might be cured by this proposed section.

Hon. PETER DOWDING: With all due respect the honourable member should not draw me into hypothetical examples because it might in some way be thought to limit the ambit of the words. As an example of a dispute which is referred to the tribunal, one only has to look at clause 85 of the Credit Bill which refers to the power. If there has been a breach of the proposed Credit Act or the proposed Credit (Administration) Act by reason of which the credit charges are not claimable, or a portion of them is not claimable, by the credit provider under clause 85, that dispute can go before the tribunal which has the power in exercising that jurisdiction to overlook irregularities which might have occurred.

That is the power we believe should exist. It is the power to do essential justice between the parties to a dispute before the tribunal and to deal with the substantive issues rather than the technical issues where it believes that is appropriate. That is a classic example of where that power may be best used. In the Credit Bill reference is made to a number of matters referred to the tribunal for litigation. One is the liability of parties to in-link credit situations. Another is the liability of parties in licensing issues. I only want to deal with it in the broadest terms by saying that it is an effort to give the tribunal power to deal with the real issues before it and not what might be described as the legal technicalities of procedural matters where people are perhaps a day out in terms of compliance with a contract.

I take for example a situation where a credit provider is obliged to see that a credit document is handed to a party taking credit; where it is obvious that a document came to the notice of the party without being handed to it; where the party has relied on the document despite the document not having been physically handled at the time; where the parties have required a document that does not conform in all respects to the required copy, but nevertheless the substantive document has been in the hand of the consumer. That may be an irregularity that the tribunal may overlook. I have given a number of examples which could arise and to which this clause is directed.

I am very loath to try to clothe that term with other words because I believe the plain meaning directs us to what are essential technicalities. It is desirable that there should be that power rather than a jurisdiction where each element of performance, however relevant to the real issues before the tribunal, must be established perhaps to the detriment of the credit provider and in some cases perhaps to the detriment of the credit receiver.

Hon. I. G. MEDCALF: I thank the Minister for that explanation. I still find it a very intriguing subject.

The Minister mentioned licensing requirements. We all know that if a person does not renew his driving licence and he is the cause of an accident, the Motor Vehicle Insurance Trust will pay out, but will claim against him because he is an unlicensed driver. There are fairly severe consequences for not doing something which one ought to do but often they are minor matters in many ways. The failure to renew a licence on the due date may occasion a very severe penalty, not only in the case of a driver of a vehicle, but also in the case of somebody who is claiming to be entitled to fees. We may be dealing not only with the credit provider, but also with, perhaps, a builder who has not become registered, although he could have become registered, and who is qualified in all respects, or some other person where there has been some irregularity in applying the licensing requirement.

Normally, that would go to the root of the issue and put someone out of court in relation to his claim. A builder cannot claim unless he is registered; and I have given an illustration of a driver of a car who forgets to renew his licence, has an accident, and finds he is liable to the Motor Vehicle Insurance Trust. I ask the Minister: Would that be an irregularity?

Hon. Peter Dowding: I think that is a matter of substance. It is not a technicality; it goes to the root of the issue.

Hon. I. G. MEDCALF: It is an interesting point which could be fraught with legal argument.

I wonder if this clause could not be tightened up in some way. I take it that this Bill is a copy of the New South Wales or Victorian legislation.

Hon. PETER DOWDING: I do not have an officer here to lead me through the provisions of the other Acts. I do not believe that the case

outlined by Hon. Ian Medcalf would lead us to irregularities; it would be a matter of substance.

Let us look at clause 21 of the Credit (Administration) Bill which requires a licensee to pay an annual fee and submit an annual statement containing prescribed particulars. Again, the honourable member is leading me into an area of definition which I believe is a matter where the tribunal can clearly lay down interpretative judgments about its practice.

Hon. I. G. Medcalf: I think you have to be prepared to give examples.

Hon. PETER DOWDING: I am referring to matters I believe would be arguable and which are appropriately dealt with in this clause.

Clause 21 requires an annual statement containing prescribed particulars. Let us assume that the statement is silent on a matter which is prescribed. My own view, and the view expressed in this legislation, is that the tribunal should not simply find that the applicant for credit is, by reason of the absence of that prescribed particular, debarred from either being licensed or from having been found to comply with the terms of the Act, and thereby from the potential ability of the credit provider's licence which is essential to the credit provider's right to claim benefits for being a credit provider.

It is an irregularity which I see should be cured by any tribunal faced with an issue where it is not a fundamental breach. Where it is an irregularity and where it comes to the root of an issue—that is, for the non-disclosure of a final liability which would reflect on the credit provider's credit provision—it would be open to the tribunal to treat the omission as an irregularity and deal with the real issues before it.

Clause 30 requires the tribunal to restrain an unjust contract by a credit provider. There may be a range of matters where irregularities have occurred, but where the real issue should be before the tribunal.

To illustrate it I suppose I could go through the legislation and speak to each clause in which the tribunal is given jurisdiction, but we are talking about matters which do not go to the substance of the issue that the tribunal is trying; that are peripheral; and that ought not, as a matter of equity and justice, affect the rights and liabilities of the parties but which ought to be cured for the purpose of getting to the issue between the parties.

Hon. I. G. MEDCALF: The Minister has very adequately explained this clause in the terms of the credit legislation; but the part which concerns me is that the legislation is likely to be extended to apply to a number of other Acts. It is more or less a standard form for setting up a commercial tribunal in any number of other areas which the Parliament decides should come within the scope of the legislation. Perhaps that explains why this Bill does not set out the functions of the tribunal, because they will depend upon the jurisdiction conferred upon the tribunal by specific Acts from time to time.

I cannot help thinking of some of the other Acts which are sudden death in relation to complaints for what we might regard as minor details or time limits of relatively little importance.

Hon. Peter Dowding: You mean limitations, and the like?

Hon. I. G. MEDCALF: Yes, in some cases. I instance the Bills of Sale Act which provides, in section 6, that a bill of sale shall contain the full names, addresses, and occupations of the grantor and the grantee, and so on. It is very specific. If the bill of sale does not contain the full details, it is invalid.

Hon. Peter Dowding: We are changing the law.

Hon. I. G. MEDCALF: It is a shocking thing, but that is the law. Many other Acts are much the same. They have very rigid requirements relating to specific times. Sometimes there is provision for the time to be extended; but in many cases there is very little justification for having a rigid time limit.

I am not suggesting that the Bills of Sale Act will necessarily be dealt with by a commercial tribunal, but who knows. It probably will not happen, because the Act is probably marked for eventual substantial amendment or repeal. However, it is a problem when it is expressed in such general terms.

I do not think Victoria has a Bills of Sale Act, or at least not one like ours. When the Government imports sections from another jurisdiction, it must be careful. I have given three illustrations—the Bills of Sale Act, the registered builder, and the unlicensed driver. In all of those cases, the parties may be completely out of court. They lose their action because of a failure by a day or two, or by leaving out some relatively unimportant detail such as somebody's occupation.

I would have regarded it as a minor irregularity, but I suppose the law does not.

Hon. Peter Dowding: Not the licensed builder or the driver. You mean the bills of sales' requirements are minor?

Hon. I. G. MEDCALF: Yes. In the case of a registered builder, it is a pretty severe penalty. There are other examples of people who have been unable to claim their rights because they have

failed to review some application, licence, registration, or certificate.

I take it the Minister is saying this is purely procedural, or it goes to a matter of form, and in no case is it intended that this clause would affect any matter of substantive law?

Hon. PETER DOWDING: I would argue with that because, on the plain reading of the clause, not only must there be an irregularity affecting certain things, but it must also be an irregularity the curing of which—

Hon. I. G. Medcalf: It does not really qualify it.

Hon. PETER DOWDING: It does, because subclause (b) requires that the irregularity, if cured, will conduce to the expeditious resolution of any substantial issue or question between the parties. A substantial question in issue must exist. An irregularity cannot be cured with the creation of a substantial issue. I would say that a substantial issue must exist; therefore the motor driver's licence example would not be cured, but the bill of sale provision, or something similar to it, may be cured.

In any event, I adopt entirely the description of the clause by the honourable member. Certainly that is the intention of the Government. If it appears, through developments in the administration of this proposed Act, that the clause is being used for other purposes by some interpretation as to a contrary effect, it is a matter to be reviewed. As the honourable member said, this is very new law, and undoubtedly we will be back here with it in due course, curing defects and adding to it in order to achieve the objectives we set.

Hon. P. H. WELLS: I doubt that a similar clause to this was used in Victoria, because Victoria does not have a tribunal. I cannot find a similar provision in the New South Wales Bill. In New South Wales, such matters are referred to the Supreme Court. It would appear to me that this provision is being included deliberately by the draftsman in this State.

The research I have been able to do indicates that this type of clause is used in a very limiting way. The Bills of Sale Act was one illustration, and the Hire-Purchase Act is another.

The reason I suggested this was a procedural matter is that the Minister indicated he thought it was procedural. I understood that it was a procedural matter.

I looked in *The Australian Legal Dictionary* for the definition, and on page 126 I found the following—

> irregularity. An error in the manner in which a recognised proceeding is taken.

It then gives the following examples—

> In *Hadley & Co.* v. *Henry* (1896), 21 V.L.R. 646 for example, the plaintiff's Writ of Summons failed to state the correct date of its issue. Similarly in *Noall* v. *Billing* (1892), 18 V.L.R. 576 the plaintiff failed to state his address in the Writ of Summons.
>
> An irregularity in proceedings is to be contrasted with a nullity which arises where the proceeding is not recognised and is altogether unwarranted. In *Jamieson* v. *Allen* (1861), 1 W. & W. (E) 19 for example, the plaintiff failed to include the names of the parties in the Writ of Summons: Similarly in *Tetlow* v. *Orela Ltd.*, [1920] 2 Ch. 24 the Writ of Summons was issued in the name of a deceased person. The importance of the distinction lies in the fact that a proceeding which is a nullity has no legal effect whereas a proceeding which is irregular may still be proceeded with under some circumstances *e.g.* if the Court decides not to set it aside.

The problem in understanding the clause comes back to the Minister's first statement about the umbrella nature of such a broad Act.

If the Builders' Registration Act comes within this area, and if that Act deals with disputes involving the completion of buildings or a builder's not doing what is required, or if perhaps a dispute involved a builder's breaking a local government by-law such as building a house too close to the road, would the Minister see that the power under this proposed Act would enable the tribunal to override the local government by-law?

Hon. PETER DOWDING: I cannot give the honourable member a quick run through Halsbury on the subject. I respect the member's right to query the points, but I do not believe I can take my answers any further; to do so would simply add to any confusion.

The plain meaning of the words is that we are dealing with the power of a tribunal to deal with substantial issues. Whatever Act it is that empowers the tribunal, subsequent legislation will depend very much on the terms of that Act and what it is the tribunal will be asked to do.

Conceptually I would like to abolish a whole stack of QANGOs and put them into one big QANGO, but I would not do that unless industry fully supported that decision.

It would be a tribunal dealing with both administrative and judicial issues. To the extent that it would deal with judicial issues, my view is that it is a useful power to deal with substantial questions without being able—as Hon. Ian Medcalf suggested—to avoid contractual obligations by re-

liance on what is essentially an irregularity rather than a substantial issue.

I cannot assist Hon. Peter Wells with reference to the cases he has mentioned, because I have not read them and I do not believe that in this sort of debate we advantage ourselves by doing that sort of thing. We are dealing with new law; we are creating law; we are creating a tribunal which is intended to deal with real issues rather than technicalities.

That does not mean that people can avoid compliance with the regulations or the Act. Where compliance with the Act is necessary for the protection of the credit provider or the credit receiver, where it is necessary for the protection of the licensed builder or the public affected by decisions of the tribunal, those are substantial issues, not irregularities. To the extent that they are less than that, they are irregularities and I would wish that the power rested with the tribunal to correct them.

I do not wish to demean the member's research efforts, but I cannot assist him with reference to those cases. I do not believe it advantages us in terms of understanding clause 21 to analyse too closely the common law. We are dealing with creating Statute law and I believe the plain meaning will support the views I have expressed.

Hon. P. H. WELLS: The New South Wales legislation provides that the tribunal shall not make an order or a decision to which the question is relevant until the Supreme Court has decided that question—I am referring to section 24(a). Section 24(c) provides that the tribunal shall not decide in a manner or make an order or a decision that is inconsistent with the decision of the Supreme Court.

I cannot find in that Act a provision for the tribunal to extend and override other Acts. The illustrations that have been found in other Acts show that that legislation is extremely more limiting than this one.

Hon. Peter Dowding: It cannot override any Act.

Hon. P. H. WELLS: It provides that it can cure any other Act.

Hon. Peter Dowding: No.

Hon. P. H. WELLS: There is an irregularity, which means that it must override another Act. If the other Act states that more time must be provided, or something must have a name or be delivered, or a licence fee must be paid—

Hon. Peter Dowding: It is not overriding any Act except to the extent that it is appropriate to cure an irregularity to deal with a substantial issue.

Hon. P. H. WELLS: Perhaps we have a situation in the building area where an assault has occurred. Can this Bill override the Criminal Code?

Hon. Peter Dowding: Of course it can't. A criminal act is not an irregularity. If you smack a bloke in the mouth, that is not an irregularity.

Hon. P. H. WELLS: Even if that were part of a dispute relating to a builder? Would that be considered as part of an irregularity? It has been suggested that it might possibly be considered an irregularity. Does the Minister consider that would be an irregularity? Would he consider it only a procedural irregularity?

Why did the Government consider this clause necessary? It was not taken from any other Acts, although much of the argument for this Bill has been based on the fact that it has been copied from other Acts. It has been said that other States have sorted out the problems and that we have nothing to worry about.

This stands on its own. It is coming before the Parliament for the first time in an open-ended way to cover other Acts. How far can it extend? If it does go further than what the Minister is saying in terms of procedures, what mechanism is there to check on this sort of thing?

Hon. I. G. MEDCALF: The Minister has done his best to explain this, but I am concerned because I do not know where this comes from. It does not appear that it has been taken from the New South Wales or Victorian legislation, so the conclusion is that it has come from Parliamentary Counsel here, or from instructions from the department.

I wonder whether the words have been sufficiently thought out. We are talking about an irregularity which has occurred. The Minister has said that we are dealing with "an irregularity which has occurred affecting the proceedings, appeal or application". I can understand that; I can see that that kind of irregularity is reasonable because it is one which affects the appeal, the application, or the proceedings. That is an irregularity in a particular matter before the tribunal; in other words, in the application or in those proceedings before that tribunal.

Hon. Peter Dowding: But it is limited to the criteria in paragraph (b). It must conduce to an expeditious resolution of any substantial question at issue.

Hon. I. G. MEDCALF: Just before we come to paragraph (b), let us look at the rest of paragraph (a). I go along with the first part—the irregularity, if it simply affects the proceedings, appeal, or application. That is what is before the tribunal,

and therefore is something that is cognisable. However, it goes on to state, "or any matter to which the proceedings appeal, or application relates"—any matter at all to which the proceedings relate. We are getting into a much broader field. It goes on—this is what the Minister is relying on—"and (b) it would conduce to the expeditious resolution of any substantial question . . . the tribunal or the District court may cure the irregularity by ordering that . . . the requirements of this Act or of any other Act or law be dispensed with . . .". I do not find very much comfort in paragraph (b), because all that paragraph says is that it would conduce to the expeditious resolution of any substantial question. I can think of all sorts of things that would conduce to the expeditious resolution of substantial questions, but those are things which I think the tribunal should not be permitted to consider.

I do not think that narrows the field at all; I think it broadens the field, because it simply says it had to be relevant to the proceedings, and is likely to conduce to their conclusion.

Hon. PETER DOWDING: Clause 21 requires referral of an issue from one of the other Acts. I gave an example of a number of clauses which refer substantial issues to a tribunal. It is not the over-riding of those substantial issues that can be achieved by clause 21; it is only the overriding of irregularities that would prevent those substantial issues being dealt with; so that the substantial issues exist in the clauses which refer the issue to the tribunal in the first place, and that is what defines the substantial issues. It may be the licensing matters; it may be the relief from payment of certain moneys, or from compliance with certain onerous terms and conditions. They are all elements which are referred to the tribunal as substantial issues.

It is only irregularities in relation to the substantial issues that can be dispensed with, not the substantial issue. So one really needs to look back to the referral of the power.

We want the tribunal to decide certain issues. Those issues are to be decided, whatever irregularities there might have been which would prevent those substantial issues being decided.

I am afraid I do not share the misgivings that the member has raised. I do not know that I am convincing the member or advancing the matter a great deal. If it would be of assistance, for this Bill has yet to go through the lower House, I would be more than happy to refer a particular clause for further advice and undertake to amend it in the lower House. There is no desire on the part of the Government to go beyond the position that I have expressed. If the Bill goes beyond the position I have expressed we would want to wind it back. I am quite sure the member accepts that we do not want to give this tribunal the power to override substantial requirements of various Statutes. I do not believe the clause does that. My advice is that it does not. If there are some words that might make that even clearer I would be happy to accept them.

I am prepared to say to members who are concerned about this clause that before the Bill completes its passage elsewhere I will make sure that we get the Crown Law Department to have another look at it. I have some concern about the timetable, but I do not believe the Act will go to the point raised by Hon. Ian Medcalf.

Hon. I. G. MEDCALF: I thank the Minister for his explanation. I accept the comments he has made, but I am concerned that we should let this legislation out of the House, without getting the explanation to which the Minister has referred. I realise the Minister has a timetable to follow.

I wonder whether it would not be quite in order to proceed with this Bill and complete the Committee stage, then finalise it tomorrow, subject to the explanation being available from the Crown Law Department. That would give us an opportunity to reconsider the matter, if necessary in Committee, tomorrow. In other words, consideration of the Committee's report could be made an order of the day for the next sitting of the House.

Hon. PETER DOWDING: I thank the member for the suggestion. I do have some timetable problems and it is likely that problems could arise at the other end. If we progress through the Bill to the third reading stage I will give an undertaking to make the third reading an order of the day for tomorrow, and to speak with the member immediately I receive the advice. If necessary I will recommit the Bill, if the member believes that is necessary.

Hon. I. G. MEDCALF: I have no objection to that, but I cannot see that it really changes the matter, because when we get to the third reading stage there may be some difficulty in recommitting the Bill, if we have considered the Committee's report.

Hon. PETER DOWDING: I will do that then, if we can progress. I am quite happy to refer the matter, and if the member is available early in the afternoon tomorrow I will go to him as soon as I receive some response.

Clause put and passed.

Clauses 22 to 26 put and passed.

New Clause 12—

Hon. PETER DOWDING: I move—

Page 5—Insert after clause 11 the following new clause to stand as clause 12—

Reports of the Tribunal.

12. (1) The Chairman shall, on or before 30 September in each year, make and submit to the Minister a report on the activities of the Tribunal during the year ending on the preceding 30 June.

(2) The Tribunal may from time to time report to the Minister its views as to the jurisdiction and functions of the Tribunal or any matter connected with the exercise of that jurisdiction or the carrying out of those functions.

(3) The Minister shall cause a copy of each report submitted to him under subsection (1) to be laid before each House of Parliament within 14 sitting days of that House after he receives the report.

New clause put and passed.

Title put and passed.

Bill reported with amendments.

SMALL BUSINESS GUARANTEES BILL

Second Reading

Debate resumed from 1 November.

HON. V. J. FERRY (South-West) [10.42 p.m.]: I take this opportunity to make some comments in relation to small business and business generally in Australia. I suppose this Bill could be described as Clayton's legislation; it is legislation that the Government has introduced but probably does not need to introduce. However, I will come back to that.

I wish to take time, for just a moment, to talk about the wider implications of the Australian commercial scene. Small business has been acknowledged by just about everyone in the community as being the backbone of commercial life of this country. However, other considerations affect small businesses and I wish to take time to touch on the philosophy of international free trade.

All trade, of course, affects commerce, and small businesses are very much a part of that package. There are a number of things upon which we can touch. We could ask the question: What happens when there is no free internal market or labour? In that case we have massive non-labour wage costs being loaded onto local industry, a long queue of low-cost developing nations on nominal tariffs throughout the world, and a world in which all other countries are highly protectionist and which become more protectionist.

Japan, with a population of 117 million, imports no more manufactured goods than Switzerland with a population of 6.4 million. If the Government is hoping that manufacturing industry will increase investment other than the labour replacement or its employment and its exports, I think it will be disappointed.

There is a growing list of oncost loadings being placed on industry. They are being heaped on industry today and that impedes the ability of commerce to either export or compete with imports. That competition and that ability to compete is lessened. There are longer times in developing new markets; that is well understood.

Reflecting upon what has happened in Australia over the last 35 to 40 years, I can recall that, just after World War II, a number of enterprising men and women in this country constantly sought to identify products which could be made in Australia to save the importation of light goods from other countries. That was considered to be very good business for Australia, and I believe it was.

As a result, investment and plant followed and factories were built. Many markets were gained overseas. That is not the case today. The situation has changed quite dramatically. The industrial machine in this country—I use that term loosely—will not produce the wealth which the Government needs to fund its ever-expanding bureaucracy, its very heavy welfare programme, and the system it has in place. When business is confronted with the disincentive of high taxation, increasing overheads, and a growing intrusion into management by Government, it is inhibited, in my view.

There is a growing imbalance between big business and the power of unions. Certainly, there is a growing imbalance caused by the effect of strong unions on the business community. That is not good for this country and really that imbalance should not be fostered by Government, and it should not be fostered by the arbitration system.

It is quite apparent that any short-term gains to the workers through union activity or by determination of the arbitration system are only very short-term in their effect. They could be victories or they could turn out to be Pyrrhic victories.

The present situation can lead only to lower competitiveness, lower incentives to build and to grow, and high unemployment. We are obviously pricing ourselves out of the market, business opportunities will contract and small business will continue to suffer. A lot of small businesses will fail to flourish, some will go to the wall, and some businesses attempting to establish themselves in

the community will continue to be very much disadvantaged.

There is a trend around the world that larger corporations will cease to expand off-shore, which is the term used in Australia today. I recall a visit I made to Sri Lanka several years ago. I was amazed to find, in one of the poorest countries in the world, that the Government was offering tremendous incentives for manufacturing firms based in other countries to set up plants within Sri Lanka and to provide employment opportunities for the people. The Sri Lankan Government was providing land at peppercorn rents and, in many cases, free of charge. It was supplying companies with a tax holiday, but it was encouraging its own people to be employed in those enterprises. The Government considered that a good deal.

To some extent, Australia is facing that problem today. There are examples of a number of concerns in this country looking to manufacture their goods or to process their products in other countries. There is a growing and, I guess, realistic obsession with the aim of equality and the redistribution of wealth. That is slowing and discouraging incentives in the business community. That will result only in social disaster for our people and in the inevitable reduction of our living standards relative to living standards in other countries.

I am sure members are aware of figures which are available showing Australia's position in the commercial world and its relative place as a country of some substance. The standard of living is slipping quite dramatically. I am certain that Australia has dropped back markedly on the world scale in recent times. That is basically because of our ability to price ourselves out of the marketplace in competition with other countries.

Our balance of payments deficit is becoming unmanageable and there is a very high internal deficit which causes an inflationary trend and leaves a heavy burden for future generations. Somebody will have to pay for this situation.

I now turn to the problem of unemployment in our community. There is a very high unemployment rate particularly among the young people. I refer briefly to the situation in my area, the south-west, and the latest figures for unemployment for the quarter ended 30 September 1984. In the 15 to 19-year-old age group 826 persons were unemployed. In the 20 to 24-year-old age group 859 were unemployed. Adding those figures, 1 685 persons under the age of 25 were unemployed. That represents 46 per cent of all unemployed people in the south-west area of the State. The 54 per cent remaining are aged 25 or over. The total number involved is 3 626.

I refer to the mining industries and that situation is rather worrying, particularly for Western Australia. Our mining companies are confronted with increasing competition on world markets and anything that affects the mining industry, of course, affects all business. We are a total community and when one sector is on the down it has a bearing on others.

When the major industries are prosperous or working to capacity it has a spin-off effect through the community. Their situation has a bearing on small businesses throughout the community.

Coupled with that we must not forget or overlook the rural industry. It has a similar effect on the community to that which the mining industry has. The rural industry in this country is still a great force in the community and vital to our existence, especially in Western Australia. The wheat crop promises to be reasonably good throughout the State in this harvest and I am sure that we shall be looking forward to that good result flowing through the community. Some districts within the wheat growing areas are not as robust as they could be, but generally speaking the grain harvest looks as though it will be better than it has been for some time. The benefits will flow through the community and assist small business right across the board. The whole scene affects the small business situation to which this Bill refers. I shall be referring to the Bill more specifically in a moment but I wanted to make these preliminary comments.

Another factor which has a bearing on the commercial scene in this country is the effect of the massive subsidisation of rural products in other countries. I refer especially to the EEC and, more recently, we have witnessed the importation of many wines from other producers into Australia at rock-bottom prices. This has dramatically affected the wine industry. Small businesses in the south-west, the lower great southern, and the Swan Valley are feeling the effect of this situation which has arisen through the flow of world trade.

I now refer to the Bill itself. I do not oppose the Bill because it is another attempt to assist those people in the business world. However, as I mentioned at the beginning of my address, it should be referred to as "Claytons" legislation. I will advance that theory further in a moment. The purpose of this Bill is to offer security as a factor of last resort to small businesses wishing to borrow money. The method for doing that is by way of a Government guarantee; but this experience can be notoriously distressing, although it can also be quite helpful.

The borrowing of money against a guarantee can be a most unhappy experience for both the borrower and the guarantor. In my association with commerce over a lifetime I have seen many distressing financial situations arise from giving securities by way of guarantees supporting borrowings. They are not straightforward because in the main persons are involved and one gets unhappy situations *vis-a-vis* personality creeping into commercial undertakings. In this case the Government will be involved in those approved cases where guarantees will be given to support small business. However, I make the observation that guarantees are not the most ideal form of security. There are difficulties when one has to recover debts that are due and the lender has to exercise his right to recover money that has been lent against authorised securities. Properties may be sold at times or, at the last resort, it comes back on the Government to find the money. That ultimately becomes a charge on the State which is a charge on Consolidated Revenue. As a last line of support by way of guarantee I can think of a number of possibilities arising from the proposed system.

The definition of a small business is contained in clause 3 of the Bill and it is rather ambiguous. It is endeavouring to set out the guidelines and for the sake of the record and so that it is incorporated in *Hansard* I quote as follows—

> "small business" means a business enterprise that—
>
> (a) is carried on for the purpose of manufacturing or processing goods or for any other prescribed purpose; and
>
> (b) in the opinion of the Minister—
>
> (i) is a small business enterprise;
>
> (ii) is not a subsidiary of, or does not form part of, a larger enterprise; and
>
> (iii) is managed personally by at least one of the persons entitled to a share of the profits of the enterprise;

One of the difficulties I have in determining what the benefit would be from the system proposed in the Bill is in the phrase "any other prescribed purpose". It was mentioned in the second reading speech, but it is not contained in the Bill and we shall have to wait for the regulations. It means that we are flying in the dark a little as to how that will be applied. It states that the Minister may grant a guarantee subject to terms and conditions he thinks fit. That is fairly wide.

To help small businesses there must be a degree of flexibility. It is my view that as a result of Parliament enacting this legislation there could be some circumstances when applications for assistance by way of a guarantee to a business may be inhibited by this very Bill. There are other Acts to which I shall refer in a moment which may be used with a greater degree of flexibility. I will ask the Minister to expand on that when he replies in due course.

Under the proposals, the Minister may execute a guarantee under clause 4(1) if the amount of the guarantee exceeds the prescribed amount. There is no prescribed amount in this Bill.

It was suggested in the second reading speech that the maximum may be $100 000 for 10 years. Here again we will have to await the regulations which will flow from this Bill for what the limitations will be. This is really an open-ended measure at the present time.

Another factor which raises a little concern in my mind is that the guarantee "shall not be enforceable against the Minister unless and until the lender has first exercised his rights and remedies under all the securities (other than the guarantee) held by or for the lender in respect of the debt guaranteed".

That means that the lender of money, be it a bank or a financial institution, must realise all other avenues of security before calling on the Government to honour its guarantee. The Government, of course, is the lender of last resort. It is certainly the last resort as far as a bank or financial institution is concerned when it comes to claiming the money owed to it. That raises some questions which I will pose in a moment.

I did mention that any call on the Government by way of honouring its guarantees in support of loans to business will be paid out of the Consolidated Revenue Fund. One wonders just what the Government has in mind by way of a limit on this. I wonder if it has considered whether it is prepared to take a commercial risk and leave it to experience how many losses it will incur over the years ahead. I would like to think that the Government has done some research in this direction and will have some idea of its obligations.

Similarly, if there is anything to come to the Government in respect of any moneys, that would be paid into Consolidated revenue. The greatest risk the Government is taking is in honouring its backing to small business, and Consolidated Revenue will be asked to find the money. Of course, that ultimately means the people.

Hon. J. M. Berinson: I point out that clause 4(3) contains a provision to limit the total.

Hon. V. J. FERRY: That is a matter for the Treasurer to judge. I guess the Treasurer will exercise his commercial judgment as to what is a fair thing to expend in this direction. This is somewhat exploratory.

I pose a few questions as to the ultimate effect of a guarantee supporting loans. I ask what safeguards there are for banks or other lending institutions against abuse of the system. Under the proposed system, a loan is supported by a guarantee, as a last line of defence, a last line of security for any particular loan operation. One wonders whether the Government has any idea about setting guidelines for banks to prevent a possible abuse of the system; whether they would deliberately withhold approving a loan to a business undertaking in the knowledge they could possibly wait for a Government guarantee to secure its position more adequately.

I wonder whether applications would be refused, or whether they would hopefully play fair. One wonders whether some lending institutions might manipulate things and accept associated benefits. Is there likely to be an opportunity for a lending institution to steer applications to gain the benefit of a guarantee supporting a loan for political favour? When Governments are involved, it is not unusual for political favours to be given to companies or enterprises for all sorts of reasons.

Do banks or lending institutions steer an enterprise applicant to another bank in preference? The suggestion may be that the applicant go to another bank to try his luck, realising that a guarantee might be forthcoming, but the first bank wants nothing to do with the business.

Then we have the longstanding problem of one enterprise being granted the favour of a guarantee supporting security to start an enterprise against an existing firm doing the same sort of work in the same area. It may be, for example, a firm producing clothes pegs. Will there be any favouritism supporting one particular firm against another? Who will determine that?

In recent years we have had a very comprehensive review of the financial system of Australia, the most comprehensive aspect of which was the Campbell report. This has certainly allowed more competition, particularly among banks and other lending institutions in Australia, and I support it. We have a variety of lending institutions—trading banks, merchant banks, private investment corporations, and the like. Under the legislation before us tonight, in my view any of those lending institutions could be associated with a guarantee system supporting loans that they may make to their business customers.

One worrying point is precisely when securities will be called up to satisfy any debt arising from a loan made by a lending institution to a small business. I am mindful that in some other countries, particularly in the United Kingdom and the USA, Government guarantees have not been wholly successful in all respects. There have been a number of difficulties in the application of guarantees supporting loans.

On occasion the Government will be called upon to honour its undertaking as a guarantor. That concerns me a little where other securities are involved. How far does a lending institution take its claim against existing securities, particularly where some of the people associated with that firm are corporate entities? How far does one take one's claim?

I shall refer to two Statutes. One is the Industry (Advances) Act and the other is the Rural and Industries Bank Act. Both these Acts are available to the Government and enable it to make advances to commercial enterprises. Section 7A, which was inserted in the Industry (Advances) Act in 1982, reads, in part, as follows—

> . . . . the proposal relates to the establishment of an industry not likely to be in conflict with the interests in the same field of activity in the State of existing businesses which have not benefited from Government assistance;

So clearly in the Industry (Advances) Act provisions and guidelines exist to ensure that one firm is not advantaged as against another operating in a similar field of activity. That is a question I endeavoured to raise earlier in respect of this Bill.

Similarly, under the Rural and Industries Bank Act a provision exists for guarantees to be given in favour of borrowers from the bank on certain conditions. I refer here to section 93 on page 77.

Suffice it to say provision exists in the Rural and Industries Bank Act to support the Government making advances to commercial enterprises.

Prior to this Bill coming before the House, the Government had two avenues at its disposal; one through the Industry (Advances) Act and the other through the Rural and Industries Bank Act. The provisions in those Acts enable the Government to do things similar to those proposed in this Bill. There is discretion in both the Acts to which I have referred, but it seems to me that this Bill contains stricter guidelines and directives to the Government as to what it can or cannot do in respect of helping small businesses. That being the case, it could give rise to litigation if the Government is not seen to be acting in accordance with this Bill when it becomes law.

It seems to me this Bill contains stricter guidelines and does not have the same flexibility; therefore, not quite the same responsibility is placed on the Government to ensure that the right system is employed in administering the Act. At the present time that flexibility is available and that is probably a good way to go, but I would be interested in the Attorney's comments on that aspect when he replies at the end of the debate.

Whereas the intent of the Bill is admirable, and I support it, I am a little concerned that it may, as a result of the manner in which it is drawn, tend to be a little restrictive and to put loan applications in more of a straitjacket than they are now, without having the flexibility which I am sure we all desire. That is really what I was referring to when I mentioned earlier that perhaps we may not need to have this piece of legislation.

Of course, small businesses are being hampered daily by increased costs, taxes and charges—I have mentioned taxes already—Government intervention, regulations, and more recently redundancy payments, and superannuation schemes which exist in many building and other industries. All this is loading the cost on small businesses. Obviously bigger businesses can pass on those costs. I just hope that, with the passing of this legislation, some small businesses will be better placed to withstanding the onslaught of the add-on costs right throughout the community.

HON. TOM KNIGHT (South) [11.17 p.m.]: I support the Bill also, but I do not believe it has been researched fully. When one looks at the current situation, one sees that the Govenment ought to have introduced legislation which would have enabled it to subsidise loans or give lower rates of interest to small business. I say that because farmers obtain low interest loans in the form of drought or flood relief. Many of the small business people in country areas say to me time and time again, "We are going bankrupt. We are going broke. We will be out of business, because the farmers have had a bad season and they cannot pay their bills." However, the same farmers obtain low interest money to rejuvenate and re-establish their farms. They obtain that money through drought relief, flood relief, rural reconstruction, or CDB loans.

The people who supply the farmers' groceries and wherewithal in country communities cannot stay in business, because they must take loan money at 12 to 15 per cent interest or accept bridging finance at 17 to 20 per cent interest. These people do not decry the farmers' obtaining low interest loans, but they want to know why they should not also have access to low-interest loans, bearing in mind that they live in country areas and supply the people who obtain such money.

That is why I said the Bill should have been researched more fully. We should be making low interest or subsidised loans available to small business people if we really want to help them.

The Bill sets out the circumstances under which guarantees will not be available, and one situation is the purchase or takeover of an existing business. Such a provision is a deterrent, because, were I intending to go into business, the most profitable and surest method of doing so would be to take over an existing business from a couple who have had the business for some years, but now want to retire and sell it to younger people.

That is a guaranteed investment, because these people have obviously been successful over the period they have been in business. The Bill does not refer to the purchase or takeover of an existing business which has gone broke. It simply refers to an existing business, because the basic idea behind the legislation is to establish new businesses. However, it should also be assisting young people to take over businesses from people wishing to retire after running successful businesses for a period.

The Bill refers to refinancing existing debts. A person who has been in business for four or five years and has had a rather torrid time may have built up debts which he cannot meet. However, he has gone through the pitfalls and he is aware of the problems. Nine times out of 10, when people are looking at restructuring their businesses or refinancing their loans, they are doing so because they have worked out their problems and they know what is needed to put their businesses back onto the straight and narrow.

Hon. J. M. Berinson: Presumably, if they have an existing loan, they produced adequate security to justify that loan.

Hon. TOM KNIGHT: Not necessarily, because if they had failed to repay a loan with which they established themselves, and if the lending institution had decided to foreclose, they have had to look for another avenue of obtaining finance. Often we find that, if a business has gone bad, the owner will know why it has gone bad, so if he can obtain an injection of funds, it will enable him to get over the next hurdle and to become a viable business. That is a much better proposition than to provide money to someone who comes off the street without ever having been in business before, and who will have all sorts of unknown pitfalls to face.

The man who has been in business knows where the problems are, so he is a better risk than the

man who comes in not knowing the first thing about business.

The Bill refers also to short-term liquidity problems. If we can help an established business which has short-term liquidity problems to get back on the track, we will be doing more for the community than by allowing that small business to go broke. We will also stop the family involved from leaving the country area with an unviable business, or unviable, it would seem, to the people who would be buying it; after all, they would know that the previous owners had gone bankrupt. Successful businesses are always sought, and in today's business world successful businesses are successful mainly because they have inroads to obtaining finance when short-term liquidity problems arise.

I can talk with some knowledge of business in country areas such as Albany; I know that people who are able to get finance to carry them through for a further 12 months are often the ones who are successful. It is the business that cannot get the finance that goes by the wayside. The person who has been in business, the person who perhaps knows that a partner will be of assistance, is the sort of person who knows the pitfalls and who can see to it that a business turns out to be a successful venture.

The second reading speech went on to refer to applicants who were viable and capable of servicing existing borrowings and the new borrowings requested. If the person was viable, why did the other lending institution not give him the money in the first place? I would say that nine times out of 10 the reason a businessman will come to the Government to ask for a Government guarantee is that a lending institution does not think he is viable: because if the lending institution thought he was viable or successful it would willingly give him finance to carry on. This provision in the Bill is contradictory. Not enough thought has been given to the structure of this legislation

I commend the Government for what it is doing; it is going along the right path. Small business is battling for finance, and this legislation will help a lot of small businesses; but some of them which deserve to be accepted favourably will fall by the wayside because of the simple fact that someone assessing the situation will not make finance available to them, especially finance on low interest or subsidised loans. While I support the Bill, I hope the Government will look into this matter further in the future because I believe it could help a lot more people under the existing criteria for other types of industry.

The DEPUTY PRESIDENT (Hon. Lyla Elliott): My attention has been drawn to the fact that a number of members are suffering discomfort owing to the heat in the Chamber. I am informed that the President has indicated in the past that, if he gives permission, it is in order for members to remove their coats. As he is not in the building this evening, I believe that my being the present Presiding Officer gives me the right to advise members that, if they wish, they may remove their coats.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [11.24 p.m.]: Hon. Vic Ferry referred to this Bill as being in the nature of Clayton's legislation. With due respect, I am inclined to respond by suggesting that his own speech amounted to something of a Clayton's contribution to the debate. It was not that the honourable member did not have a number of interesting and, indeed, important things to say; for example, he was quite right when, in the catalogue he produced of difficulties affecting business, he referred to such matters as local oncosts, barriers to international trade, concepts of the redistribution of wealth, Australia's unfavourable balance of trade, and the fluctuating fortunes of the mining and rural industries. Everyone would agree that these are important considerations in the context of Western Australian business, whether on a small or a large scale. On the other hand, even with the best will in the world, it is difficult to find the relevance of these broad issues to the quite narrow scope of the legislation before us.

The truth is that this Bill does have a limited scope, and to the extent that Hon. Vic Ferry and Hon. Tom Knight made that point, I am happy to concede they were right. However, the fact that it is of narrow scope is not to suggest that it should not be introduced and I welcome the attitude expressed by them both that they support the Bill.

To attempt to meet specifically at least some of the questions posed in the course of debate, I point to the following: In the first place, it is true that the Bill does not describe the amount or the term of the loan envisaged to be provided under its provisions.

Hon. Tom Knight: Yes, it does—$100 000 for 10 years.

Hon. J. M. BERINSON: The Bill indicates the matters to be set by regulation, and the Minister has indicated that it is his intention to establish by regulation a limit of $100 000 in amount and 10 years in term.

Hon. Vic Ferry asked what safeguards there were for the banks against abuse of the system; he also asked what guarantees there were against

abuse of the system by the banks. The answer to the first question is that the Bill provides that the initial assessment of loan applications will be in the hands of the banks; that will be their first line of defence against abuse by borrowers. Their second, and I suppose major line of defence, is the availability of the Government guarantee.

In answer to his second query, which related to the possibility of abuse of the system by banks, I can indicate that this would involve a quite serious and deliberate manipulation of the system by the banks. It would require them, in a sense, to conspire with the borrowers to reject their application in the first place on the basis that they could then come back with the support and the benefit of a Government guarantee. I am not saying that all banks are above that sort of behaviour, but I would hope that, given the major role they play in our financial system and the fact that we are here dealing with a relatively minor part of their lending activities, they would not lend themselves to devices of that kind.

In any event, the Government itself will have a checking apparatus, so to speak, and this is to be found in the provisions of the Bill which require that the Minister can establish the sort of financial statement, background, and detail which is to be required from any applicant for such a guarantee. Applicants who put in false returns, in that way put themselves in breach of the Act and subject to a penalty. It should reasonably emerge from financial statements of that kind whether the standing of the applicant is such that his security alone should be adequate for normal financial institution support.

Hon. Vic Ferry also asked when securities will be called up by the banks. I do not believe one can provide a detailed response in anticipation of their likely actions, but I think this much can be reasonably said: Firstly, it would be reasonable to expect that the banks, in proceeding to call up the security of applicants would act on the basis of its normal criteria. Secondly, their approach, if anything, should be rather more generous and considerate given that at the end of the line, if the worst comes to the worst, they know that the guaranteed sum will be available from the Government. If that is to have any effect it should have an effect in the sense of persuading or encouraging the banks not to rush into an execution against borrowers' securities as they might be tempted to do if they did not have the further fall back position.

Reference has been made to other Acts which were said to be adequate to meet the position of this Bill without the need for this legislation. Two Acts have been mentioned. The first was the Industry (Advances) Act 1947-1982 and the second was the Rural and Industries Bank Act. In respect of the Industry (Advances) Act, all that need be said is that it operates in a very narrow field and leaves most of the industries covered by the present Bill uncovered altogether. The Industry (Advances) Act is also much more restricted in the terms which might be applied to advances under it and does not have the capacity for the same long-term support as does the Small Business Guarantees Bill.

With respect to Hon. Vic Ferry, I have some difficulty in appreciating the relevance of the Rural and Industries Bank to the objectives of the current Bill. The honourable member referred me to section 93 of the Rural and Industries Bank Act. This provides the bank with power to write down overcapitalised securities. That, as I understand it, is a provision simply required for the normal course of banking business and it bears no relationship at all to Government support of any particular industry as a result of a Government decision or as a reflection of Government policy.

Hon. Tom Knight also referred to the limitations of this Bill and suggested that it would have been better either in addition or in place of the provisions of this legislation to introduce a system of subsidised loans or subsidised interest rates. That of course would have an incalculable cost unless the whole system were to be so restrained that very few people would have the benefit of it.

Hon. Tom Knight: Farmers are getting it now.

Hon. J. M. BERINSON: It could quickly become a very expensive enterprise indeed as could any system which opens the way to almost anybody to get into business with Government support. By that I refer to Mr Knight's suggestion that not only should we subsidise loans and interest rates, but also we should not have the restrictions which appear in the Bill in respect of the application of these guarantees to existing businesses, the purchase of existing businesses, the restructuring of existing loans, and so on. In principle every measure to help anyone can have something to be said in favour of it. It is beyond the capacity of any Government to proceed on that basis. In the present Act we are recognising these limitations and are moving to fill an area which is demonstrably left uncovered by the Industry (Advances) Act, and opening up to a much greater extent the range of businesses which can attract Government support by way of guaranteed loans and, to the extent that that is possible, providing assistance for an area of small business which up to this stage has had no such facility available to it.

Hon. Tom Knight: That is right, but you are still limiting—

Hon. J. M. BERINSON: It is limited and I can only join with both honourable members in saying what I think they were saying; that is, it would be better if it were more generous and extensive.

Hon. Tom Knight: It is a good start.

Hon. J. M. BERINSON: It is a good start. I thank the honourable member for that interjection and I endorse it.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Hon. John Williams) in the Chair; Hon. J. M. Berinson (Attorney General) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Minister may execute guarantees—

Hon. V. J. FERRY: I take the opportunity on this clause to mention that there is no provision for the granting of accommodation to overcome a short-term liquidity problem in a business. The provision in the legislation is for working capital expenditure, that working capital established by small businesses with expansion or diversification of existing small businesses. Quite a number of businesses find themselves in a bad patch at seasonal times of the year through no fault of their own and certainly through no fault of management; but their security position may be inadequate for a limited period of possibly three months.

There is no intention with this Bill to cater for that sort of situation. When we are trying to help small businesses one wonders whether it would not be prudent to include in the Bill some provision to grant the Minister discretion to help a business over its liquidity problems.

The business could be a sound one in every other respect, but it may have a seasonal problem, or be in a situation where goods have not been received for resale. It may be that the business has to close its doors because of this liquidity problem. Maybe some help on a temporary basis can be provided.

Hon. J. M. BERINSON: I am forced back to my earlier comments about the limited scope of this legislation. I point out, in addition, that the aim of this legislation is not simply to help small businesses in a vacuum but also to help in a context where Government support, as well as being of benefit to the businessman concerned, will be beneficial to the prospects of increased employment. It is for that reason that clause 4 (1) (b) looks to the requirement of working capital, either for the establishment of a small business—that is, a new business—or the expansion or diversification of an existing small business.

In other words, where any of these three possibilities exist we have our best prospects for assisting both the entrepreneurs involved and the general aim of the Government to stimulate employment opportunities. That is not necessarily met by assistance to businesses with liquidity problems.

I know that arguments can be advanced that to assist businesses in that position will perhaps secure existing levels of employment, and no-one would deny the importance of that. Nonetheless, that is not the general aim of this Bill, and the Government would not propose to import that concept here.

Hon. V. J. FERRY: I can appreciate the Government's point of view, but I think it is worth raising this point, because the thrust of this Bill is to assist those small businesses which may qualify for assistance by way of a guarantee.

It seems to me that in the light of experience, as time goes on, the people administering this legislation could bear in mind a review of the situation in 12 months' time to ascertain whether there is a need to provide some avenue of assistance to businesses which have liquidity problems. As I said before, there are all sorts of situations in which businesses may find themselves in temporary difficulty.

I would like the Government to bear in mind this fact with a view to catering for that sort of situation, where it is warranted.

Clause put and passed.

Clauses 5 to 8 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

DENTAL PROSTHETISTS BILL

In Committee

The Deputy Chairman of Committees (Hon. P. H. Lockyer) in the Chair; Hon. Peter Dowding (Minister for Planning) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Interpretation—

Hon. P. H. WELLS: My amendment on the Notice Paper refers to the definition of an endorsement. This definition embodies a number of subsequent amendments, if this amendment is accepted. The endorsement refers to dental technicians being allowed to operate in the area of partial dentures.

Hon. PETER DOWDING: Hon. P. H. Wells has a considerable number of detailed amendments to move; therefore, it might be convenient—if the Chamber agrees and he agrees—to go to the substantial issue and deal with clause 20, because that is the clause at which the substantial issue of endorsement of licences and partial dentures is raised.

If the position we are urging in relation to clause 20 is lost and the Chamber supports Hon. Peter Wells' position that there ought not to be endorsement of licences for partial dentures, a great number of the amendments will obviously follow. There is no point in dragging our way through the early hours of the morning in a battle on a clause-by-clause basis on whether endorsement should not be included in the Bill.

The Government is prepared to compromise with Hon. Peter Wells in three areas—clauses 5, 18, and 20. Clause 5 deals with the composition of the committee; clause 18 is the grandfather clause; and clause 20 deals with endorsement of licences for partial dentures. I take it that Hon. Peter Wells would agree that if the Chamber accepts the Government's position on those three clauses his very detailed amendments to the Bill would not be appropriate?

The DEPUTY CHAIRMAN (Hon. P. H. Lockyer): To give the Minister and the Chamber some assistance, I suggest that he move that clauses 3 to 19 be postponed until after clause 20.

Hon. P. H. Wells: I am happy to deal with them in the order that the Minister chooses.

Clauses 3 to 19 postponed, on motion by Hon. Peter Dowding (Minister for Consumer Affairs).

Clause 20: Endorsement of licence—

Hon. P. H. WELLS: The Minister is correct that there are a number of basic, defined areas in relation to which amendments appear on the Notice Paper and which are consequential to the major issues we are discussing. The issue in clause 20 is whether we should allow dental technicians to deal directly with the public in relation to partial dentures. The present situation is that the handling of all dentures must be under the supervision of a dentist. Parts of the Bill would change that to allow the public to deal directly with dental technicians over full dentures, provided they are qualified. I do not disagree with that.

A lot of incorrect information has been put forward and much of the information I presented in the second reading debate has not been answered by the Government. All the evidence presented to me indicates that this is a major area and it would be very dangerous for us to allow dental technicians to handle partial dentures because no evidence has been presented that they are qualified to do so.

The majority of Australian States do not allow dental technicians to handle partial dentures. Only two States, Tasmania and New South Wales, allow this. In New South Wales prior to 1974, all dental technicians were registered but they did not have the ability to operate on partial dentures. I think that came in about 1979. So, prior to the introduction of legislation in New South Wales, there was registration and the setting of a high educational standard before technicians were allowed to proceed in this area.

Tasmania stands alone; and although these measures were introduced in the 1950s, it was done because of a shortage of dentists. There are only 61 dental technicians in that State today. They were allowed to handle partial dentures because of the need for dentists in that State. The Tasmanian Act also provides for doctors to give certificates which are normally given by dentists.

Of the remaining States, Victoria requires dental technicians to be registered and to undergo education and achieve qualifications. They must have two years' experience as a technician and a further two years at the dental hospital with a total of 960 hours. After completion of their training they are permitted to handle only full dentures.

During the second reading debate I referred to some of the authorities who raised specific reasons that technicians should not be authorised to move into this area. A number related to the ability to recognise certain matters within the responsibility of professional people trained as dentists. One aspect I did not raise was that in handling partial dentures one has to make a bridge linking the teeth on either side. In most cases the dentist can take an X-ray to find out the situation of the teeth and whether they are strong enough to hold the supports. No-one has presented any information to me that dental technicians have X-ray equipment or any training in its use, or that they are thinking of this. It seems to be reasonable to argue that they are not trained in that area.

Another point which has been spelt out is that under the Bill, dental technicians would not drill the teeth or carry out work in any of the areas which are the natural responsibility of dentists. I am told that in siting the partial dentures on the teeth there is often a requirement to drill. Various people have prepared for me some diagrams to explain some of these matters.

I wish to introduce arguments that have been bandied around and which are of major importance. I have a paper prepared by the University of Queensland which includes a number of coloured photographs which are not good to look at if one is going to have dinner or a cup of tea because they relate to malignant and non-malignant growths in the mouth.

I have spoken with some technicians who say that, occasionally, a good technician is able to recognise an irregularity in the mouth. In other words, there may be a bump in a patient's mouth which he would draw to the attention of the dentist.

Technicians acquire certain skills through their involvement. The question we have to ask before we approve this legislation is whether technicians are properly trained to recognise that sort of thing. Furthermore, prior to the Select Committee in South Australia looking into its legislation, a Government committee also looked into it.

Hon. Peter Dowding: Do not the technicians, under these proposals, have to ensure that the patient has first been examined by a dentist?

Hon. P. H. WELLS: I have not inserted an amendment to that effect. I personally feel that the clause should be deleted because I do not believe it is workable. There has been a long debate about whether a dentist would be able to provide that because he could find himself in an intolerable position legally in terms of subsequent changes. I have tried to arrive at a compromise to see whether the clause will work if it is limited to three months.

Hon. Peter Dowding: But it answers the criticism that you were making that prosthetists might go ahead and do a procedure which is dangerous to the patient's oral health.

Hon. P. G. Pendal: That is not what the scientific evidence covered in the second reading debate said.

The DEPUTY CHAIRMAN (Hon. P. H. Lockyer): Can we have one speaker at a time? Every member will be given the opportunity, in due course, to debate this matter. We will hear members one by one.

Hon. P. H. WELLS: The problem with partial dentures is that they have to be carried by something. In this case, they have to be carried by the good teeth.

Hon. Peter Dowding: Why can't the dentists examine that issue?

Hon. P. H. WELLS: The Minister who is in charge of the Bill indicated that in no way would dental technicians be allowed to drill. If that happened, it could affect the patient's bite and there could be various stresses placed on the teeth. The teeth may well be rotten or diseased and the situation may arise, that, if the partial denture is attached to those teeth, the patient's existing teeth will eventually come out.

Hon. Peter Dowding: Are you suggesting that dentists will not be able to check this when doing the job prescribed by clause 19?

Hon. P. H. WELLS: That is not the purpose of clause 19 as I see it. We are talking about the time after the denture has been made. We are talking about whether the teeth have to be drilled so that the partial denture can be inserted. As I indicated most strongly in the second reading debate, a number of situations would be intolerable if the dental technicians installed partial dentures. This provision was not accepted in South Australia, and it was not accepted in Victoria under a Labor Government. Queensland does not have legislation to this effect, nor does the Northern Territory or the ACT and, despite what Hon. Garry Kelly said during his speech in the second reading debate, it is not the situation in the United Kingdom—I have that Bill here—and it is not the situation in Acts that I have been able to obtain from the United States, such as the Oregon Act. All of that legislation was strongly against the fact that technicians should be allowed to move into the area of partial dentures.

Hon. G. C. MacKinnon: Would it not be fair enough to start with a full denture?

Hon. P. H. WELLS: The situation put forward by Hon. Graham MacKinnon occurred in New South Wales. They allowed technicians to insert full dentures for five years, after which they could insert partial dentures. I would have thought that would be a more secure way of going about this. This Bill allows dental technicians to insert partial dentures from the beginning. That is dangerous, and we should not allow dental technicians to move into that area.

Hon. P. G. PENDAL: The point at issue here is one that I covered at some length during the second reading debate and, I might add, it was a pivotal point in the legislation that the Govern-

ment made no effort at all to answer at the closure of the second reading debate.

I put to the Committee and to the Minister handling the Bill that no reputable dental authority supports the Government's position. That is not to say that the Government cannot try it on. That is not to say also that the Government does not feel it has some obligation to the dental technicians to whom it has made certain promises. Therefore, to some extent, I have no quarrel with the Government for attempting to force the issue on clause 20.

The fact remains that not one reputable dental authority supports what the Government is attempting to do. On the contrary, evidence suggests that what the Government is wanting to do is wrong in principle, wrong as a matter of professional practice, wrong medically, wrong scientifically, and wrong in every way imaginable.

In the course of the second reading debate on this very point, I used as evidence the comments of Professor John Lewis, Professor of Restorative Dentistry at the University of Western Australia. I quoted him where he said—

> I believe very strongly that... granting technicians chair-side status in the partial denture area would be a disaster.

There is no qualification or equivocation about that. He says that to do what the Government is attempting to do by way of clause 20 would be a disaster.

A few minutes ago the Minister put great store on the device of the certificate of oral health. That is the device on which the Government has rested its case for many months, but that action overlooks the evidence given by Professor Lewis and, I might add, other authorities in the field, because he said—

> I believe very strongly, however, that ... granting technicians chair-side status in the partial denture area would be a disaster even with the certificate of oral health.

That is the answer to what the Minister said across the Chamber a few months ago.

The experts to whom we are all attempting to refer say that the concept of the certificate of oral health is a reasonable one, but it would appear that its application makes it fall down because Professor Lewis went on to say, when talking about the merits and demerits of that certificate of oral health—

> The effect of the certificate would be to indicate that no preliminary treatment was required, or if it was required that it had been completed and the patient is now ready to have partial dentures constructed.

He went on to add—

> A lot of things can go wrong, however, after this point is reached, and therefore, in spite of the certificate ...

Again, how much evidence does the Government need for it to acknowledge that there is a mighty lot of weight on the other side of the argument? The two issues which have been raised by way of clause 20 are the issues that have been raised by Hon. Peter Wells, but there are additional ones as well.

The two central ones are that Professor Lewis says that to give the technicians chairside support in relation to partial dentures would be a disaster. Those were his words. Secondly, it would continue to be a real problem even if the system of a certificate of oral health were introduced.

I have no axe to grind and no-one's cause to champion, but I am attempting what every member in this Chamber is attempting to do; that is, to have the right legislation with which one can live. The Government has chosen not to answer the expert advice by way of the second reading debate. I suggest that the advice which has been given to the Government by expert officers is advice which the Government has not sought, or having sought it, is now ignoring.

I do no more than to put those two points which I raised in the second reading debate and to say that clause 20 does not deserve the Opposition's support and should be defeated.

Hon. LYLA ELLIOTT: Hon. Phillip Pendal said that no reputable dental authority is prepared to support this provision. The facts speak for themselves. Surely the person who would be in the best position to know the dangers involved in this legislation is a person like Dr T. E. Canning, who was one of the original members of the Dental Mechanics Registration Board in Tasmania. He served on that board for eight or nine years. He was president of the Australian Dental Association for a period during that time and he is on record as follows—

> ... let me say that many of the fears entertained by dentistry as to what would happen, have not eventuated.

He also said the following—

> In the recognition of abnormalities, the mechanic appears to exercise reasonable caution, and does not hesitate to refer them for opinion or correction ...

The Premier of Tasmania, Hon. Robin Gray, said the following—

> The Minister for Health, Mr Cleary, has advised that the record of dental mechanics in Tasmania over the past 27 years, is one of an efficient and valuable service to the public.

Further on he said—

> Mr Cleary and I are quite satisfied with the standard of service that dental mechanics are providing in Tasmania.

Mr Laurie Brereton, a former Minister for Health in the New South Wales Government, said the following—

> The introduction of dental prosthetists has been a complete success. Dental prosthetists have proved they have a valuable role to play in the provision of dental prostheses in this State.

No doubt I could get all sorts of opinions and authorities to dispute what Mr Pendal has told this Chamber.

Hon. P. G. Pendal: Not what I have told the Chamber, but what Professor Lewis said.

Hon. LYLA ELLIOTT: Perhaps the reason that legislation similar to this has not been introduced into South Australia, Victoria, or Queensland is precisely because the dentists and some of the senior people in the dental profession have indulged in the sort of fear campaign we are seeing in regard to this Bill.

Surely members opposite must rely on the experience of Tasmania and New South Wales. We cannot ignore those two States. It is all right to talk about hypothetical dangers, but if one cannot provide any circumstantial evidence which shows that there have been problems in Tasmania and New South Wales, I submit that there have not been any. How can one go to the next step of saying, "We will not introduce it into this place because these things might happen"?

Not only do we have the experience of those two States, but everyone knows that the dental technicians in this State, although operating outside the law, have been providing partial dentures for people for many years. No certificates of oral health have been issued and they have performed their work well. Obviously there have been no problems, because if there had been they would have been brought to the attention of the Government and the appropriate action would have been taken against them.

I suggest that if members opposite rely on the experience of other States they must accept that there are safeguards built into the legislation, not only in respect of the certificate of oral health, but also in respect of the people who will provide those services, because they will have to prove to the commissioner that they are fit and proper people and that they have been properly trained and qualified.

Clause 3 answers one of the points raised by Hon. Peter Wells in respect of the work dental prosthetists might carry out on tissue of the mouth or teeth. The Minister especially wrote into the Bill the following proviso which is contained in clause 3—

> . . . but the fitting or inserting of an artificial denture or mouthguard shall not be taken to include any adjustment or alteration to the natural teeth or any tissue of the mouth.

I cannot understand why some members of the Opposition pursue the line that they do.

Hon. P. G. Pendal: We do not have a vested interest in it.

Hon. LYLA ELLIOTT: I believe the facts speak for themselves. There is no evidence to show there is any danger inherent in this clause.

Hon. PETER DOWDING: I am indebted to Hon. Lyla Elliott for her assistance in this matter. Hon. Phillip Pendal is one of those debaters whom we came up against in school when we had to debate such topics as "The hand that rocks the cradle rules the world". He can produce some very convincing arguments about this critical issue and present expert opinions to support his point of view. However, it is important to deal with real issues.

One of the things about change of any sort, whether it is a change that affects professional people or one that affects the ordinary man in the street, is that one cannot hypothesise all sorts of risks. It is important that the legislation should contain an appropriate level of checks and balances. There are dentists who face charges of negligence and who are unsuccessful; that is, there are consumers who establish negligence against dentists and against the most highly qualified surgeons, lawyers, accountants, and professional people throughout the land. All people make mistakes. The question is whether this legislation has sufficient checks and balances built into it to ensure, with a reasonable level of certainty, that consumers will be protected. I will take the Committee through those checks and balances in relation to this legislation.

Firstly, no person will be able to install partial dentures without undergoing assessment. All this business about untutored and unchecked people dealing with the insertion of partial dentures is not correct.

I refer to clause 21 of the Bill which provides that, firstly, the dental prosthetist must apply to

the commissioner for endorsement of his licence and, secondly, the commissioner must be satisfied that the applicant has been assessed by examination and so forth, in order to obtain this endorsement. At a later stage we will move to provide that there shall be an equal number of dentists and prosthetists on the committee that will be setting the educational standards. The profession allegedly most concerned about these issues will set the level of examination that will be required before any prosthetist can deal with partial dentures.

The first check and balance is that the people who will be permitted by law to build partial dentures will have undergone an examination to establish their fitness, and an element of that examination will be set by the committee, which includes an equal number of dentists and prosthetists. It has been drawn to my attention by the officer that an education authority will be prescribed for these duties but, effectively, the input will be from the committee and the education authority. The second check and balance is that no dental prosthetist will be able to build these partial dentures unless a dentist has certified not just that the patient has nice breath or pretty teeth, but that he has a mouth cavity and existing teeth in a fit state to have the proposed work carried out.

It is not just a certificate of oral health. I do not know whether the so-called experts referred to by Hon. Phillip Pendal had drawn to their attention the implications of clause 19. It specifically provides that this is not a general certificate of oral health, but a specific certificate of oral health for the proposed work; in other words, the partial denture.

Surely, the dentist will be under an obligation to satisfy himself or herself that the teeth are in a fit state to take a partial denture. Presumably the dentist will X-ray, drill, examine, and do whatever it is that dentists do in order to provide a certificate. If there is any doubt that the patient may not be able to take a partial denture, the dentist may withhold the certificate. That is the third check and balance.

Hon. Peter Wells referred to all sorts of places around the globe and referred to the need to X-ray in order to determine the fitness for partial dentures. The dentist has to certify that, and the dentist has the capacity, or should have the capacity, to X-ray the teeth. Therefore, he should withhold his certificate until he is satisfied. If he fails to do so, he will no doubt be negligent and in breach of his duty and care to the patient.

A further check and balance which is not written into the legislation but which is drawn from the experience in other States is that, despite the fears that professional people might express and do express—and an example is the report from the Law Society about the Credit Bill—there has not been a problem in the States in which dental technicians have been engaged in these practices. In other words, the final check and balance must surely be that dental technicians in other States have shown sufficient care and professionalism in their particular task to ensure that this does not occur. Any blot on their escutcheon will affect their business.

They could be sued by a patient, but there is no evidence that that has occurred. That is where Mr Pendal's debating technique lets him down. It is entirely hypothetical—based on the best views of experts perhaps, but there is one much better test than that.

Hon. P. G. Pendal: The Minister for Health and his promises.

Hon. PETER DOWDING: That is the problem with Mr Pendal. He sees this as a matter of debating technique. I am talking about the reality of what happens in the other States. There is no evidence of any problems. In the second reading debate, members opposite were taunted to produce the evidence, and they have had some time to deliver it. Hon. Peter Wells has taken us around the globe in order to examine all the issues, yet he has not produced the evidence which the Government does not believe exists.

Hon. P. G. Pendal: That is false.

Hon. PETER DOWDING: Mr Pendal has not done so either. Mr Pendal has adopted a position and will justify it at all costs. He has no evidence to substantiate his case and to indicate that the final check and balance to which I have referred will not occur in this State; that is, the professionalism of the people who are engaged in this industry will protect the consumer.

I suppose we really get to the stage where there are members in this Chamber who believe that the warnings of what might happen are such as to override the assessment by examination, the certificate of oral health that the proposed work should be carried out, and the evidence that in other States there has not been a problem in this area.

Honourable members opposite may well believe that I cannot persuade Hon. Phillip Pendal to the contrary because he adopts a position on it. I can only urge honourable members to give the legislation an opportunity to work. Be assured that the Government's commitment is to have a committee that works—a watchdog committee so that the public is protected.

If there is a fourth check and balance, it is that we have a committee made up of an equal number of dentists and prosthetists to oversee the problems which arise, according to our present proposal. That is the role of that committee, and no responsible Government would ignore a report which suggested that the power to install partial dentures had gone too far or was unsatisfactory.

Is it suggested that because this year there have perhaps been three cases of malpractice against dentists we should not permit dentists to engage in dental work? Of course it is not. Members can be sure this is an area where the committee will have the strongest reasons for acting as a watchdog and bringing a report to the Minister. I am sure Mr Hodge has a reputation as a responsible Minister, and no responsible Minister could conceivably tolerate a situation where there were problems in this area.

The members of the Opposition who do not support this legislation are adopting a position based on a desire to maintain their debating stance rather than a concern for the interests of the community. I am sure that the checks and balances will protect the community, as we all wish them to be protected, and I urge all honourable members to support the clause.

Hon. I. G. PRATT: I spoke at some length during the second reading debate in regard to my position on this clause, and I do not intend to speak for as long in the Committee stage. I will briefly restate some of the points I made at that time.

Most of the objections which could be raised to this Bill in general, and perhaps to this particular issue specifically, could be related to experiences in such other matters as the registration of chiropractors. Even tonight members have said they relate very closely to that sort of argument. The experts said it could not be done, and if it were there would be disaster. The reality is that that has not happened. Reality in the Eastern States has proved that these problems have not occurred with the registration and licencing of technicians.

I remind the Committee that I asked dentists to give me examples of problems which had occurred in States which had registered technicians, and they were not able to do so. It would appear to me that if there were real problems in this area there would be examples. Their colleagues in other States would be able to give them examples; examples would be on record. If grave mistakes had been made there would have been court proceedings. That sort of proof should have been easily obtainable but it was not.

Another point is in regard to the certificate of oral health. I have been told by dentists that dentists will not issue certificates because they do not agree with the legislation and they will boycott them. In other words, they will not accept the decision of the Parliament.

I understand that at least one dental technician has already been boycotted because he supports the legislation. It has also been suggested to me by a member of the dental profession that if dentists issue certificates of oral health, they will be putting themselves legally in danger because they will be responsible for any work done on the mouth concerned.

We have a couple of legal gentlemen in the Committee. Perhaps we may have some suggestions from them. The advice I have received is that the dentists will be responsible only if they are wrong. If a dentist issues a certificate showing the mouth is healthy and it is not, he will be responsible. If he issues a certificate saying the mouth is healthy and it is healthy but the technician does work which is not in relation to the certificate issued, the dentist will not bear any responsibility.

Hon. Peter Dowding: The technician?

Hon. I. G. PRATT: The technician will bear the responsibility, not the dentist.

Hon. Peter Dowding: The mouth must be in a fit state to have the proposed work carried out. The provision is very specific.

Hon. I. G. PRATT: If the advice I have received is correct—it has not come from dental technicians—the whole argument by the dentists on this issue is false. It is one which is being put forward purely and simply to try to pursuade members of Parliament that they should vote against this clause. If that is the situation, it does not receive much respect from me as a member of Parliament.

If we have a Bill to consider in this House, we should look at the facts, not a distorted view put purely and simply to make us worry about something. That is what I believe is the situation here. I believe members of Parliament are being put into a position where they are questioning something for a reason which does not really have substance.

I will make a brief plea, as I did in my second reading speech, that we should look at this Bill with regard to the facts we can find, and not be swayed completely by expert opinion—because expert opinion can be and has been proved to be wrong—but we should consider it and make our own judgment as to how far to take that expert opinion. A case like this should not be looked at politically; it should be looked at on the facts available. I would be concerned if the debate on

this clause were to deteriorate into a mud-slinging match, because I do not believe it is that sort of Bill. I sincerely hope it does not develop in that manner.

Hon. P. G. PENDAL: If the Minister had been playing football tonight I suggest he would have been ordered off the field for having played the man and not the ball. What the Minister has done in the course of a few minutes' response is to decry my debating techniques or skills, but he has done nothing to challenge the evidence I have put forward. That is the weakness of Mr Dowding's position.

I have some sympathy for him because he is representing another Minister who is putting forward major legislation with a weakness in it. The stature of the evidence of people like Professor Lewis, Dr Henry, and others in Western Australia has been attacked on the basis that they are dentists and therefore one can expect all dentists to stick together.

In the circumstances one could not expect an objective, scientific opinion to come out of the mouth of a dentist—that is the argument. What would happen—this might appeal to the Minister's legal background—if there were to be a coronial inquiry tomorrow on a matter requiring the expertise and clinical training of a dentist? It is very likely that someone like Professor Henry would be called to give evidence and it would be most unlikely that the coroner would attempt to do what the Minister has done here tonight; that is, to play the man and disregard the ball.

If this Minister is confident of the Government's position, I challenge him to call before the Bar of the Chamber the Director of Dental Health Services in this State.

Hon. Garry Kelly: You aren't serious.

Hon. P. G. PENDAL: There is the great mind on the other side of the Chamber! The best he can do is, once again, follow like a sheep the tactics of the Minister.

If the Government is right, then the people who work for it should be brought here to give evidence. I give an undertaking that, if those people from the Dental Health Services give evidence before the Chamber which would persuade me that what Professor Lewis is saying is self-seeking, I will change my mind.

This Government has access to advice, not just from the academics and not just from Professor Lewis, Professor Henry, and others; it also has access to the expertise of the people who run the Perth Dental Hospital at the other end of the city. That is a State instrumentality. The Government also has access to the people out at Manning who run the Dental Health Services division of the Public Health Department. What advice have those people given to the Minister for Health? I do not know, because I am not privy to it; but I invite the Minister to inform the Parliament, because it is the Minister's argument that the Parliament is making an ill-advised decision on the evidence that I am putting forward.

I repeat the comment I made earlier, that I have no vested interest in the matter. If the Minister for Health, in particular, can put forward evidence from that source, I shall change my mind. It must be borne in mind it is not a source which relies on dental fees to keep the person alive. These people are salaried officers of the Government who will continue in their positions regardless of this Bill.

A second point must be considered. If there is merit in what the Government is saying in regard to dental technicians having access to the patient for partial dentures, are we to see, for example, similar amendments coming forward to the other Acts of Parliament to which I referred in the second reading debate? For example, will we see amendments to the Optical Dispensers Act? The level of training of the people involved is no different from that of dental technicians, but they are not allowed to deal directly with the public. However, without any evidence, the Government is suggesting that, in terms of dental health or oral care, that is the change we should be making for the people of Western Australia.

If I have no brief or advocacy for the dentists' position, it equally stands to reason that I have no acrimony towards dental technicians, a number of whom have been to see me as well as other members of this Chamber. Yet there are people within that craft who have doubts about going this far with the legislation. They are certainly interested in achieving the legislative status that other people involved in health care in this State have achieved by an Act of Parliament. I do not quarrel with their desire to achieve that, but I repeat that, if the dental technicians are to have access to a watered-down system such as the Government has served up, I wonder whether we shall see a repeat performance, for example, for those who look after the optical health of the people of this State.

It is most unlikely during the course of this debate, based on what the Minister has told us so far, that I shall change my mind, but I repeat that I would happily do so if the Minister put evidence before us from the employees of the Government itself or if he gave us the opinions of the Director of Dental Health Services and all the people who work within the Perth Dental Hospital.

Hon. FRED McKENZIE: I refer to the present position, because that is what we must return to. Under that position people are dealing with dental technicians quite illegally. That situation will not change in the future—

Hon. P. G. Pendal: Well, it should do.

Hon. FRED McKENZIE: —with the exception that this Bill provides that, if partial dentures are to be designed and constructed by dental technicians, the patient must go to a dentist and obtain an oral certificate. That is the point where this Bill makes the position in this State better than that anywhere else in Australia.

In spite of what Mr Pendal says, there has been no attempt to indicate to us that there have been any problems in the past. I remind members that dentures have been made illegally without examination by a dentist. This Bill provides that, in the future, an oral certificate must be provided.

Many red herrings have been drawn across the trail, mainly by the dentists, because they have a specific interest in keeping the work in their own arena. However, the design and construction of dentures, whether they be partial or full dentures, is surely the province of a dental technician; he is the master of that trade.

In respect of the examination of the mouth, I do not know how many times we must remind members that an oral certificate of health must be obtained. Surely that is a sufficient safeguard. At present people can deal directly with a dental technician. They can have a mouthful of decayed teeth, and the dental technician may refer them back to a dentist, or he may, at the insistence of the patients, proceed with his work.

Hon. D. J. Wordsworth: Why do you think the Bill will make a difference to that?

Hon. FRED McKENZIE: It will bring more responsibility into this area.

I see nothing wrong with this clause. All we are doing is tightening up existing practices. The Bill will ensure more observance of the provisions and we should adopt the Bill without alteration to this clause.

Hon. P. H. WELLS: I want to deal with some of the misleading statements from Government members. Hon. Lyla Elliott quoted from letters from Tasmania. I want to clear up our discussion on partial dentures and the fact that technicians are to be allowed to deal with full dentures, something which they cannot do at present but something I indicated in my second reading speech I would support. The letter referred to by Hon. Lyla Elliott did not relate to partial dentures, yet that is the subject with which we are dealing at present.

Hon. Lyla Elliott: They dealt with the whole industry.

Hon. P. H. WELLS: The second thing I raise—it is something on which Hon. Ian Pratt and I disagree—concerns my great friends, the chiropractors. I have been involved with chiropractors ever since I have been in this place and before. I have never found a group who would agree that chiropractors should be given the right to issue a first medical certificate for workers compensation purposes. This is despite the fact that the majority of chiropractors have university qualifications. The reason for their not being given this right is that the legislation covering them has seven grandfather sections.

Hon. Fred McKenzie brought up the issue raised by the Minister when he said that all this was happening now, so we should legalise it. Well, that is one argument. But drug abuse is happening now and there would be no way that this Parliament would support the legalisation of drugs. The fact that something is being done illegally is not an argument to legalise it.

The argument next presented involved the claim that there was no provision for a report. I am not sure where or to whom people would report these problems now.

Hon. Peter Dowding: The Minister, the committee, the Commissioner for Consumer Affairs, a member of Parliament, the papers, or you could take a case to the courts.

Hon. P. H. WELLS: The Minister mentioned a number of areas, but he has been trained in law. The average person in the street who went to a dentist and was fitted with a bad denture would go to another dentist. If he went to a technician and his teeth fell out, he would go to a dentist.

If the argument for the success or failure of this legislation is to rest on the number of complaints lodged, let me give one that relates to the health area about which the Government has been screaming. I recently asked a question directed at the Minister for Health, "In the last 12 months, how many reports have been received of the sale of tobacco to children?" The Minister replied that only one report had been received but no prosecution had been possible. The Government seems to be asking me to accept its argument that, because there is only one report, the practice is not prevalent.

Hon. Peter Dowding: How about dealing with the Bill?

Hon. P. H. WELLS: The second point is that the Minister tried to tell me that all I dealt with was legislation in other parts of the world. I did mention some overseas Acts, but I also indicated

that the majority of Australian States do not have partial dentures facilities supplied by other than dentists. Only Tasmania and New South Wales—representing one-third of Australia—have a different arrangement; the remaining two-thirds allow for dentists only to provide partial dentures.

It was then said that we should not accept the expert opinions if we did not have facts, but I did mention some facts. For a start, I referred to a letter from Robert C. Bowers.

Hon. Peter Dowding: We could read it in *Hansard*.

Hon. P. H. WELLS: It would seem that the Minister did not read it because he made no reference to it and claimed that no facts were presented. I specifically arranged for the information to be provided; I did not conjure it up in my mind. I contacted the people involved in this work. I do not know how many people the Minister spoke with, but I spoke with a large number of people. I quote from Mr Bowers' letter as follows—

> Possibly the most damaging forces on a tooth occur when the tooth, or something attached to it, is high in the bite. This will mean that even if a prosthetist does not know where a tooth should be loaded he will not be able to provide a partial denture because, since it will be illegal for him to remove tooth structure,—

As is provided for in this Bill. To continue—

> —he cannot reduce the tooth to allow the ideal design to be implemented without being high in the bite.

Hon. Peter Dowding: What will he do?

Hon. P. H. WELLS: He could not do it. It would be illegal for him to fit a denture.

Hon. Peter Dowding: So what will he do? He will say that if you require extra work you will have to go back to the dentist.

Hon. P. H. WELLS: We have said that dental technicians have been doing this illegally for five years. We are now looking at giving them the right to work on full dentures. In the situation outlined in this letter, and considering that some dental technicians might have been doing this illegally already, it is just as likely that they will continue to do it illegally. In any case, Hon. Phil Pendal raised other instances.

Hon. Garry Kelly interjects. When he took part in this battle he said that the UK had this arrangement. I have a copy of the UK legislation, something which the honourable member has not read. I can tell him that it does not provide for work on partial dentures to be carried out by technicians.

Should we accept the arguments of doctors and dentists or should we accept those of the Minister and Hon. Fred McKenzie? Let us see what the people think about this. Let the people decide! A Morgan Gallup poll asked people to whom they would go to get the best advice. The people rated doctors and dentists highest in the areas of ethics and honesty. In 1976 and in 1984 they rated between 62 per cent and 64 per cent. Mr McKenzie might like to know how members of Parliament were rated: The highest rating was 21 per cent, and in 1984 it was 17 per cent. They are sixth from the bottom.

Hon. D. K. Dans: How far from the top?

Hon. P. H. WELLS: I am talking about ethics and honesty. In terms of making a decision, the public are likely to accept dentists' arguments before they are likely to accept those of the member and myself. I cannot decide what I would like. I spoke to many people. I visited dental technicians' laboratories. I spoke to dentists and doctors.

Hon. Fred McKenzie: What sort of doctors, doctors of dentistry?

The DEPUTY CHAIRMAN (Hon. P. H. Lockyer): Order!

Hon. P. H. WELLS: Doctors of dentistry and doctors of medicine.

The DEPUTY CHAIRMAN: Order, please! The Committee stage of Parliament is such that all members have the opportunity to speak as many times as they wish.

Hon. D. K. Dans: Unfortunately.

The DEPUTY CHAIRMAN: At this stage Hon. P. H. Wells has the floor and it is to him that I ask members to pay attention.

Hon. P. H. WELLS: It is an issue on which not even technicians agree. I spoke to technicians who belong to the organisation who would not want to be named. They said to me, "I am being pressurised by both sides on this issue". The argument that the dentist would probably put forward is that this Bill should be defeated, and I indicate to the Chamber that I will not defeat the Bill. I agree that technicians certainly have acquired a skill in terms of the evidence that has been provided to me in regard to full dentures and I am willing to go along with that point because of the advice given to me from a wide range of people. I assume the Government seeks advice on medical issues. Even the technicians I spoke to were divided. I spoke to many technicians on the telephone. Some were interviewed on radio and a technician from my electorate is reported in *The*

Australian of 24 July under the headline, "Technician's concern about dentures". The article reads as follows—

> Being a self-employed dental technician in my own laboratory, servicing dentists, I put forward a few points about the dental technicians' registration Bill.
>
> I feel that my livelihood could be in jeopardy because of the selfish acts of a small minority of technicians. I know many technicians, most of whom do not favour the proposed Act. However, like myself, their opinions have not been sought.
>
> Indeed, most technicians want to let sleeping dogs lie. Certainly, certain sections of the law do need updating, particularly in relation to denture repairs.
>
> It is my belief that the only people who will benefit from the proposed Act are the technicians themselves who have flouted the law for some five years.

There are many arguments on both sides of the issue and if one were trying to establish the right thing to support in terms of the health of the community, we have, firstly, professional people in the health area urging great caution; in fact, they are saying the legislation is a no-no. Other parts of Australia will not accept this legislation. In South Australia, prior to the Select Committee a Government inquiry was conducted which made strong recommendations against this matter; so in terms of the health profession around Australia only Tasmania had a small number at the beginning which was brought about because of a shortage of members.

The DEPUTY CHAIRMAN: Order, please! Could I just point out to Hon. P. H. Wells that in my opinion he is straying onto the principles of the Bill when he really should address himself to clause 20 which is before the Committee. While I have been fairly lenient because I believe that good debate is desired, I believe he is straying onto perhaps a second reading matter. I ask him to restrict himself to clause 20.

Hon. P. H. WELLS: Clause 20 deals with partial dentures. As the Minister argued, this matter has been dealt with overseas and in Tasmania because it had a small number of them. New South Wales had legislation which allowed full dentures first and did not allow partial dentures for four years after that because it was getting rid of legislative problems. All other Acts that we have looked at around the world, even those in America, say the same thing. If we had professional people like Lewis and Bowers—

Hon. Fred McKenzie: You have not quoted one medical practitioner yet.

Hon. P. H. WELLS: The AMA put out a Press release if the member wants to read it. The AMA argued against the whole Bill in terms of that area. People are continually saying that a decent Government would say it is wrong in terms of partial dentures, that other Acts and Select Committees elsewhere have said it is wrong. I am not a specialist in the area of health and I need to take advice from a wide range of people. How could I be expected to accept an opinion that presents no argument against partial dentures, when all professional people and people that the Government employed to give advice to it in terms of the legislation say we should not have this legislation? That seems illogical and the advice that the Government obtained and the provisions that it employed indicate it must go. It all boils down to a political decision. The Labor Party made a commitment in terms of the dental technician and I will not quote how far that commitment went. I would have thought that the acceptance of dental technicians and full dentures rather than partial dentures would have accommodated that commitment. I am willing to support that principle, but I am not willing to support partial dentures on the evidence that has been presented to us.

Hon. PETER DOWDING: I do not want to unnecessarily prolong the debate at this hour of the morning, but I want to make three points. Firstly, there is a difference between fact and opinions; and I invite Hon. Phil Pendal and others to produce facts on problems arising in this area. They have produced opinions on problems likely to arise in this area. As a lawyer, I have regularly called expert witnesses to produce opinions, and some of those witnesses have been highly skilled, trained experts, only to discover that the other side has also got a highly trained expert witness to produce completely contrary opinions. I do not denigrate any of the experts whose opinions have been expressed today. I make the point that it is often possible to get experts to express opinions, but we should look for facts and the facts do not support the assertions.

Secondly, let the people decide. Frankly, the people have decided because they have supported dental technicians despite the illegality of the acts that they have performed. That seems to be compelling evidence that the people have decided. Their view is not an attack on dentists and therefore the credibility of dentists is not an issue facing the public. The public, however, may well wish to raise the issue of whether certain provisions should exist which provide the exclusive monopoly to practise in areas as professionals,

given a range of guidelines on safety checks and balances. That is a matter about which the people have decided, because they have supported the dental technicians to some extent.

Thirdly, the practice is now illegal, and that illegal conduct will be carried on after the Act is proclaimed.

Fourthly, it is a well-established fact that when an industry or a profession is regulated and licensed it is always cleaned up, and the people who have licences and always guard their premises, are jealously scrupulous to ensure that their brethren and others in the profession act according to the rules laid down in the legislation.

That is the experience of the professional bodies. The experience suggests that people will be most reluctant to jeopardise their licences, because the members of the profession who are licensed will jealously guard the marketplace and will be most reluctant to see people who are working illegally getting away with it.

There are plenty of examples of that. We see it in the car dealers' area and in the real estate area. We see it amongst professional accountants, lawyers, and the like. None of those systems is perfect, but each is much better than a system based on illegality. We will see that any illegality will disappear.

I urge members to reflect on their positions, because it seems to me appropriate that we should now consider the clause.

Hon. G. C. MacKINNON: I think at this stage I should say a word or two. I gather the Bill we are discussing is modelled on an idea that I had something to do with a few years ago, so I am told.

It seems to me that the Minister has got the wrong leg of this animal. We ought to be considering the welfare of the people who need dental treatment. The point we should be asking ourselves is: How much will their treatment be improved by these actions?

Hon. Fred McKenzie: That would be their choice.

Hon. G. C. MacKINNON: That is not necessarily an answer to the question, in any shape or form. I have had some experience in trying to make things better for the people in the field of dentistry, and my main opponent was always the Australian Labor Party. Everyone knows what I am taking about.

It seems to me that one step at a time is a good move to make on these measures. The point Mr Wells made about dentures is a good one. He pointed out that the situation will be no better for the people who have full or partial dentures if we pass this legislation. It will be convenient in that if they are members of the HBF they will receive some subsidy, but they will receive very little other benefit. I see they can receive the same benefit by going to a dentist.

I would suggest there is no mention about the advantage to the law-abiding citizen. There has been a suggestion that there might be a bonus for the non-law-abiding citizen who has been illegally using the technicians.

In my six years' close association with dentists I found there was little illegal activity being carried out, except for one or two fairly well known technicians. I had occasion to use one once; I was struck in the mouth when I was standing where Mr Dowding is sitting at present and I had to get my teeth fixed in a hurry. That occurred in the days when members of this Chamber were far more sprightly than they are now, and when we used to take our fights a little more seriously.

This legislation will not help the customer and will not relieve the suffering of the people who need dental treatment. We are not opposing the Bill; we are suggesting a little more caution than the Government seems to want.

Might I suggest that one step at a time is a good way to travel, and that may not be a bad thing to accept.

Hon. I. G. PRATT: I would like to agree with Mr MacKinnon that one step at a time is a good policy, but when we are taking one step at a time, I think before taking that step—and if we approve of what we have done—we should ask ourselves, why not take the next step, if there is no good reason to not take that step?

I do not agree with Mr MacKinnon when he said that this provision provides no advantage to people in the community, because the experience in other States has shown that there will be a considerable cost saving. Probably it will not be a saving to people like Mr MacKinnon and myself, who can afford dental work without a great deal of soul-searching; but many people have to do a great deal of soul-searching to decide whether they can afford to have dental work done. I believe they are the people who will receive better dental health by virtue of the fact that they will be able to afford a dental plate they could not otherwise afford to have. I believe that will improve dental health in Western Australia.

I should comment on a few points that Mr Wells mentioned. He said that chiropractors are not allowed to issue a certificate for workers' compensation. I would not consider that to be a fact which would support his argument on this Bill. I

would consider that to be a weakness in our legislation regarding workers' compensation. I will quickly mention my personal experience with chiropractors.

I had a problem with my neck and I went to the doctor who said I had a problem in my neck and gave me tablets to take. I went to a chiropractor who arranged for me to have an X-ray taken of my back and neck. He identified the problem and did something about fixing it; he did not treat the symptom. I think that is something many doctors do. Many doctors do not believe in chiropractors, and will not refer a patient to a chiropractor.

That was my personal experience, and I think sometimes a personal experience colours one's judgment, but it is a fact that the chiropractor was able to diagnose my problem. I do not think Mr Wells achieved anything in his argument by thanking me for mentioning chiropractors.

Another point he raised, about which I ought to comment, relates to Miss Elliott's letters about the Tasmanian situation which she read to the Chamber. I do not think it is a valid argument to say that the letters covered the whole area so they did not refer to any specific part of that area. If they covered the whole area, that would mean they covered everything in that area. I too read those letters, but they did not state that Tasmanians were satisfied with the action of the mechanics in respect of partial dentures. Robin Gray would not be so stupid as to write a letter covering partial dentures if he did not believe the work being carried out in Tasmania was not satisfactory. Mr Wells would not have done that and I would not have done that. Robin Gray is a person whose ability I admire and I do not think he would be stupid enough to do that. Therefore, I do not agree with Mr Wells' argument in regard to that matter.

The suggestion that perhaps the South Australian model is the correct one to follow is one I would question, because many things have happened in the South Australian Parliament with which I would not agree. I would not support many of the Bills that have been passed. I am sure many members in this Chamber would agree with me on that issue. I do not think we can say that, because the South Australian Parliament has held a committee of inquiry, it is right.

Also, I would hate us to accept the proposition that we should all go home and allow dentists and doctors to make the decisions because a public opinion poll has shown that their views are accepted in the community. I feel that quoting that sort of public opinion poll, which is a general one regarding the status of people in the community, has little bearing on a specific issue such as we are discussing tonight—how we, as members representing people out there, vote on this issue. That has little to do with our public status; it is a job we have to do and about which we have to make up our minds. We have to live with our decisions.

To return to what Hon. Graham MacKinnon said about one step at a time, sure, let us take a step and, if it appears to be a good one, let us take another. Let us not just take one step; let us complete the process of learning to walk. That does not mean only taking one step, it means taking one and another following it, not necessarily with a break in between—one continuous action. We should take two steps here; one to allow technicians to deal with the public, which it seems we are prepared to do, and the other of allowing them to deal with partial dentures, with the proviso that they must have a certificate of oral health and that the dentists have control over the professional part of the work that is to be done.

Hon. P. H. WELLS: I accept the Minister's argument, although I could give a large number of other authorities. Therefore, I move the amendment standing in my name.

The DEPUTY CHAIRMAN: The member cannot move an amendment, he can only indicate he is going to vote against the clause. Members who wish clause 20 to stand as printed should vote "Yes" and those who agree with Hon. Peter Wells should vote "No".

Clause put and a division taken, with the following result—

Ayes 12

Hon. J. M. Berinson	Hon. Robert Hetherington
Hon. D. K. Dans	Hon Garry Kelly
Hon. Peter Dowding	Hon. Mark Nevill
Hon. Graham Edwards	Hon. S. M. Piantadosi
Hon. Lyla Elliott	Hon. I. G. Pratt
Hon. Kay Hallahan	Hon. Fred McKenzie *(Teller)*

Noes 15

Hon. C. J. Bell	Hon. Neil Oliver
Hon. V. J. Ferry	Hon. P. G. Pendal
Hon. Tom Knight	Hon. W. N. Stretch
Hon. A. A. Lewis	Hon. P. H. Wells
Hon. G. C. MacKinnon	Hon. John Williams
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. Tom McNeil	Hon. Margaret McAleer
Hon. I. G. Medcalf	*(Teller)*

Pairs

Ayes	Noes
Hon. J. M. Brown	Hon. N. F. Moore
Hon. Tom Stephens	Hon. H. W. Gayfer

Clause thus negatived.

The DEPUTY CHAIRMAN (Hon. P. H. Lockyer): I remind honourable members that now that clause 20 has been deleted they are unable to

move any amendments which are inconsistent with that decision.

Hon. PETER DOWDING: I move—

That the Committee now consider clauses 5 and 6 together.

Question put and passed.

Postponed Clause 5: Dental Prosthetists Advisory Committee—

Hon. PETER DOWDING: It may be convenient, if Hon. Peter Wells agrees, that I move the Government's amendments to this clause. The Government's position is to seek to accommodate some of the complaints raised by the Opposition and to increase the composition of the committee to eight, to allow for an additional dentist on the advisory committee, which would give a balanced representation between the dentists and the dental prosthetists. I move an amendment—

Page 3, line 18—Delete the figure "7" and substitute the figure "8".

Hon. P. H. WELLS: I indicate my support for the proposal that the number should be eight. In one other State it is nine and in another it is eight, so this is about the right order.

Amendment put and passed.

Hon. P. H. WELLS: I am a little concerned that we are moving on the whole clause. I understood we were dealing with clause 5(2) which relates to the eight persons on the committee. We now need to proceed to deal with the additional person to go onto the committee.

The DEPUTY CHAIRMAN: We are only dealing with page 3.

Points of Order

Hon. PETER DOWDING: I am not sure whether it is appropriate that I move my amendment, and in due course the Committee can return to the clause.

The DEPUTY CHAIRMAN: That is not possible. It will be necessary for the Minister to indicate whether the amendment to be moved by Hon. P. H. Wells and the amendment to be moved by him are inconsistent.

Hon. PETER DOWDING: I thought the best way of testing the wish of the Committee would be if I moved my amendments to clause 5 *seriatum* and, if they are accepted by the Committee, that would dispose of the matter.

Hon. P. H. WELLS: I need some guidance, Mr Deputy Chairman, because the proposal that the Minister is putting forward relates to a part of the clause after the part to which my amendment relates. It would appear that, if we proceed with the Minister's amendments, I will lose the right to move my amendment.

The DEPUTY CHAIRMAN: Order! The member is quite right. Because of the order in which the amendments were placed, Hon. P. H. Wells is right to move his amendment next.

Committee Resumed

Hon. P. H. WELLS: My amendment relates to clause 5(2)(b). In researching this clause, it became apparent from the Victorian Act that exactly the same situation was dealt with and it was recognised that a proper person should be appointed to the position. The Victorian Act states that a person shall be nominated by the Minister and shall be a person who conducts classes for apprentices in dentistry mechanics.

The Mt. Lawley Technical College trains dental technicians. It seems to be appropriate that the person nominated by the Government should know something about the area about which we are talking. I move an amendment—

Page 3, line 22—Insert after the word "person" the passage ", who shall be a lecturer in the dental technicians apprenticeship course conducted by the Education Department,".

I understand that a number of people fill that field and would be available to be appointed to that position.

Hon. PETER DOWDING: The Government does not believe that it is appropriate to limit the position to a person who has achieved the status of lecturer, because the Government believes that there are people more qualified, such as the people who set the syllabus.

The point is that the Director of Technical and Further Education will appoint someone to the board with the technical expertise to have an input. It is the Government's intention that the TAFE director will have the power to appoint someone, for instance, who sets the syllabus. That person may not be a lecturer, he may be a person who is much more qualified than a simple lecturer. We believe that the member has not thought this matter through and is really trying to have someone appointed with less qualifications and less expertise than we have sought to have appointed.

Hon. P. H. WELLS: I did not pull my argument out of the air. I have used the legislation of a number of States as examples. I studied those examples and found that it would be better to appoint someone who was involved in the particular course.

Hon. Peter Dowding: The person about whom you are talking is not a lecturer; he sets the syllabus.

Hon. P. H. WELLS: But he is also a lecturer. I have spoken to the chap personally. A number of them can teach the course. It was found, in the Victorian legislation, that the person to be appointed to the board should be specified.

Hon. PETER DOWDING: The Director of TAFE will make the nomination. Surely we can trust our senior professional officers who loyally serve all Governments to make the right nomination for a position like this. The honourable member is limiting the appointment to people who may not be the best for the job. We have specified that the Director of TAFE, the person who is in charge and is responsible for ultimately setting the training course, will nominate a person. If he appointed Fred Nurk, the local garbageman, Hon. P. H. Wells would have reason to be critical. Surely we can rely on someone like that to make the right nomination.

Hon. JOHN WILLIAMS: I must go along with the Government in respect of this amendment. The Minister has given a very reasonable explanation. The Director of TAFE is the responsible person and would know from amongst his advisers who would be best suited to do the job. It could well be that even a qualified dentist would not be appointed. I support the Government on this matter.

Hon. P. H. WELLS: The Minister has assured me that the person the Government intends to be appointed to the position will be appointed on the recommendation of the Director of TAFE. It was my desire that what was done in other States should be done here. The Minister has assured me that the person appointed could be a person more qualified than a lecturer and I accept what he and Hon. John Williams have said.

Amendment put and negatived.

Hon. PETER DOWDING: I move an amendment—

Page 3, line 27 to page 4, line 8—Delete paragraphs (c) to (g) and substitute the following—

(c) 3 persons shall be dentists of whom—

(i) 1 shall be appointed on the nomination of the Australian Dental Association Inc.; and

(ii) 1 shall be appointed on the nomination of the Commissioner; and

(d) 3 persons shall be dental prosthetists of whom—

(i) 1 shall be appointed on the nomination of the body known as the Dental Laboratory Owners' Association set up under the auspices of the Western Australian Chamber of Commerce and Industry (Inc.);

(ii) 1 shall be appointed on the nomination of the W.A. Dental Technicians and Employees' Union of Workers; and

(iii) 1 shall be appointed on the nomination of the Australian Dental Technicians Society (W.A. Branch).

Hon. P. H. WELLS: The amendment proposed by the Government is different from that which I am proposing. I am proposing that the third person appointed to the committee would be the dean of the faculty, but he would also be a dentist, which would not tie in with what the Government has moved.

The amendment moved by the Minister states that there shall be three persons appointed to the board, one from the Australian Dental Association and one appointed by the commissioner. The amendment then states that three dental prosthetists shall be appointed to the board.

Hon. Peter Dowding: He is nominated by the Minister.

Hon. P. H. WELLS: It says that one person shall be appointed by the Australian Dental Association—

Hon. Peter Dowding: That is right, and the other person shall be appointed at the Minister's discretion.

Hon. P. H. WELLS: It is not stated who will appoint the third person.

Hon. PETER DOWDING: Clause 5(2) states that eight persons shall be appointed to the committee. Three of those positions will be held by dentists; one is appointed on the nomination of the ADA, one is appointed on the nomination of the commissioner, and one is appointed by the Minister.

Hon. P. H. WELLS: It says that eight persons shall be appointed. The first is appointed by the Minister and the second is a representative from TAFE. The Minister's amendment is to delete paragraphs (c) to (g).

Hon. Peter Dowding: The Minister appoints eight people. Some of them are nominated by various organisations and appointed by the Minister. One of the positions does not have to be nominated by anyone else—the person is appointed by the Minister, and that is what the clause says.

Hon. P. H. WELLS: The Minister is saying that eight people shall be appointed by the Minister and the amendment states that three of those people shall be dentists, one nominated by the ADA and another nominated by the commissioner. In other words, we end up with two people being nominated by the Government and one by the industry. The commissioner is part of the Government, so that accounts for the person nominated by the Minister.

Hon. Peter Dowding: No, that is from the department. It is intended that it should be the Director of Dental Health Services.

Hon. P. H. WELLS: It does not specify it.

Some of the Acts which are in force around Australia state that that position shall be filled by the Director of Dental Health Services. Will the Minister give consideration to appointing the Director of Dental Health Services?

Hon. Peter Dowding: The commissioner has a statutory role and he will make the appointment.

Hon. P. H. WELLS: I am concerned about the role of this board in terms of education. If one looks at the functions of the committee, its major role involves education and setting examinations. Members must look at clause 12(1) to understand the roles of these appointments.

Because a person is a dentist it does not mean he is a good educator. It is my understanding that if the dean of the faculty was on the board he would be in a better position than others to deal with matters relating to education. The dean of the faculty would fill not only the role of the dentist, but also the education role.

Dental education is advancing rapidly and I believe the board would benefit from the expertise of the dean of the faculty if he were appointed to the board. I ask the Minister to consider the appointment of the dean of the faculty to the board.

The DEPUTY CHAIRMAN (Hon. P. H. Lockyer): I will put the question.

Hon. P. H. Wells: May I ask a further question?

The DEPUTY CHAIRMAN: Hon. Peter Wells is not entitled to ask a further question.

Hon. P. H. WELLS: May I ask for some guidance?

The DEPUTY CHAIRMAN: The member may seek the guidance of the Chair.

Hon. P. H. WELLS: The amendment I have on the Notice Paper refers to the appointment of the eighth person being the dean of the faculty. I believe I should vote against the amendment in order that the Chamber can deal with the amendment standing in my name on the Notice Paper.

The DEPUTY CHAIRMAN: As the two amendments are inconsistent Hon. Peter Wells can vote for the Minister's amendment and then move his own amendment.

Hon. P. H. WELLS: Once we accept the Minister's amendment, the amendment standing in my name would require an alternative to that amendment because I believe that the third dentist appointed should be the dean of the faculty.

Hon. JOHN WILLIAMS: I do not think it matters a fig whether it is the dean of the faculty or the Director of Dental Health Services. The Director of Dental Health Services is not just a dentist. He happens to have a knowledge of the dental profession and if one wanted to pay his respects to the ex-director it would be to Mr Pritchard who has recently retired. He is the type of man Mr Wells is looking for. He has the knowledge of the dental profession and of technicians.

The Minister, in his wildest dreams, would want the head of the Dental Health Services appointed to the board. If I were in Mr Wells' position I would not be too dogmatic about the dean of the faculty being any better than the Director of Dental Health Services. I am sure the Minister will agree that this would be the case because the man is very knowledgeable and he has been appointed to supervise the whole area of dentistry.

The DEPUTY CHAIRMAN (Hon. P. H. Lockyer): I will make the position clear to Hon. Peter Wells. The member is able to vote for the Minister's amendment because this amendment provides that three persons shall be appointed who shall be dentists and only two of these appointments are named. Therefore, it is not inconsistent for the member to move his own amendment contained further on in the Notice Paper, except it will have to be redesignated as paragraph (e) and not paragraph (h).

Hon. P. H. WELLS: Thank you for that explanation, Mr Deputy Chairman. I agree with the Minister's comments. I have no argument with the provision that one dentist appointed shall be on the nomination of the Minister. The question we are deciding does not relate to that appointment but to the appointment of one other dentist.

Hon. Peter Dowding: That is not before the Chair.

Hon. P. H. WELLS: The Minister's amendment includes three appointments. It refers to one to be appointed by the Australian Dental Association Inc., one to be appointed on the nomination of the commissioner, and one to be appointed by the Minister. I am not opposing the two appoint-

ments already detailed in the Bill. My amendment would deal only with the third person to be appointed.

Having explained my situation, I accept the proposition of having three dentists; and there may well be further debate on that.

Amendment put and passed.

Hon. P. H. WELLS: I move an amendment—

Page 4, after line 8—Delete the full point, substitute a semi-colon and insert the following new paragraph—

(e) 1 person shall be the person occupying the office of Dean of Faculty of Dentistry of the University of Western Australia.

I have agreed with the Government that we should have one extra dentist. The Dean of the Faculty of Dentistry is a dentist and if he is appointed together with the Director of Dental Health Services the Government will provide dental technicians with an input in terms of education that will give this State some standing. The Government will achieve many of the things it seeks to achieve. I hope the Government will accept this proposition; it is not playing politics but balancing the educational part of the Bill.

Hon. PETER DOWDING: I appreciate that Hon. Peter Wells puts a great deal of thought and effort into his amendments of this legislation. However, we must have the best committee. It may be chosen today based on certain criteria but they might change in a year's time. So might the Minister. The Opposition might be in government and find that it wants to make an appointment and on advice received believe that it has the best committee but that it cannot appoint the members it wishes to because the Bill is too specific.

We are trying to achieve a good committee with the best people on it. It is thought appropriate to give the Minister the opportunity to choose one dentist. There may be a whole variety of reasons that some other person may be the most appropriate appointee. If the Dean of the Faculty of Dentistry is the best person, no doubt the Minister will appoint him. However, other people may be more involved in the area of education or more specifically active in a particular area in which the committee needs expertise.

It seems appropriate that this amendent should not be made.

Hon. G. E. MASTERS: I do not think the amendment that has been suggested would fit into the arrangement. So far we have agreed that eight persons shall be appointed and that the committee should comprise one person appointed to be a member and the chairman of the committee; one person appointed on the nomination of the person occupying the office of Director of Technical and Further Education; by amendment, three persons shall be dentists—one appointed on the nomination of the Australian Dental Association Inc., one appointed on the nomination of the commissioner, and it is assumed that the third person of these three is appointed by the Minister; and the next paragraph states that three persons shall be dental prosthetists. Mr Wells has moved to add paragraph (e) providing for one person to be appointed who shall be the person occupying the position of Dean of the Faculty of Dentistry. It seems to me that we would then have nine members. I stand to be corrected but I think that Mr Wells' amendment should be included in the Minister's amendment, otherwise there is the possibility that the number of members could be misinterpreted as nine rather than eight.

Hon. P. H. WELLS: The point made by the Leader of the Opposition is valid and we seem to have a problem in this situation. We are talking of the Dean of the Faculty of Dentistry. He is a dentist and would be included in the category referred to.

Hon. PETER DOWDING: I intend to come back and deal with this tomorrow when we reach agreement on the points of principle. We can tidy up the drafting matters at a later stage. I will take account of the points raised by Hon. Gordon Masters.

However, there is no evidence that the dean of the faculty will want this position and the amendment allows no flexibility at all in this area.

Hon. JOHN WILLIAMS: I was about to raise the same point. What if the dean of the faculty does not want the job, or if he is not allowed to take the job by virtue of his contract with the faculty? One may find that the dean of the faculty is an extremely busy man. If he says he does not want to be on that committee, the Bill must be brought back here to be amended, if this amendment goes through.

If the Minister felt the dean was a suitable man he would have approached him and asked him to serve on this committee. If he said, "No", the Minister would look elsewhere.

This is putting us into a tight vice if it must be the dean of the faculty. I am not sure whether the dean's contract has been checked to see whether he is limited in the amount of outside work he can take.

I look forward to the contribution of Hon. Robert Hetherington, who is more *au fait* with university contracts than I.

Hon. ROBERT HETHERINGTON: I think it is grossly improper to write into a Bill something which will change the contract of the dean. We have no idea what the contract is like. I am sure nobody has looked at it. We have no idea whether the present dean wants the job, or whether he is in fact suitable. We should not assume, because the dean is a dean, he has necessarily the time, the desire, or anything else to go on to this committee. It is quite improper to pass legislation to change the contract of the dean of the faculty. The university is an autonomous body. If he is the right person he will be invited. What we may do with a public servant is not something we should do with the dean of the faculty. This amendment should not be proceeded with.

Hon. P. H. WELLS: In this case, because the Minister will consider this tomorrow, and there is one other major point to deal with, I will take into consideration overnight what the Minister has said. I would prefer it if the Minister would defer this clause and deal with the other major clause, which is more important than this one. This will enable things to be sorted out overnight and we can come back tomorrow.

Hon. PETER DOWDING: What I said was that when we had resolved all the issues I put, I would go away and make sure that in the final stages all the "i's" were dotted and the "t's" were crossed. Tonight we should resolve all the principles. I urge members to agree that the discretion should rest with the Minister for one of the appointments.

Hon. G. E. MASTERS: In the circumstances it is reasonable for Hon. Peter Wells to ask for a deferment of this clause. It is an issue which is certainly not going to cause the Minister any great embarrassment. I know he wants to get these things through, but it would be silly to make any sort of decision tonight for two reasons: Firstly, there seems to be doubt about whether the dean should be or could be the right person to do the job, or whether he should be asked. Secondly, the advice on where Hon. Peter Wells' amendment should go is difficult to determine. I think to call it subclause (1) (e) would be misleading.

Hon. Peter Dowding: That is a drafting issue.

Hon. G. E. MASTERS: It may be a drafting problem, but it is a very important drafting decision. I do not think one can juggle around with these things, because there is obviously a mistake.

Hon. Peter Dowding: All Mr Wells' amendments will have to be looked at carefully.

Hon. G. E. MASTERS: With all due respect to the Minister—it is a late hour—if there is some confusion—

Hon. Peter Dowding: There is no confusion on the principle. Let us resolve that.

Hon. G. E. MASTERS: I think there is. It would be reasonable in this situation, rather than force the issue to a vote, to say, "Right, obviously the Minister has made some impression on Hon. Peter Wells". There is good reason to think again, and I would urge that in the interests of good debate and to produce a Bill which satisfies everyone it would be a proper course of action in this case.

We have one other issue of importance to determine tonight. The Minister should say to us, "I will defer this matter rather than push it through," because that would be better than making a wrong decision.

The DEPUTY CHAIRMAN (Hon. P. H. Lockyer): It is not in the Minister's hands to determine the question. There is a question before the Chamber at the moment which has to be resolved. It is not for the Minister to change that question.

Hon. P. H. WELLS: I ask the Minister to delay consideration of this clause until tomorrow. A couple of issues have been raised. First, I think we should have the dean or his nominee on the committee. In a number of different Acts around Australia deans or their nominees are on committees or boards.

A member: Is the question not whether the dean will accept the position?

Hon. Peter Dowding: It is not only this dean; what about the next dean?

Several members interjected.

Hon. P. H. WELLS: In consideration of the proposition which the Minister put forward, I wonder whether he would consider that the dentist nominated by the Minister be a person who is experienced in the education field.

Hon. PETER DOWDING: Let us get this quite clear: We are putting together a piece of legislation which one assumes will go on, whether the dean of the faculty changes or not, and whoever occupies that chair, if anyone at all. Secondly, we want the best committee possible. Thirdly, we already have in our Bill as amended, with the concessions that we have made to the points raised by Mr Wells, people involved in the education of prosthetists, people involved in the dental arena, and people involved in the oral health area within the Public Service. All we are suggesting is that one person in the whole committee be a dentist whom the Minister seeks to appoint.

This person may have educational or administrative skills, or he may have a great number of

skills in the area of dental prosthetics. The point of the Minister's proposal is that he ends up with one person whom he has the power to nominate. Frankly, that is an issue the Opposition can either accept or reject. It is a matter for judgment.

All of the drafting areas—there will be a number now, and we must go back through it—can be put into place once the issue of principle is decided. I do not believe there is any evil in or anything wrong with the way we are progressing.

The Minister is responsible for the proper workings of this Bill, and that is appropriate. The commissioner is in a different position because he has statutory responsibility which does not apply to the dean. All we urge is that the person put onto the committee will be the Minister's nominee. It is a simple issue, and I am sure that the Committee can decide now.

Hon. I. G. MEDCALF: I appreciate your comment, Sir, that this matter is one which rests with the Chair. Of course that is so. Nevertheless, it is always open to the Minister to decide to look at some aspects and, in order to achieve finality, decide that one part of the Bill should be reconsidered at a later stage. I have no wish to delay this Bill to the slightest degree; but it is quite apparent that we are now in the position—I am not saying we have been put into that position, because we did it ourselves—of considering a Bill about which we have frankly admitted that there are a number of drafting errors which we do not quite understand. We should not be placed in this position. We should be in a position to consider the exact words of the Bill, and not just to consider a matter in principle. That sort of thing should not be done in this Chamber. It can be done outside, in a conference somewhere; but in this Chamber we must know the legislation that we are passing.

There are clear inconsistencies. A number of members are quite worried because the number of people on this committee adds up to nine. While I bow to the superior knowledge of the Deputy Chairman (Hon. P. H. Lockyer), he said that it only adds up to eight. In these circumstances, we should not proceed with this clause. In order to succeed in having this Bill passed to his liking, I suggest to the Minister that he defer this matter so that it can be sorted out. He may well find that that results in a successful outcome.

If the Minister proceeds at this stage, because a number of members are in much confusion about exactly what we are discussing, it may produce a result which is not desirable.

The DEPUTY CHAIRMAN (Hon. P. H. Lockyer): I am advised that clause 5(2)(a) provides for one person; paragraph (b) provides for one person; paragraph (c) as it is proposed to be amended provides for three persons; and paragraph (d) as it is proposed to be amended provides for three persons. I remind Hon. I. G. Medcalf that that adds up to eight. I further remind him that paragraph (c) allows for only two.

Hon. I. G. Medcalf: What about paragraph (e)?

Hon. PETER DOWDING: The matter is really not as confused as Hon. Ian Medcalf suggested. Quite clearly the clause spells out that there shall be eight people. It then goes on to indicate by whom each will be nominated, and it leaves one to be read as being the Minister's nominee. If these paragraphs are inserted, that one no longer exists. Mr Medcalf suggested otherwise.

It is quite clear that all of the eight positions are filled. If the amendment moved by Hon. Peter Wells is successful, they are filled by the dean and the others. If that is not so, the position is filled on the nomination of the Minister.

As I have said, when we have gone through and dealt with these issues—it depends what happens down the track—it may be that some of the amendments moved by Hon. Peter Wells in other areas will require to be brought in; but that needs a careful combing of the Bill, and it will require one simple motion.

Quite frankly, there is not any confusion. In case there is confusion in the minds of members, we are dealing with the eighth position; and in my submission the issue is clearly before us. Will it be the dean of the faculty, or will it be the Minister's nominee who will be in place when this clause is passed?

Hon. P. H. WELLS: We have had a lot of experience in this Chamber of horse-trading at two o'clock in the morning over what one clause means and what one does not. Advice goes backwards and forwards, and we end up with a huge body of legislation. In previous examples the Government went straight to the Press the next morning claiming that we had fouled up the legislation.

Hon. Peter Dowding: I give you an undertaking that it is no more than eight people. Is that all right?

Hon. P. H. WELLS: We have seen a couple of examples in this Chamber. One of them was the Bill with which I was involved, relating to the smoking of tobacco. The other was the Western Australian Development Corporation Bill. We had the same problem with those two Bills in terms of getting the right wording.

A few moments ago we listened to a previous leader from whom I take a lot of advice. I would

have thought I should be moving for the insertion of paragraph (c), because we are talking about three dentists, and the third one of those is to be the dean. Then we move down and we have the ninth person in paragraph (h). That makes a lot of sense to me because of the confusion. This problem could be solved overnight and we could deal with a later part of clause 5, which is a major issue we must deal with in connection with the grandfather clause.

I ask the Minister to give consideration to this. We are trying to accommodate him; but the Government has not worked out ways to overcome this that we can accept.

Surely at 2.20 in the morning it is not unreasonable to ask the Minister whether we can deal with the question of the dean of the faculty tomorrow—first thing, if he wanted—rather than having to deal with it right now. The Minister has indicated we could sort it out tomorrow. I seek your guidance, Sir, as to how that can be done.

The DEPUTY CHAIRMAN (Hon. P. H. Lockyer): There is no way that the question before the Chair can be vacated. The only way it can be done is for the Minister to ask that progress be reported. The matter will then be reported to the House, and the Committee will immediately meet again. That is the only way it can be dealt with.

Hon. P. H. WELLS: I ask your guidance. If I sought leave of the Chamber to withdraw my amendment and then, after overnight discussions on the Bill, attempted to convince the Chamber to recommit this clause, is that possible?

The DEPUTY CHAIRMAN (Hon. P. H. Lockyer): I am advised that that is possible.

Hon. P. H. WELLS: I want to consider the argument that the Government has put forward in respect of this matter. If, after considering the matter overnight, I still feel strongly about it, I shall seek that the clause be recommitted. I seek leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Hon. P. H. WELLS: I move an amendment—

> Page 4, after line 16—Insert after subclause (3) the following subclause to stand as subclause (4)—
>
> > (4) A person appointed under subsection (2)(d), (1) to (3) before the appointed day shall cease to hold office and his office shall become vacant if he is not within 6 months of such appointment granted a licence.

The amendment deals with the appointment of a dental technician to the board. He is not actually a dental prosthetist, because he has not yet been assessed. We must provide some way in which the board can operate. It seems reasonable that, if the board is to set the standard of educational qualification, the dental technician appointed needs to be a person who obtains the requisite qualification within six months. If that did not occur, we could end up with a person who has no qualification or ability to obtain such qualification being appointed to the board and he would be able to retain his position on the board until he was due for reappointment.

The amendment provides the mechanism which will enable the person to operate in that area and it is tied in with a major amendment further on which deals with the argument in respect of the grandfather clause. I shall debate the issue when I deal with that matter, but I do not want to stop the Government from enabling the board to function; therefore, we must provide this sort of mechanism.

Hon. PETER DOWDING: This is not a reasonable amendment. These are the protections which exist in the legislation as it is drafted at the moment: A person may be appointed if he is not a dental prosthetist within the meaning of the Act if he has been actively engaged in the practice for five years and within 12 months after the coming into operation of the Act, gets his licence.

This is a brand spanking new committee and Act. The point we make is that the people must have had five years' continuous service, and they must get their certificates within 12 months, instead of six months as suggested by Mr Wells. I do not see the point in the six month limitation that Hon. Peter Wells seeks to insert. The Bill as it stands contains a 12 months' limitation, and I believe that is a reasonable time within which a person may obtain this qualification, bearing in mind that one of the jobs the committee must do is set up all the criteria as to the qualifications. Therefore, 12 months is a workable period within which that may be achieved, and no good purpose will be served by reducing it to six months. I urge that the amendment not be inserted, and I thought Hon. Peter Wells would not pursue it.

Hon. P. H. WELLS: I am a little at a loss, because I am dealing here with new subclause (4). My first reaction was to move for the deletion of subclause (3); that is, the grandfather clause. We are dealing with part of the grandfather argument which is dealt with in further detail in clause 18. This is the clause which determines the manner in which a dental technician shall get onto the board.

Hon. Peter Dowding: But you should be looking at clause 8(2)(d).

Hon. P. H. WELLS: I refer members to the wording of subclause (3).

Hon. Peter Dowding: And clause 8(2)(d).

Hon. P. H. WELLS: Subclause (3) of clause 5 refers to the advisory committee. It means that a person who is a dental technician must have had five years' continuous experience. I now refer members to the wording of clause 8(2)(d).

The DEPUTY CHAIRMAN: Order! I remind the member that it is difficult enough for members to understand what we are dealing with, without having the member suddenly hop onto clause 8. It is out of order and he cannot do that without leave of the Chamber. The question before the Chamber at the moment is the amendment moved by Hon. P. H. Wells.

Hon. P. H. WELLS: We need to understand clause 8(2)(d), because the Minister has said the answer is in that clause.

The DEPUTY CHAIRMAN: Order! I am well aware of that, but you cannot do that without leave of the Chamber. You are dealing with clause 5 at the moment. If you wish to deal with clause 8 as well, you will need to seek leave of the Chamber.

Point of Order

Hon. PETER DOWDING: It is suggested that the member's amendment covers a matter that is already in the Bill in clause 8(2)(d). I may be in error, but I have referred him to it in relation to the debate on his amendment to point out to him that in fact his six-month period is 12 months and it is covered in a clause which we will reach later.

The DEPUTY CHAIRMAN (Hon. P. H. Lockyer): Order! I take the point and I will accept the Minister's reference to it, but only as a point of argument for the question before the Chair.

Committee Resumed

Hon. P. H. WELLS: The point of my amendment went to the need to start the committee and the fact that the person on the committee would be one who met certain requirements within a given period. I have suggested six months while the Minister has suggested 12 months. Can the Minister indicate how he visualises the requirements for the dental prosthetists who will be appointed to the board when those people are not first qualified?

Hon. PETER DOWDING: I did seek to persuade the member that there were protections. First of all, the people to be appointed have to be engaged in the practice of dental prosthetics and continually so for not less than five years. In addition, unless they get licensed within 12 months, the Minister shall remove them from office. We cannot licence them until the board has established what the criteria will be for licensing them, so we will find that people experienced in the area will be appointed but will have to be licensed within 12 months, unless they are already licensed. I think that covers the member's concern.

Hon. G. C. MacKINNON: Being a person who has set up a number of boards, I would like to sound a note of warning. Having heard the comments of members, particularly Hon. Peter Wells, I have gained the impression that some people believe it is easy to set up boards. I can tell them now that it is damned difficult to do so. It is not easy to find the sorts of qualified people required. I suggest that the 12 months will be needed, every bit of it, if we are to provide for plenty of safeguards. I hope Hon. Peter Wells will see fit to give this matter further thought.

Hon. P. H. WELLS: It is marvellous that when the Minister quietens and speaks in a level tone, I am able to hear him and to follow his argument. His explanation was clear. I find myself able to accept it. Therefore, I seek leave of the Committee to withdraw my amendment.

Amendment, by leave, withdrawn.

Postponed clause, as amended, put and passed.

Postponed clause 6: Deputies—

Hon. PETER DOWDING: I move an amendment—

> Page 4—Delete subclause (2) and substitute the following—
>
> > (2) Where section 5(2) requires the appointment of a member of the Committee to be on the nomination of a person or body, the appointment of a person as the deputy of the member shall, subject to section 7(2), be made on the nomination of the person or body by which the member is required under section 5(2) to be nominated.

Hon. P. H. WELLS: Could the Minister explain the reason for this amendment?

Hon. PETER DOWDING: The advice from the parliamentary draftsman is that as a result of these amendments it is appropriate to ensure that the deputy members of the committee are nominated by the organisations or persons who nominated the principal members.

Amendment put and passed.

Postponed clause, as amended, put and passed.

Hon. PETER DOWDING: I seek leave of the Committee to proceed forthwith to consideration of clause 18.

Leave granted.

Postponed clause 18: Issue of licence—

Hon. PETER DOWDING: This is the last clause on which there is a serious matter of principle and I trust that we can briefly but seriously consider the implications of it. The clause is inserted to ensure that grandfathers have a position, but it is not inserted in order to give them an automatic licence. Subclause (2) reads as follows—

> Where on the coming into operation of this Act a person is actively engaged in the practice of dental prosthetics in this State and has been continuously so engaged for a period of not less than five years—

So, no Johnny-come-lately could get in under this subclause. To continue—

> —he shall, for the purposes of dealing with an application made under section 17—

And clause 17 is the application for the licence. To continue—

> —within 1 year after the coming into operation of this Act, be taken to be qualified as required by subsection (1)(b).

That is, he has gained the necessary qualifications. What is suggested here is the insertion of a requirement—to meet the concerns of the Opposition—for grandfathers.

If I can speak to the amendment before it is moved to indicate the reasons for the Bill's being dealt with in this way, I can foreshadow that I will move that a grandfather must undergo an assessment of proficiency. That is not in the Bill as it stands, but it is provided for in the Government's amendment on the Notice Paper. In other words, a grandfather must undergo an assessment of proficiency as required by the person holding the office of Director of Dental Health Services. Hon. John Williams has already suggested that that is a person who really does have some qualifications to assess proficiency. So this is a major concession in terms of the philosophy of this debate. We are not proposing a grandfather clause.

People will have to have five years' continuous involvement in the field. Secondly, they will have to be fit and proper and so forth and, thirdly, they will have to undergo the assessment of proficiency and perform to a certain standard of satisfaction. The amendment that we propose will be a very fair and reasonable basis for the proficiency of the people concerned. It is not a grandfather clause; it is a clause which limits the ability to get in under this certificate of proficiency to those people with long experience. It requires proof of their proficiency to the satisfaction of the Director of Dental Health Services.

Hon. P. H. WELLS: I seek guidance again because the amendment I propose comes prior to the insertion of the Minister's amendment, and I would need to move my amendment first. The clause we are dealing with is the major clause of the Bill and is one of the major issues within it.

The Bill currently contains two grandfather provisions—in clause 18(1)(b) and 18(2). Clause 18(2) indicates that five years' experience will be an acceptable qualification. The person concerned would undergo an assessment of proficiency. I am just wondering whether we are poles apart and whether the Minister might be able to tell me why he did not accept the proposition that I put forward.

Hon. PETER DOWDING: I will answer that question quickly for the member. The reason is—and this is what I picked up from Hon. Graham MacKinnon—that grandfathers have to get in in this limited way now. The point at issue was really how we get the grandfathers in when we have this long period of, I suspect, 12 months at least before the training system is in place. A TAFE course has to be written, approvals have to be obtained, the committee has to develop all of those courses, and they have to be put in place. The educational authority has then to set up the testing requirements and so on. What do we do with the grandfathers in the early period of the operation of this Bill? My answer to them is that it cannot be done. Hon. Graham MacKinnon said that we will need all of 12 months before it could be put into operation, and I think he is probably right.

Hon. G. C. MacKinnon: I said "could".

Hon. PETER DOWDING: He said it would most likely require that time and I agree with him. I think that is right. The point the Government is suggesting to Hon. Peter Wells—and I would have thought he would accept it—is how do we assess people's skills without an educational programme or an examination programme in place in order to give the practice rights that are contemplated by the clause? The answer to that is to give them an assessment of proficiency by the senior Government dental officer. That assessment will apply to only a small number of people; it will not be applied to many people because of the criteria that they have to follow—that is, having to be people who have gained "upon assessment of examination etc." or a person who undergoes a certificate of proficiency. He cannot do that unless he applies within one year after the coming into operation of this Act. That is contained in clause 18(2). There

is a very limited period in which the certificate of proficiency issue will be available to them; and it is a period during which there will not be the educational facilities that the committee will be establishing.

Hon. G. C. MacKINNON: I am a little concerned over this point. So far as I can see, this clause is different from any other clause that has been set up. Someone a little while ago said it was similar to the Chiropractors Act, but it is not. The profession of chiropractic was not breaking the law prior to registration. Chiropractors treated people who went to them voluntarily. They were not operating illegally, setting themselves up as medical people. They were not breaking the law. They were brought in from the cold, to a degree, and they were registered; so my problem in accepting the applicable grandfather clause is that the hallmark of now being allowed to be licenced is that a person has been working illegally for five years and has been breaking the law for that time. I know of only about one person who was chased around a little bit for very good and proper reason. He had been operating for five years. Perhaps he would be allowed in; but I do not know of any other board where a fellow has had to break the law in order to obtain a licence.

It seems to me that if we suddenly began including locksmiths and the like, we would have to find fellows who could prove that they had been safecrackers for the previous five years before we issued them with a licence to make the keys. I find that a little hard to accept, as a lawmaker. They have done without them for a few years and I would have thought that they could perhaps do without them permanently. They will be able to bone up when Mr Sutherland is working out the examination. These people will be able to sit for the examination. That is the whole concession. It seems a little rough to say that they totally disregarded the laws of the land for a period longer than five years. Who can prove that they have broken the law? Therefore, we will be prepared to grant a licence. This provision seems a little rough to me.

Hon. P. H. WELLS: I thank Hon. Graham MacKinnon because that area rather concerned me, but the point is that the method by which I have tried to accommodate the Government is in relation to clause 18(2) which deals with totally illegal operators. Clause 18(1)(a) says that a person must be of good character and paragraph (b) provides—

> The applicant has, upon assessment by examination, gained from an educational authority prescribed for the purposes of this paragraph a qualification so prescribed—

It is an apprenticeship course and one would have expected it to be prescribed. It then says—

> —or is otherwise qualified in a manner considered by the Commissioner to be at least equivalent to a qualification required by the regulations for the purposes of this paragraph,

That to some degree in itself is a grandfather clause because if the Government's Bill says that five years' illegal experience would be the only qualifications, it is quite possible once that fact is accepted that it could become a respected part of the legislation.

There is more than one situation. I do not see that there is a real problem, because when the South Australian Bill was introduced 16 grandfathers were involved. Later it was found there were 20. Two courses deal with 20 in South Australia. In terms of population, Western Australia is probably similar to that State.

The answer South Australia came up with was to provide an examination. People will sit for that examination at the end of a set course, and it will be completed before the Act is proclaimed.

My amendment proposes that the applicant must upon assessment by way of examination gain from an educational authority prescribed for the purpose of this paragraph a qualification so prescribed; or become qualified in a manner to be prescribed which is at least equivalent to a qualification required by the regulations for the purpose of this paragraph.

It seems to me that if these people have been operating for five years and are sufficiently qualified, they should sit for an examination of competence. We have a dental hospital and an appropriate course at the Mt. Lawley Technical College which has the facility to prescribe an examination of competence.

If a person comes to this State and holds qualifications equivalent to those in this State the same situation should apply as is applied to an engineer who comes to Australia. Engineers do not have to do an engineering course in this country; a special examination is set for them and they have to do some practical work. If they pass that examination they are permitted to practise in Australia.

That method of assessment is used for engineers, dentists, doctors, and a range of people who come to this country. We do not require them to repeat their courses.

It has been said that technicians are competent and we will put our faith in them to operate on the people of this State. In that case I wonder why the Minister is saying they cannot sit for an examin-

ation. First of all he said we have not the time to work out the examination. However, it would be easy for the Dental Hospital to assess these people. Surely they can be required to carry out some practical work.

Will these people be fined if their work is not satisfactory? Will the Minister ask for the tax returns of these people who have been operating illegally for the last five years?

An examination of these technicians should be held in the open. We have the facilities available to examine them in this State and I cannot see the reason the Government cannot set an examination which requires practical work to prove that these people can do as they claim they can, which will then qualify them to carry on with their work.

When Mr MacKinnon said that these people were operating illegally, I was of the opinion that they should be wiped out. However, now I say that the Government has the ability to ask these people to present themselves for examination.

Hon. Peter Dowding: What is suggested in our amendment is that there be an assessment of efficiency; an assessment by examination, through the dental authority prescribed to become qualified under the regulations. All we are pointing out is that we might not have been able to achieve that. You are talking about an assessment that is included in our amendment.

Hon. P. H. WELLS: There are a couple of differences between what the Minister proposes and our proposal. Paragraph (b)(i) states what happens to dental technicians and paragraph (b)(ii) provides the Government with a committee with the ability to make an assessment which is equivalent to a qualification. I am wondering why the Minister is arguing that we want an assessment, not by examination. Does that mean he will ring up the person and ask a couple of questions? Will he not ask them to make a model?

Hon. Peter Dowding: No, because the dental certificate might indicate a range of studies, and it is to be at least the equivalent to that.

Hon. P. H. WELLS: Will the Minister explain how that assessment will be made?

Hon. PETER DOWDING: I will tell the member, because the Director of Dental Health Services for the State of Western Australia will decide the efficiency or otherwise of the applicant. He will decide it in the way that he has the responsibility to do so as a public servant. He may believe it is appropriate to decide by both the making of a model and the working on someone's mouth. It may be a oral test, or it may be a written test.

It is up to these grandfathers to apply, in the first 12 months of the operation of the legislation; and it is up to the Director of Dental Health Services, and no-one else, to make the examination.

I simply make the point to the member that we are being honest and frank about this and we are saying the Director of Dental Health Services can decide on the assessment in accordance with whatever criteria he lays down to assess whether a person is competent. If the senior Government dental professional cannot make that judgment, I do not know who can.

Hon. P. H. WELLS: I move an amendment—

Page 11—Delete paragraph (b) and substitute the following—

(b) the applicant has, upon assessment by examination,—

(i) gained from an educational authority prescribed for the purpose of this paragraph a qualification so prescribed; or

(ii) become qualified in a manner to be prescribed which is at least equivalent to a qualification required by the regulations for the purpose of this paragraph.

Amendment put and a division taken with the following result—

Ayes 15

Hon. C. J. Bell	Hon. Neil Oliver
Hon. V. J. Ferry	Hon. P. G. Pendal
Hon. Tom Knight	Hon. W. N. Stretch
Hon. A. A. Lewis	Hon. P. H. Wells
Hon. G. C. MacKinnon	Hon. John Williams
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. Tom McNeil	Hon. Margaret McAleer
Hon. I. G. Medcalf	*(Teller)*

Noes 12

Hon. J. M. Berinson	Hon. Robert Hetherington
Hon. D. K. Dans	Hon. Garry Kelly
Hon. Peter Dowding	Hon. Mark Nevill
Hon. Graham Edwards	Hon. S. M. Piantadosi
Hon. Lyla Elliott	Hon. I. G. Pratt
Hon. Kay Hallahan	Hon. Fred McKenzie
	(Teller)

Pairs

Ayes	Noes
Hon. N. F. Moore	Hon. J. M. Brown
Hon. H. W. Gayfer	Hon. Tom Stephens

Amendment thus passed.

Hon. P. H. WELLS: I move an amendment—

Page 11—Delete subclauses (2) and (3).

Amendment put and passed.

Clause, as amended, put and passed.

Hon. PETER DOWDING: I seek leave to return to clause 3.

Leave granted.

Postponed clause 3: Interpretation.

Progress

Progress reported and leave given to sit again, on motion by Hon. Peter Dowding (Minister for Planning).

ADJOURNMENT OF THE HOUSE: SPECIAL

HON. D. K. DANS (South Metropolitan —Leader of the House) [3.09 a.m.]: I move—

That the House at its rising adjourn until 2.30 p.m today (Wednesday).

Question put and passed.

House adjourned at 3.10 a.m. (Wednesday).

QUESTIONS ON NOTICE

LOCAL GOVERNMENT: RATES

Revaluation

394. Hon. H. W. GAYFER, to the Minister for Budget Management:

(1) What is the average time lapse for shire revaluation for rating purposes?

(2) At whose request is this revaluation carried out?

(3) What criteria for revaluation is used?

(4) When are country properties personally inspected to ascertain the validity for any increase/decrease?

(5) How many staff are occupied within the Valuer General's office, and in what capacity?

Hon. J. M. BERINSON replied:

(1) I am advised that in country areas the average time lapse is five years. In the metropolitan area unimproved values are assessed on a four-yearly cycle and gross rental values every three years.

(2) Under the provisions of the Valuation of Land Act the Valuer General is required to determine the frequency of general valuations. The requirements of local authorities are taken into consideration when making this determination.

(3) Evidence of a shift in relativities within a rating district coupled with the relationship of existing values to the current level of market transactions.

(4) Property records are such that detailed inspection of properties is not necessary during the course of a revaluation. However, an inspection is made if an objection against the valuation is received.

(5) 210, of whom 118 are valuers. The remainder comprise administration, clerical and drafting support.

POLICE OFFICERS: ROCKINGHAM

Crime: Increase

399. Hon. TOM KNIGHT, to the Attorney General representing the Minister for Police and Emergency Services:

(1) Is it correct that up to 100 police officers are earmarked to patrol the area in the Rockingham district where it is envisaged some 2 000 women protesters intend setting up a protest camp?

(2) If so, can the Police Department afford this number of officers due to the recent increase in crime in the Perth metropolitan area over recent weeks?

(3) Will the Minister take steps to stop this protest demonstration from taking place to ease pressure on the Police Force?

Hon. J. M. BERINSON replied:

(1) The Commissioner of Police has informed the Minister for Police that no decision has been made as yet regarding the number of police who will be detailed for duty during this protest.

(2) The commissioner will allocate the law enforcement resources at his disposal in the manner which he considers to be most appropriate.

(3) The Minister for Police does not intend to interfere with the rights of citizens to make peaceful protest. The police will attend to any breaches of the law which may occur.

GOVERNMENT INSTRUMENTALITIES: LAND USE

Health Hazard: Rockingham

400. Hon. TOM KNIGHT, to the Minister for Planning representing the Minister for Sport and Recreation:

(1) Is it correct that the Minister or his department has given permission for the women's group protesting on nuclear use to camp on a Government area in the Rockingham area?

(2) Is he aware the group is indicating some 2 000 women will be in the protest group?

(3) Is the Minister further aware that there are no toilet facilities or water to the proposed area?

(4) Is he also aware of the complications and the health hazards that will be created by the action?

(5) Will other groups be allowed to use the area in the future?

(6) Why cannot the group support the business people in the area and seek accommodation at hotels, motels, boarding houses, caravan parks or designated camping areas?

Hon. PETER DOWDING replied:

(1) No.

(2) No.

(3) Yes.

(4) I am not prepared to respond to hypothetical questions.

(5) Currently public access to the reserve is not restricted and future use of the area will depend on Government policy of the day.

(6) This question should be directed to the group concerned.

COMMUNITY WELFARE

Childcare and Welfare System: Mr Des Semple

401. Hon. TOM KNIGHT, to the Minister for Planning representing the Minister for Youth and Community Services:

(1) Can the Minister advise me if the statement attributed to Mr Des Semple, Assistant Director of Field Services of the Department of Community Welfare, in the *Midweek Times* of 17 October 1984 wherein the statement was made "WA child care and welfare system is about to receive a massive $2 493 million boost", is correct?

(2) If so, over what period of time is it envisaged the money will be spent?

(3) Where is the money being directed from?

(4) Is the Minister aware that the huge amount is well in excess of the total WA annual Budget?

Hon. PETER DOWDING replied:

(1) The figure quoted is incorrect and was not provided by Mr Semple of the department. An estimated amount of $3.493 million has been made available in 1984-85 as a joint Commonwealth/State initiative in increasing funding for child care in Western Australia.

(2) It is envisaged the money will be spent in 1984-85 with some possibility of carryover to 1985-86.

(3) The State Government has made available $1.4 million for the establishment of seven Community Houses.

This commitment by the State complements the Commonwealth Government's funding of 10 neighbourhood or child care centres estimated at $2.093 million.

The funds have been allocated to the Community Welfare Department capital works programme. Details were provided in the General Loan Fund Estimates of Expenditure (folio 23) presented to the Legislative Assembly on Tuesday, 9 October 1984.

(4) Due to the error in the *Midweek Times* the amount is not in excess of the WA annual budget.

WATER RESOURCES

Catchment Areas: Menzies

402. Hon. P. H. LOCKYER, to the Leader of the House representing the Minister for Water Resources:

(1) What is the present situation concerning the No. 2 water catchment area in Menzies?

(2) Has this catchment area been gazetted?

(3) If so, when?

Hon. D. K. DANS replied:

(1) to (3) The Menzies No. 2 dam catchment area, is included in the Menzies water reserve, which was constituted under the Country Areas Water Supply Act 1947-1982, and gazetted on 22 June 1984.

HARBOURS: MARINAS

Fishing Boat Facilities: Exmouth

403. Hon. P. H. LOCKYER, to the Leader of the House representing the Minister for Works:

(1) What steps are being taken to provide a marina to the town of Exmouth?

(2) Are there any plans for a separate fishing boat facility?

Hon. D. K. DANS replied:

(1) None.

(2) Investigations have commenced for a proposed berthing facility near the M. G. Kailis factory in Exmouth Gulf, at which fishing vessels could be unloaded, refuelled and serviced during normal wind and sea conditions.

TRANSPORT: AVIOR AIRLINES

Useless Loop and Denham

404. Hon. P. H. LOCKYER, to the Minister for Planning representing the Minister for Transport:

(1) Is it a fact that Avior Pty. Ltd. has advised that it will be discontinuing its air service to Denham and Useless Loop?

(2) If so, what steps are being taken to replace the service?

Hon. PETER DOWDING replied:

(1) No.

(2) Answered by (1).

GOVERNMENT INSTRUMENTALITIES

Lighthouse Keeper's House: Carnarvon

405. Hon. P. H. LOCKYER, to the Minister for Planning representing the Minister for Transport:

(1) What is the present situation concerning the old lighthouse keeper's house in Carnarvon?

(2) Why has the building been allowed to fall into a state of disrepair?

Hon. PETER DOWDING replied:

(1) The Shire of Carnarvon has been approached to ascertain whether it wishes to have the house and associated land vested under its control for historic or tourism purposes.

(2) The building has not been allowed to fall into a state of disrepair.

The old lighthouse keeper's house is located in a remote area and its present condition is a result of the constant acts of vandalism that have occurred since the house was vacated in early 1983.

Following the house's being vacated in 1983 it was proposed that it be demolished due to its age and condition. However, this action was not taken as various representations were received, including one supported by the Shire of Carnarvon, for the building to be retained for historic/tourism purposes.

FISHERIES

Prawns: Exmouth Gulf

406. Hon. P. H. LOCKYER, to the Leader of the House representing the Minister for Fisheries and Wildlife:

When are restrictions on certain areas closed for prawning in the Exmouth Gulf being reviewed?

Hon. D. K. DANS replied:

Meetings to review the research data on the Exmouth Gulf prawn fishery and to discuss management options for 1985 are to be held on 20 and 21 November 1984.

LOCAL GOVERNMENT

Charges against Mr Graham Jackson: Carnarvon

407. Hon. P. H. LOCKYER, to the Attorney General:

(1) Has the Attorney received a complaint regarding charges laid by the Carnarvon Shire against a Mr Graham Jackson in Carnarvon?

(2) If so, what is the nature of this complaint?

(3) What steps are being taken to attend to the complaint?

Hon. J. M. BERINSON replied:

(1) to (3) I have received copies of correspondence between Mrs C. J. Jackson and the shire. Such complaints as appear in the correspondence are against the shire and do not call for any action by me.

LAND: FREEHOLD

Monkey Mia: Caravan Park

408. Hon. P. H. LOCKYER, to the Leader of the House representing the Minister for Lands and Surveys:

What steps are being taken to freehold the caravan park at Monkey Mia?

Hon. D. K. DANS replied:

In accord with normal procedure on applications for freehold of such leased land, inquiries are being made with appropriate authorities as to the acceptability of freehold being granted.

TRANSPORT: BUSES

"Bunbury 2000": Operators

409. Hon. V. J. FERRY, to the Minister for Planning representing the Minister for Transport:

Adverting to question 391 of Tuesday, 6 November 1984—

(1) Has the "Bunbury 2000" bus study interim report been made available to any local authorities in the south-west?

(2) Has the report been made available to any other organisations or persons in the south-west?

(3) What is the reason for making the report available to selected organisations or individuals before members of Parliament representing the area and the general public are allowed to study it?

(4) Does he realise that transport operators are vitally concerned with the outcome of determinations flowing from the report, particularly in regard to the consequences of their adding to or reducing their fleet of vehicles, equipment and staffing requirements?

(5) Upon reflection on these considerations will he please release the report forthwith for public examination and comments?

Hon. PETER DOWDING replied:

(1) No. An extract of the "Bunbury 2000" bus study interim report relating to town bus services in the Bunbury area only has been released on a confidential basis to members of a working party, which was formed to advise me on the report findings.

The four representatives of the working party are—

Commissioner of Transport (Chairman);

Deputy Director, South West Development Authority;

Mayor, representing the City of Bunbury;

one member representing the Shires of Capel, Dardanup and Harvey.

(2) A copy of the interim report has been made available to the members for Mitchell and Bunbury, and to the South West Development Authority.

(3) The limited release of the report was decided upon in view of the confidentiality of operational data reflected therein. The Commissioner of Transport was required to provide certain undertakings that such information be kept confidential.

(4) Yes. However any effect upon transport operators will only flow once Government has finally decided on the findings of the report.

(5) Until such time as Government has considered the findings of this report, I am unable to advise of its release to the public.

QUESTIONS WITHOUT NOTICE

POLICE: OFFICER

Coppin, Mr Peter: Perjury

180. Hon. I. G. MEDCALF, to the Attorney General:

(1) Arising out of the evidence of Peter Coppin at the Supreme Court trial of the police constables following the death of John Pat, has any decision been made and, if so, what, in relation to bringing proceedings for perjury against Peter Coppin?

(2) Who made any such decision?

(3) What were the reasons for any such decision?

Hon. J. M. BERINSON replied:

(1) and (2) The responsibility for deciding whether a charge of perjury should be brought lies in the first place with the Commissioner of Police and his investigating officers. I understand that the police do not propose to take such action. On the advice of the Crown Prosecutor, I have also decided not to institute *ex officio* proceedings.

(3) Factors which contributed to my own decision include the following—

(i) The truth emerged clearly during the trial so that no harm was done; in fact, the accused may have benefited;

(ii) Coppin fully admitted what he had done in the course of his evidence;

(iii) the long-term interests of the administration of justice in this State, and a resolution of the racial and social tensions which characterised the events which led

to and followed the trial, are likely to be better served by not instituting further proceedings.

GAMBLING: CASINO

Jarman Committee

181. Hon. P. G. PENDAL, to the Minister for Administrative Services:

(1) Has he yet received a report from the Jarman committee in relation to the casino to be built?

(2) If so, what has been the result?

Hon. D. K. DANS replied:

(1) I have received the recommendations of the Casino control committee.

(2) The member will understand that it is not a single line report. It has been examined by me and officers of my department, and I will report on the matter to the Cabinet meeting of 19 November. I have also made a public statement to that effect, and that appeared in *The West Australian*.

EMPLOYMENT AND TRAINING: COMMUNITY EMPLOYMENT PROGRAMME

Allocations: Conditions

182. Hon. D. J. WORDSWORTH, to the Minister for Employment and Training:

I thank him for his letter informing me of CEP allocations in my electorate, and the amount of money involved. I ask—

(1) Is he aware of the conditions which were set out in separate letters to the shires about the sex and race of the people to be employed for those projects?

(2) Is he aware of the proportion they represent of the unemployed people in the shires concerned?

Hon. PETER DOWDING replied:

(1) and (2) Funds for the community employment programme are provided on the basis of guidelines which are laid down by the Federal Government and agreed to by all State Governments throughout Australia. Those guidelines must be adhered to for each project and I am not in a position to authorise any waiver of those guidelines. They include reference to the target group of persons at whom the schemes are directed; that is, the long-term unemployed and particular disadvantaged groups. I am not aware of the particular matter to which the honourable member refers, so if he would like to speak to me privately later or if he addresses correspondence to me, I will see that he gets a full explanation.

EMPLOYMENT AND TRAINING: COMMUNITY EMPLOYMENT PROGRAMME

Allocations: Conditions

183. Hon. D. J. WORDSWORTH, to the Minister for Employment and Training:

Perhaps I can supply the information and ask a further question. The work to be done on the town drainage improvement scheme in the town of Mt. Barker involves a grant of $105 279 and the condition is that eight people are to be involved for a period of 26 weeks. Of those eight people—five of whom must be long-term unemployed—four must be Aborigines and four must be women. It does not need much of a calculation to realise that this is a very arduous condition to impose on this community. It will be difficult to find a group of eight people who meet these conditions, particularly as the project is fairly labour intensive. I ask—

Does he not feel that by laying down conditions of sex and race, Federal legislation on equal opportunities is being contravened?

Hon. PETER DOWDING replied:

To the extent that I am asked for a legal opinion, I decline to give it. To the extent that the member is dealing with a matter about which I have no departmental input at the moment, I ask him either to place a question on notice or draw it to my attention later and I will make some inquiries. But the system requires that the manager of the nearest Commonwealth Employment Service should submit a report about the nature of the unemployed work force in an area, and that is one of the matters which goes into the assessment procedure of the joint secretariat made up of State and Federal public servants who assess in a preliminary way and write reports on the suitability of the applications for funding. All the applications go to a community-based committee which makes assessments and prioritises the particular projects in terms of the limited funds available against the wide range of applications.

It is important to understand that this is a community employment programme directed at a target group of individuals; that is, those people in the work force who have been shown to suffer greatest disadvantage in the job search. The purpose is to benefit those people first; that is, the greatest disadvantaged groups are to be given a place in the numbers assessed to be the work force of each of these projects. That is how criteria might be arrived at under the Federal guidelines which would require a particular project to take on board members of the various disadvantaged groups which have been identified. Again, if the member speaks to me afterwards about this I will instigate some investigations and try to get a fuller explanation of the matter he has raised.

GAMBLING: CASINO

Jarman Committee

184. Hon. P. G. PENDAL, to the Minister for Administrative Services:

(1) Can he inform the House whether the Jarman committee report recommendations deal only with a potential licensee or also with a possible site for a casino?

(2) If the recommendations do not deal with the question of Burswood Island as a site, when will that matter go to Cabinet?

Hon. D. K. DANS replied:

(1) and (2) I will be in a better position to answer the member's queries after Cabinet has discussed the casino control report.

GAMBLING: BEER TICKET MACHINES

Taxing

185. Hon. P. H. LOCKYER, to the Minister for Administrative Services:

Has the Minister received complaints from hotels and other licensed bodies concerning the taxing of tickets from beer machines?

Hon. D. K. DANS replied:

The question of a tax on licensed clubs has been drawn to my attention and the matter is receiving attention. I might add that I would not like the member to go away with the idea that they are not going to be taxed.

PORTS AND HARBOURS: MARINA

Sorrento: Environmental Report

186. Hon. P. H. WELLS, to the Leader of the House:

(1) On what day is the environmental report on the Sorrento marina expected?

(2) When will it be available to the public?

Hon. D. K. DANS replied:

(1) and (2) I have answered this question previously. I have no idea when the final report will be ready, and having no idea, I cannot give the day. I know the report is taking a little longer than was expected.

PORTS AND HARBOURS: MARINA

Sorrento: Works

187. Hon. P. H. WELLS, to the Leader of the House:

Consequent upon my previous question, can the Leader of the House advise if any work is being carried out at the site of the Sorrento marina?

Hon. D. K. DANS replied:

A marina is not in existence in Sorrento. An environmental review and management programme is being carried out by a firm of management consultants, and on receipt of that report the Government will determine whether the Government will go ahead with the building of a marina.

PORNOGRAPHY: CENSORSHIP

Ministerial Conference

188. Hon. P. H. WELLS, to the Leader of the House:

Last week the Leader of the House mentioned that State Ministers would be considering the subject of censorship at their next meeting. Has that meeting taken place, and if so, what was the result?

Hon. D. K. DANS replied:

Because of commitments overseas, I was not able to attend that meeting. I await with interest the report on the proceedings of that meeting. I have not received it yet.