the fact that this facility is available. All that the State Insurance Office wants is the opportunity to compete on a reasonable and equitable basis with the private insurance companies.

I said that I did not propose to make a long speech as to the reasons for the proposal to extend the activities of the State Insurance Office. Members will find by referring to the Hansard reports from 1953 onwards that this Government has met every objection raised by the Opposition, and all that remained was the question of the principle. There is provision in the Bill, as members will see, for the payment of taxation and there are machinery clauses. Therefore, all objections have been met and it is just a question of the principle of the extension of the State Government Insurance Office. It is part of the policy of the Government to endeavour and to continue to endeavour to give legal status to the State Government Insurance Office in the appropriate Act so that it will be able to engage in all forms of general insurance.

I hope on this occasion members of the Opposition will realise that, after all is said and done, the Government introduced this Bill on its return in 1953 and it persisted until 1956. There was a general election in that year and I personally made reference to the fact that our policy in regard to State insurance was that we desired the extension of the Act to enable this office to engage in the business of general insurance.

If members of the Opposition believe in a democratic form of Government, and that due regard should be given to the wishes of the people as expressed through their representatives, I submit it cannot be said that we have not a mandate to introduce this legislation; and it cannot be successfully claimed that the Opposition, whether it be here or in another place, should continue indefinitely to thwart the desires of the Government. That is a reasonable proposition. If this had been the first time the measure had been introduced, as in 1953, when there was strong justification for opposing it because we had come fresh from an election, that situation does not obtain now, as there has been another election since then and the Government was re-elected with an increased majority.

If democracy means anything at all, surely it means that the Government, after introducing a Bill five times, should at least be successful. Mr. Speaker, you know as well as I do, that prior to the British Parliament Act of 1911, the House of Lords used to exercise the right of veto, but now, if a Bill goes from the House of Commons to the House of Lords three times and is turned down, it is successful on the third occasion and the Bill becomes law. This particular measure has been submitted to the Assembly five times and under our Constitution there is no guarantee that the wishes of the people will be granted. However, we hope that reason will prevail and due regard will be given to the desires of the Government and the fact that it wants to carry out its policy to bestow upon this office the right to engage in the general business of insurance. I move—

That the Bill be now read a second time.

On motion by Mr. Court, debate adjourned.

House adjourned at 11.34 p.m.

Legislative Council

Wednesday, 13th November, 1957.

CONTENTS.

The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

QUESTIONS.

GERMAN MEASLES.

Outbreak in Nollamara District.

Hon. A. F. GRIFFITH asked the Chief Secretary:

(1) What action has been taken, or is likely to be taken, by the Government to ensure the health in the early months of pregnancy of expectant mothers residing in the Nollamara district, in respect to German measles, in view of the circumstances reported in the Press over the week-end?

(2) Is it a fact that the necessary treatment should be given within the first four days of contact?

The CHIEF SECRETARY replied:

(1) The Public Health Department has co-operated with the Press in issuing advice to pregnant women in the Nollamara district to consult their private doctors. No other departmental action is necessary.

(2) Prophylactic treatment is more effective if given as early as possible after contact.

WAR SERVICE HOMES.

Eligibility of ex-Service Women.

Hon. J. McI. THOMSON asked the Minister for Railways:

(1) Are ex-members of the Women's Australian Auxiliary Air Force, who served during the 1939-45 war, entitled to benefits under the War Service Homes Act?

(2) (a) Are ex-service personnel from any other women's defence services entitled to benefits under the said Act?

(b) If so, from which services are the ex-members so entitled?

(3) If the reply to No. (1) is in the negative, and the reply to No. (2) (a) is in the affirmative, what is the reason for the apparent discrimination—especially in view of the fact that W.A.A.A.F. personnel, upon enlistment, volunteered for service in any area?

The MINISTER replied:

(1) Only if they served overseas.

(2) (a) Yes.

(b) A member of any nursing service maintained by the Commonwealth in connection with the defence forces accepted or appointed for service outside Australia.

(3) This question is one for determination by the Federal Minister controlling war service homes.

TELEVISION LICENCES.

Government Control of Issue.

Hon. Sir CHARLES LATHAM asked the Chief Secretary:

(1) Has the State Government any say or control in regard to whom a licence may issue for television in Western Australia?

(2) If the reply is "No," has the Government noticed an advertisement on page 2 of "The West Australian" of the 12th November, 1957, which would indicate that that newspaper company wishes to add to its monopolistic control of news in this State?

(3) If the reply is "Yes," will the Government take every opportunity of preventing any further power being handed over to "The West Australian" newspaper company?

The CHIEF SECRETARY replied:

(1) No.

(2) The advertisement has been noticed.

(3) It is suggested the hon. member might care to take this matter up with the appropriate authority, namely the Federal Liberal Party-Country Party Coalition Government.

DISCONTINUANCE OF RAILWAY SERVICES.

Investigation by Royal Commissioner.

Hon. L. A. LOGAN asked the Minister for Railways:

Will the Government extend the scope of the Royal Commissioner, Mr. A. G. Smith, to include the discontinuance of 842 miles of railway, particularly as it relates to—

(1) The accuracy or otherwise of statements and figures presented to the Government by the committee which recommended the discontinuance to the Government?

(2) The accuracy or otherwise of the tonnage and revenue figures of each area concerned as presented by the Minister when moving the motion for discontinuance as against the tonnage and revenue figures which can be obtained from the local offices concerned?

(3) An on-the-spot investigation of the value of each section of line discontinued as it affects—

(a) the railway system as a whole;

(b) the productivity of the area and its effect on the State as a whole;

(c) the increased cost or otherwise to producers and all people living in the area affected by discontinuance?

(d) the capacity of the road system to handle the extra road haulage necessitated by such railway discontinuance?

The MINISTER replied:

Consideration will be given to the question when the Royal Commissioner has completed his present inquiries.

UNIFORM BUILDING BY-LAWS.

Date of Operation.

Hon. A. F. GRIFFITH (without notice) asked the Chief Secretary:

Would he be kind enough to advise me whether any circumstances have occurred which might result in his changing his mind about bringing into operation the uniform building by-laws on the 15th November?

The CHIEF SECRETARY replied:

I could answer that very bluntly by saying "No"; but being so kind-hearted, I do not give that sort of answer. Circumstances have occurred which, shall I say, strengthen my intention that the building by-laws shall come into operation on the date concerned. One of the main considerations is that quite a lot of matters with which the sawmilling people were concerned have been ironed out; and I understand that there is little, if any, complaint from that source. So the way is quite clear for the building by-laws to come into operation as intended.

STANDING ORDER SUSPENSION.

New Business, Time Limit.

The CHIEF SECRETARY: I move—

> That Standing Order No. 62 (limit of time for commencing new business) be suspended during the remainder of the session.

At the moment it does not look as though we will require the assistance of this suspension to enable us to take new business after 11 o'clock, but we never know when we will require it, so it is just as well to be on the safe side. It does not appear as though the suspension of the Standing Order will be needed this week, but it may be very handy next week when we are getting towards the close of the session.

Hon. A. F. GRIFFITH: I would like to take the opportunity of passing a few remarks on the motion. During this session we have had the good fortune to coast along, keeping very reasonable hours, particularly at night, and adjourning for a week to go to the Royal Show and for another week to attend the Kalgoorlie round. But if we look at the notice paper of another place, we can easily appreciate that the coasting period is just about finished, and that we will experience the usual end of the session rush in order to finish on the date on which the Government hopes to finish. In answer to a question yesterday the Chief Secretary said he hoped the session would finish on the 22nd November, but that it would depend upon the co-operation of members of this Chamber, as to whether that would be the finishing date.

With the possibility of the session finishing on the 22nd November, or even the end of the month, I hope we are not going to be kept here until 3 a.m. or 4 a.m., as has sometimes happened, with members so over-tired that it is not possible for them to concentrate effectively on the legislation with which they are dealing. Should we be faced with such a position, I think we should return the following week in order to consider any legislation that might be still on the notice paper.

Hon. L. C. Diver: Don't keep us here until that time tomorrow!

Hon. A. F. GRIFFITH: The hon. member may not consider this question important, but I do. Not only are excessively late sittings a trial for members, but also they are a terrific trial to the Hansard staff; and so I repeat that should we be faced with the possibility of very late sittings to finish by the target date, we should return the following week in order to obviate such sittings.

The CHIEF SECRETARY (in reply): I would suggest that the hon. member meet that hurdle when we come to it—

Hon. A. F. Griffith: You are making the hurdle by suspending the Standard Order.

The CHIEF SECRETARY: I have heard this complaint about late sittings every session during my 30 years' experience in this Chamber, irrespective of what Government has been in office. Late sittings will always be a source of complaint. The other day I mentioned a date upon which the Premier hopes to end the session, but did not commit myself to an opinion. On that occasion I said that with full co-operation of all concerned very late sittings would most likely be avoided. That is one of the reasons why, so early in the piece, I am moving for the suspension of the Standing Order.

Question put and passed.

BILLS (4)—THIRD READING.

1, Companies Act Amendment.

2, Shearers' Accommodation Act Amendment.

> Returned to the Assembly with amendments.

3, Cattle Trespass, Fencing and Impounding Act Amendment.

4, Factories and Shops Act Amendment.

Passed.

BILL—STAMP ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.45] in moving the second reading said: This small Bill proposes to give effect to the advice given by the Treasurer when introducing the Budget, that the Government proposed to increase the stamp duty on cheques. The

Bill seeks to increase the duty from 2d. to 3d., and this would result in a revenue increase of £80,000 per annum.

The increase would place Western Australia on a par with all the other States of Australia, where the duty is 3d. The lower duty in this State has been commented on adversely by the Grants Commission, and is reflected in the amount of Commonwealth moneys made available to us. Apart from this, the very considerable demands on Government finance warrant this small increase. I move—

That the Bill be now read a second time.

On motion by Hon. C. H. Simpson, debate adjourned.

BILL—OPTOMETRISTS ACT AMENDMENT.

Assembly's Amendment.

Amendment made by the Assembly now considered.

In Committee.

Hon. W. R. Hall in the Chair; Hon. Sir. Charles Latham in charge of the Bill.

Clause 2.—Delete paragraph (d) and insert in lieu:—

(d) he has passed theoretical and practical tests in optometry to the usual standard as prescribed by the Board.

Hon. Sir CHARLES LATHAM: I move—

That the amendment be agreed to.

I would point out that this Bill, if agreed to, will have a limited life of six months. The board may be of the opinion that this man should be sent to the University, and I would remind members that he has to make application and qualify within the six months. I feel that that is reasonable, because by passing the Bill Parliament will inform the board that it has the right to prescribe the necessary examination and satisfy itself that any applicant is properly qualified.

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

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

BILL—NOXIOUS WEEDS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. G. BENNETTS (South-East) [4.52]: I support the Bill for the reason that the calthrop weed is becoming a great menace to the State, and the latest report I have is that it is extending right through the agricultural areas down as far as Merredin, and local authorities are becoming extremely alarmed over its rapid spread.

In Kalgoorlie this weed is found in many places, and although most householders take steps to destroy it when they find it in their gardens, there are still those who neglect to do so. As a result, it finds its way into laneways, where there is no control over it. Eventually, with the rains, its seed is washed into watercourses; and it has established itself in the market gardens, where it causes a great deal of trouble and expense. Not only is it a nuisance in the flower-beds of houses on the goldfields; but it also causes a great deal of trouble and annoyance during the summer months when the dried thorns which come from the weed become embedded in the tyres of children's bicycles.

This Bill will permit local authorities to enter upon both public and private land to eradicate and destroy this weed and, if necessary, charge the cost of such eradication to the householder if it is considered that he has neglected to take steps to deal with the problem. Therefore, once the Bill is passed, I am sure that it will be a means of eradicating this weed not only in the Eastern Goldfields but also in the agricultural areas.

Hon. E. M. Heenan: Is there any in the Merredin district?

Hon. G. BENNETTS: Yes; it has spread as far as Merredin. Last year, on behalf of the Merredin Road Board, I approached the Department of Agriculture to have some steps taken to eradicate this weed, and I understand that some work is now being done in that respect. I have much pleasure in supporting the Bill.

HON. F. R. H. LAVERY (West) [4.56]: I congratulate Mr. Baxter on bringing this Bill forward; because the calthrop weed to which Mr. Bennetts referred, is spreading rapidly in the metropolitan area also, and I am sure that its eradication will cost the various road boards and municipalities a great deal of money.

Three or four years ago the Fremantle Municipal Council spent quite a sum on the spraying of this weed, which was found to be growing around the streets of Fremantle. Outbreaks of it have now been found in the market garden area of Hamilton Hill and Spearwood; and the Cockburn Road Board is most alarmed about its infestation, not only because of the cost of eradicating it, but also because it is adding to the general maintenance cost of that district.

I consider that this is a Bill that should not have emanated from a private member but from the Department of Agriculture. As a matter of fact, I have a note here indicating that the Minister for Agriculture intended to introduce a similar Bill this session. To me, that information is most gratifying, because I consider that unless some steps are taken in the very

near future, the financial cost of eradicating this weed will soon assume the proportions of the cost of eliminating the Argentine ant. I support the Bill.

HON. A. R. JONES (Midland) [4.58]: I, too, support this measure. It has always been a wonder to me why the local authorities have not in the past had the power which the Bill gives them. Quite often, on report of an outbreak of a noxious weed in a particular area, the local authority would have taken steps immediately to eradicate it and thus prevent its spread to other areas; furthermore, a great deal of expense would have been saved to the State generally.

The railway yard in any township seems to be the first place where a noxious weed makes its appearance, probably because the seeds are carried by the rail stock trucks which travel from one part of the State to another. Of course, when the winter months arrive the rains flood the railway yards and the seeds from these noxious weeds are carried into private property. Therefore, in my opinion it is an excellent move to grant to the local authority power to take immediate steps to eradicate any noxious weed on any land, without cost to the occupier.

I know that quite often reports have been made to the Agriculture Protection Board of an infestation of noxious weed in a particular area and steps have been taken by the board to eradicate it, following which the cost of such work has been charged against the owner of the land. I consider that this is an excellent Bill, and I have great pleasure in supporting it.

HON. SIR CHARLES LATHAM (Central) [4.59]: I am very disappointed over this Bill. In my opinion it is a very noxious sort of thing. It has no reference to any particular noxious weed. I would like members to read the Bill very carefully. The principal clause reads as follows:—

> Notwithstanding any other provision of this Act, where there are primary noxious weeds in or upon any public or private land, the local authority, in the district in which the land is situate, may—

It does not say "shall"—

> —enter upon the land and carry out such work thereon as it considers necessary or expedient for the control, destruction and eradication of the primary noxious weeds; and for the purposes of this section the local authority may at its discretion pay the expenses of such work wholly out of its ordinary revenue or wholly out of the revenue made up of the noxious weed rate hereinafter referred to, or partly out of each.

This Bill is not novel; it seeks to compel people to take certain action in regard to the control of noxious weeds. An incident was related by Mr. Bennetts concerning a weed which has spread from as far as Merredin. I would like to point out that not very long ago I was at Quairading and discovered the presence of bathurst burr. Nothing was done about the matter by the road board. It seems that amendments are made to the Act for the purpose of control, but no one seems to be able to enforce the law.

The Minister for Railways: People grow prickly pear as ornamental shrubs.

Hon. Sir CHARLES LATHAM: It is fortunate that prickly pear has not spread beyond control. There is also another weed—a highly-coloured flower from New South Wales—which is grown in some gardens and which tends to choke up the creeks. If it is intended to amend the Act to control the spread of noxious weeds all types of weed should be covered. Once a noxious weed gets out of control it becomes rather difficult to deal with. The Minister for Railways knows that the use of the word "may" in the Bill will not compel people to take any steps.

The Minister for Railways: It says "may at their discretion."

Hon. Sir CHARLES LATHAM: That is even worse. The Act relating to the control of noxious weeds confers power on local authorities to compel owners of land to take certain action. But how often do we find that step being taken? I referred to the presence of bathurst burr in Quairading which weed was found scattered on some land on which a crop had been grown previously. The weed made its appearance the year after the crop had been harvested. I took the trouble to dig up three specimens. It is a rather prickly plant. I took the specimens to the road board office and reported the matter, but the chairman in due course sent me a note telling me to mind my own business. I reported to the Agricultural Department what had happened.

Recently I was talking to the secretary of the Quairading Road Board who told me that even now, 16 years from the time the weed was discovered, it still makes an appearance from time to time. The board realised the necessity for its eradication. I could not get over the attitude of the chairman. It was a prickly plant, and I could have suffered inconvenience by digging out the specimens. Some consideration should be given to the question as to whether or not the word "shall" should be inserted in the Bill in lieu of the words "may at their discretion."

HON. N. E. BAXTER (Central—in reply) [5.4]: I thank members for the reception they have given this measure. In reply to the point raised by Sir Charles Latham, the Noxious Weeds Act confers great powers on the Agriculture Protection Board to control these weeds. This Bill is a small addition, designed mainly to

allow local authorities at their discretion to deal with minor infestations of noxious weeds with a view to preventing their spread. An absentee owner of land might be involved, whom the road board cannot contact. The Bill would give the board a right to enter the property where noxious weeds are present and carry out the work of destruction. The cost can be debited to revenue or to the noxious weeds fund.

At present local authorities have no right to enter public property with a view to destroying these weeds, and the Bill seeks to extend that right to them. If this Bill is passed, I do not anticipate that any local authority will undertake control of weeds in a huge area in its district, because the cost would be prohibitive. It is not the intention to permit the funds of ratepayers to be spent in destroying noxious weeds, when that is the responsibility of either the Agriculture Protection Board or the owner of the land. At present the Agriculture Protection Board can, in accordance with Section 25 of that Act, make arrangements with the owner to destroy noxious weeds.

In my opinion much more could be done to prevent the spread of noxious weeds in this State if the finance were available. The big problem is that, in many instances, infestations of noxious weeds—particularly of cape tulip—have taken a firm hold in regions of hundreds of acres. The control of this weed by the spraying method is pretty expensive. I understand that arrangements have been made by the Agriculture Protection Board with the owners of properties infested with cape tulip to progressively destroy the weeds so that in a few years the whole area affected can be freed. To ask the owner of such land to destroy the weeds in one season would involve him in too great an expenditure.

The use of the words "may at their discretion" was designed to enable local authorities to enter private property and destroy weeds, and to debit the cost against one source of revenue or another. Local authorities should not be held responsible for the destruction of noxious weeds in their districts. If the word "shall" were used they would become responsible; and that is not the intention of the Bill. The parties responsible for the destruction of noxious weeds are the Agriculture Protection Board and the land-owners concerned. This Bill makes it possible for local authorities to take action at their discretion to control small infestations of noxious weeds.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—PHYSIOTHERAPISTS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. L. A. LOGAN (Midland) [5.10]: I have no desire to enter into an argument over the physiotherapists in this State, but I have taken a little interest in the Bill and in the reasons which prompted the mover to introduce it. When Dr. Hislop was speaking last night I interjected and said what I consider to be the crux of the problem. I believe that the crux of the problem was whether Miss Hammond was given to understand before she left England that she would be given the post of supervisor in Western Australia.

I am aware that she was offered the post of assistant supervisor, but that was done in order to give her some standing until such time as Mr. Keating vacated his present position and she would fill the vacancy. In my opinion that was the crux of the problem: whether she was given an undertaking that when she came to Western Australia she would be appointed as an assistant with a view to taking over from Mr. Keating. If that was the case, she had every right to complain, and there was some reason for the action she took subsequently. If she was not given such an undertaking, then presumably she had no right to be disgruntled.

One could understand the reaction of this lady. She has qualified as a teacher in physiotherapy, and having accepted the job of assistant supervisor in Western Australia—and, in her own words, with the option of taking over the main position eventually—she found that Mr. Keating had no intention of resigning, and the Physiotherapists' Board had no intention of concluding Mr. Keating's appointment.

Therefore this lady, possessed of a teacher's qualification, had to work under Mr. Keating, who does not hold that qualification. We can just imagine the feelings of Dr. Hislop, for instance, if he had to work under somebody who did not possess the qualifications which he possesses. We can draw a parallel between those two instances. As far as I can see, that seems to be the difficulty that has arisen.

In regard to the personnel of the board, I do not know whether there should be a panel of two or three members. Usually in the appointment of board members, a panel of three names is submitted to the Minister from which he makes his choice. In this case it might prove advantageous if the names were submitted by the physiotherapists themselves. I do not consider it is very important whether two or three members are selected. It is, however, advisable that the physiotherapists should have the right to nominate the persons who represent them on the board. I shall

leave it to Mr. Baxter to reply to the interjections and points raised by Dr. Hislop last night. These are the only observations I wish to make.

HON. G. C. MacKINNON (South-West) [5.15]: I find myself in the same position as Mr. Logan; and in the main my remarks on the Bill turn out to be directly concerned with the remarks that he has just made. When Miss Hammond's original appointment was entered into, a letter was sent from Shell House, St. George's Terrace, to Miss Hammond and it stated—

> I have been speaking recently to your mother re employment as a teacher with the Physiotherapy School on your return, and she indicated that you would like to have something definite re this matter.
>
> This was discussed at the last meeting of the Board as a result of which I am directed to advise that the position of Assistant Teacher is available to you on your arrival—present salary range £882,-£912 per annum. The Board is also prepared to assist with your passage to the extent of £A150, provided you undertake to stay with the board for three years.

Miss Hammond in her reply thanked the board and stated—

> I would like to accept this offer you have made in return for which I undertake to remain three years with the board; and I would be grateful if, at your convenience you could let me have some idea of how the Physiotherapy course in Perth is conducted.

She later stated—

> I would like to commence work at the commencement of the next University year which I imagine is probably late February or early March, 1957, if that is convenient for you.

The Physiotherapists' Board replied stating that the letter had been received and that they had asked the Director of Studies, Mr. J. J. Keating, to communicate with her advising on the points raised in her recent letter. The only possible way in which it is considered Miss Hammond could have received the assurance that she did, was through her father; and it is fairly clearly known by the board just how the misconception could have arisen, for she states in a lengthy letter dated the 24th February, 1957—

> When I accepted this post I was unaware that I would have to commence working under an unqualified person and had been led to believe that Mr. Keating would be moving into another field, but he has no intention whatsoever of doing this.

It is the opinion of the board that she was led to believe in a private letter from her father, that Mr. Keating would be moving. The correspondence from the board, which is the only official correspondence she received, in no way stated that Mr. Keating had any intention of relinquishing his post. This is quite clear from the letters I have been asked to read to the House.

Whether or not Miss Hammond was led to believe that Mr. Keating would be moving into another field, had nothing whatever to do with her arrangements with the board, unless that advice came to her from the board in its official capacity. Miss Hammond, of course, had no right to take any notice of information coming from any other source.

I am fairly sure that she is an intelligent girl, and probably knows as well as anyone else that what I have said is a fact. The letter, unfortunately, is marred by some—I almost said vicious, and they probably are vicious—statements against Mr. Keating; but I was asked to read it in refutation of the suggestion that she had been informed that Mr. Keating would be leaving, or had been led to believe by the board that he would be leaving. I was requested to read these extracts and statements to make it quite clear that if she had in fact been led to believe that Mr. Keating would be relinquishing his post and making the way clear for her, it was not done by any official of the board acting in an official capacity.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.20]: Naturally I referred this question to the Public Health Department for guidance, and I have been furnished with this information: Dr. Hislop put the position in a very clear and capable manner. The information he gave the House has been known to the Public Health Department for some time and is quite accurate.

Hon. N. E. Baxter: That is Dr. Henzel, I take it.

The **CHIEF SECRETARY**: It must be borne in mind that Mr. Baxter's proposals in regard to the syllabus are not supported or advocated by the W.A. Branch of the Australian Physiotherapy Association, and no approach was made to the Physiotherapists' Board in connection with the proposals in the Bill.

Contrary to Mr. Baxter's assertions, Western Australian graduates have full reciprocity with all Australian States, and one Western Australian is practising in New Zealand. It appears that the hon. member has been given misleading information in this regard.

The Government is prepared to accept the proposal in Clause 2 in regard to the election to the board of representatives of the physiotherapists, but it considers that it would be better for three names to be submitted to the Minister instead of two. Mr. Roche has an amendment on the notice paper to this effect.

The Bill proposes that this panel of names shall be nominated by the W.A. branch of the physiotherapists association (inc.). There is no such body in existence in Western Australia, and so I propose to move an amendment, if the Bill reaches the Committee stage, to alter this title to "Australian Physiotherapy Association". This association is not a corporate body.

In regard to the syllabus, Dr. Hislop has most adequately covered the ground. In addition I would advise the House that the provision was apparently drafted in ignorance of a great deal of effort that has been and is being expended by the Federal body of the Australian Physiotherapy Association.

This association has been engaged in drawing up uniform minimum standards for training and examination for all Australian training schools. A meeting of all State branches is arranged for early 1958 to consider concrete proposals. If the proposal in the Bill is accepted, it will tend to obstruct the adoption of these standards by this State. The Australian Physiotherapy Association is mindful of the need to set standards which will preserve reciprocity for Australian trained physiotherapists in the United Kingdom, and this will be reflected in the standards now being formulated.

HON. H. L. ROCHE (South) [5.24]: Despite what the Minister has just said —and I gather that the department is not very hostile to certain portions of the Bill—I hope the House will agree to the second reading. I am not much concerned with all the controversy in respect of certain individuals. When speaking on another matter I said that my main concern was with the standard of physiotherapy in Western Australia and with the conduct of this board and the developments since the legislation was passed in 1950; and to my mind they are not in the best interests of the people of this State.

So far as I can see, the Physiotherapists' Board has to take the major responsibility for the present state of affairs. I am not sure whether we would be wise to carry the Bill with the provisions respecting the curriculum, as they are. But it is significant to me that since the original teacher left in 1952 it has taken the board until 1957—and the last few months at that—to show a little interest in the curriculum and what is taking place in the training of the students here.

If there is no other virtue in the personal interests that have been featured in the debate, at least the people concerned can possibly claim all the credit for the sudden change by those in control of the teaching and development of physiotherapy. I hope that members will not, when coming to a decision, over-emphasise or exaggerate the amount of back-biting that has taken place amongst certain individuals.

I do ask members, however, to give a second reading to the Bill and approve of it in Committee to the extent of providing for a panel of names to facilitate the appointment of members to the Physiotherapists' Board—and I hope that the House will agree to three members rather than two being on the panel of names. I also trust that members will bear in mind that I am quite honest and sincere when I say, speaking from my own experience, that up to date the people of Western Australia are not getting reasonable or fair treatment through the operations of this board. I support the second reading.

On motion by Hon. N. E. Baxter, debate adjourned.

BILL—BASIL MURRAY CO-OPERATIVE MEMORIAL SCHOLARSHIP FUND ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. SIR CHARLES LATHAM (Central [5.27]: I have had a look at the Bill and it seems to be quite satisfactory. I have no objection to it.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [5.28]: When speaking to the Bill, Mr. Logan requested that I obtain certain particulars from the trustees of the fund. I have done so and they are that three persons were granted scholarships to Muresk Agricultural College; one has been trained in business principles and is now a country co-operative manager; £824 was utilised from the fund to train these four persons, and £2,932 remains in the fund.

By interjection, Dr. Hislop asked what was the total annual income of the fund. This is derived from interest only, and is about £125 to £130. The Bill is the result of a unanimous decision of the 41 co-operative organisations present at this year's congress, and stems from the fact that the purposes for which the principal Act permits the fund to be used have not been very successful.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—LAND AGENTS.

Second Reading.

Debate resumed from the 7th November.

HON. N. E. BAXTER (Central) [5.32]: I do not intend to take up much time debating this Bill, because I believe it is

principally one for the Committee stage. However, there are a few points I would like to mention. One is in reference to Clause 59, which gives authority to the advisory committee to serve on the manager or principal officer of a bank, notice in writing informing that bank that in relation to bank accounts in the name of any particular person, money shall not be paid out of those accounts until further notice. This right has been given to the advisory committee for certain reasons, and the reasons given are—

> Where a person may commit an offence under the Act.
>
> Where a person made an attempt to commit an offence under the Act.
>
> If the committee believes a person is about to attempt to commit an offence under the Act.

The last two reasons mean that the committee is acting purely on suspicion; and although I realise that if the committee suspects some land agent is about to misappropriate trust funds, and it may be necessary to act quickly, it does not seem right that once notice has been served on the bank no advice should be given to the person concerned.

I realise it is dangerous; but I believe there should be some provision in the Bill under which, within a certain time after the notice has been served on the bank, the person concerned should be advised. I say that because a person's bank account or accounts could be completely closed off, even though he might be involved in a business transaction because of which he might have to draw a cheque from his trust account to pay the vendor of a property. The day the account is closed might be the day for the finalisation of a transaction; and frequently in the land agency business settlements are not made by banks; sometimes the land agent draws a cheque on his trust account.

Consequently, if the account were closed, it would be an embarrassment to the land agent concerned, particularly if the committee were acting only on suspicion, which was discovered to be unfounded. A land agent in such a predicament would have no cause for action against the advisory committee, because there is a clause in the Bill which exempts the bank and the advisory committee from such action.

It is my intention, in the Committee stage, to frame a suitable amendment to overcome that anomaly, and to provide for the land agent to be advised within four hours—which I think is a reasonable time —of the committee serving notice on the bank that the account is closed. I think that is only fair. This particular provision reminds me of a Bill which I introduced last session. That dealt with the matter of suspicion, and concerned a person supplying liquor.

I was told by members opposite that this sort of thing was not British justice. Yet we have a parallel here, and the circumstances are much more serious. This does not cover a few bottles of liquor; it concerns the closing of a man's bank account. After all, people have some rights, particularly as the committee can close an account purely on suspicion.

There is another clause in the Bill that provides that an agent is not entitled to authority to sue for or recover or retain any commission in respect to any property transaction unless he receives signed authority from the person for whom he is carrying out the transaction; and unless the actual amount or rate is set out in the signed authority, he is not able to negotiate.

In the real estate business it often happens that a client may wish to buy a house or property, and the agent will go through his cards to see what he has to offer that purchaser. Frequently it is found that such a property is not on the books of the estate agent, and that means that he has to scout around to get a property which will suit the would-be purchaser.

If the person is buying a house, he probably stipulates the area in which he wishes to live, and thus it is necessary for the agent to contact a number of people in that area who may desire to sell. Once the agent approaches a person who may desire to sell, and asks him the price, he has started negotiations; but under the Bill a land agent could not do that without written authority. This is debarring them from what has been the normal practice in the real estate business for years. Mr. MacKinnon has an amendment on the notice paper to deal with this particular phase, and I believe that it will adequately cover the position.

Regarding the bond which has to be put up by a person wishing to enter the real estate business, the Bill proposes that the advisory committee shall have discretionary power to set the bond for an agent at between £2,000 and £5,000—this is after an amendment was made to the Bill in another place. I see some difficulty in this proposition, and there possibly could be some inequality about it. Who is to say whether one estate agent should put up a greater bond than another? Is one land and estate agent a greater risk than another? I say that it is a matter for decision by those who are prepared to back the bonds—namely, the insurance companies.

I have not yet made up my mind whether this matter of leaving it to the discretion of the advisory committee as to whether the bond shall be £2,000 or £5,000 is wise or not. I think I shall have to do a lot of investigation to decide that point. After all, what is the purpose of a bond? Its main object, as I see it, is not to provide money in case some land agent misappropriates the funds of people with whom he is dealing, and so enable those

people to recover their losses. The main purpose of the bond is to enable some investigation to be made into the bona fides of the person applying for a licence; and the people who carry out this investigation are the insurance companies who are prepared to back the bonds.

They are fairly particular in their checking up; and so whether or not the bond is £2,000 or £5,000, there is no surety that a land agent, once he is registered, is not going to misappropriate funds, because all that the land agent would lose would be the premium paid. He would not lose the £2,000 or £5,000 bond. The insurance company would lose that; and when one has had something to do with the real estate business, and knows of the huge sums of money handled by the large firms, one realises that either £2,000 or £5,000 is a mere bagatelle to them.

If the land and estate agent worked his business properly and built it up, and then decided to disappear with the £30,000 or £50,000 that he had in his trust account, the bond—whether it be £2,000 or £5,000—would pay only a very small proportion of the losses suffered by the persons whose money was misappropriated. In my opinion the bond is used more for the purpose of checking the bona fides of those who apply to be granted land agent licences.

Hon. G. C. MacKinnon: It may be Government security.

Hon. N. E. BAXTER: It can only be Government security in respect of the amount of the bond and not the amount misappropriated.

Hon. Sir Charles Latham: It is the only amount available.

Hon. N. E. BAXTER: That is so, except possibly some assets that an absconding agent might leave behind.

Hon. G. C. MacKinnon: But they would not need investigation.

Hon. N. E. BAXTER: No; but I believe the proposition as it stands at the moment needs investigation. I can see no reason why the bond should not be made either £5,000 or £2,000. The big check should be that the registrar should ensure that the person who is being issued with a licence is one who qualifies, on the personal equation of his bona fides and business connections. The second check could be made by the insurance company. This whole question is not merely a matter of the amount of the bond. With those few remarks I support the second reading of the Bill. I propose also to support the amendments on the notice paper when they are moved in the Committee stage.

On motion by Hon. A. F. Griffith, debate adjourned.

Sitting suspended from 5.46 to 7.30 p.m.

BILLS (4)—FIRST READING.

1, Long Service Leave.

2, Electoral Act Amendment (No. 3).

3, Land Tax Assessment Act Amendment.

4, Vermin Act Amendment.

Received from the Assembly.

BILL—ACTS AMENDMENT (SUPERANNUATION AND PENSIONS).

Second Reading.

Debate resumed from the previous day.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [7.35]: During the debate a couple of members raised some queries, and I shall do my best to give them the information they required.

Hon. L. A. Logan: I hope it is right.

The CHIEF SECRETARY: Anything I say is right. Some queries were raised by Mr. Griffith about the formula. I would inform him that the formula set down in the Bill was derived from that recommended in the Nicholas report on pensions for 1871 Act pensioners.

The amount of £12 mentioned in the formula as the "base rate" was fixed in accordance with a comparison with a 14-unit pension under the 1938 contributory Act. It was considered that any increase in an 1871 Act pension should bear a comparison with any proposed increase under the 1938 Act.

It was also considered that in fixing a base rate, a pensioner under the 1871 Act would most probably own his home and would have no dependent children. His living costs would, therefore, not be as much per week as the amount of the basic wage, and £12 would be a reasonable figure to adopt as a standard. In that respect, a comparison was struck with the benefit of a 14-unit 1938 Act pension at 17s. 6d. per unit and which number of units would provide £12 5s. per week pension.

As the 1871 pension is a "free" pension, and the 1938 Act a contributory scheme, the formula also requires that the State will itself pay no more than it pays in regard to the 14 units; less £182, which represents the contributor's proportion of a 14-unit pension, which is deducted in the formula.

The amount of any pension at present paid under both the 1871 Act and the Pensions Supplementation Act, 1953-56, when compared with the amount assessed under the proposed formula, cannot be reduced to less than a figure at present assessed under the 1871 Act itself, and the Government is not repudiating its liability under that Act in any way.

If a pensioner who was granted an additional payment under the Supplementation Act loses that supplement, it is only because he retired at a time when salaries

were inflated in the years subsequent to approximately 1948, and his pension was assessed on the higher salary level. In effect, he was doubly compensated for the rise in the cost of living, firstly when his pension rate was fixed on an inflated salary; and, secondly, by the payment under the Supplementation Act. The formula when applied will show where a pensioner is receiving more or less than he should have received when comparing his assessed pension on retirement with a corresponding rise in the basic wage since he retired.

Summing up the matter, the formula was designed to grant increases in 1871 rates where necessary when comparing rises in living costs, and to allow for the provisions of the Pensions Supplementation Act to cease as visualised by that Act, on the 31st December, 1957, as that Act was originally introduced as a temporary measure until adjustments were made to the actual 1871 Act itself. It is emphasised that in no instance will any pensioner receive less than the 1871 Act now provides, and therefore it cannot be claimed that the Government is repudiating anything provided for under that Act.

As far as the 10 pensioners in receipt of 1871 Act pensions in excess of £1,000 per annum are concerned, it is considered that they are not "in want" and are receiving a very respectable and free pension for which they did not contribute a penny. The supplementary amount of £52 per annum which they have received under the Pensions Supplementation Act will, of course, cease because of the expiry date fixed in that Act as the 31st December, 1957. It should also be remembered that to command a pension in excess of £1,000 per annum would mean that the recipient received a fairly high salary prior to retirement.

Although claims have been made that the 1871 Act benefit was part and parcel of the contract of employment in Government service, that claim falls down if it is remembered that only persons in permanent Government employment prior to 1905 received those benefits. Nothing has been said about the ex-public servant who entered the service after 1905 and before 1938 when the contributory scheme was introduced. His salary was not paid at a higher rate, because he was no longer eligible for pension benefits. Therefore, it is repeated that no State servant received a lower salary, because he was compensated by the pension provisions of the 1871 Act.

In reply to Mr. Logan, I would advise that the principle adopted in fixing Scale B was in response to requests from unions and associations to fix unit values in accordance with a standard adopted in other Government funds in the Eastern States. The standard was 17s. 6d. per unit with salary margins as in Scale B. The reason for the widening of salary margins for availability of units was to maintain a reasonable ratio between salary and pension rates. Salaries are now much higher than they were, and pension benefits on a higher scale should be fixed on the same ratio.

In adjusting pension rates to 17s. 6d. per week, consideration must be given to the existing pensioner. He receives, at present, a pension in accordance with each unit for which he contributed; but, in addition, a payment of a flat rate of £52 per annum was made to him under the Pensions Supplementation Act, 1953-56, regardless of the number of units taken. As the last-named Act will lapse on the 31st December, 1957, to bring that flat rate in line with a unit value was impossible; because, for instance, a pensioner with 4 units would receive a unit value of £1 per week, being 15s. superannuation plus 5s. for each unit by way of supplementation. If the pensioner contributed for 8 units, then his pension unit is worth only 17s. 6d.—15s. superannuation plus £2 divided by 8, or 2s. 6d. per unit.

It was decided to allow existing pensioners to receive, up to 8 units, the amount they now receive, and to help those pensioners with units of pension above 8 and which units have a value of 12s. 6d. only, by increasing those units over 8 to 15s. per week. In the circumstances, it became necessary to make a line of demarcation for the changeover; and the date fixed, the 31st December, 1957, is the date when the present Pensions Supplementation Act expires.

As a precedent, our own parliamentary fund provides for different rates of pension for the same qualifications. A member who commenced pension in, say, 1951, receives a different rate to what he would receive today had he ceased today, and had exactly the same qualifying periods of contributions and membership to his credit.

In regard to the 1871 Act pension, if a pensioner receives more than £1,000 per annum, he will continue to draw his assessed 1871 Act pension without reduction. He will not be reduced to £1,000. The Bill provides for the formula to be applied to pensions up to £1,000 per annum, but not to pensions over £1,000. In effect, his pension rights under the Act are not infringed at all; but he will lose the supplementation of £1 per week.

The working of the formula is based on the pension on retirement and the basic wage on that date. Both the amounts are shown in departmental records. For example, a certain pensioner retired on the 1st July, 1940. His pension was assessed as £681 per annum and the basic wage on that date was £4 2s. 8d. or £4 3s. to the nearest shilling. The difference between £4 3s. and the base rate of £12 is £408 per annum. That amount is to be reduced, by the formula, by the

contributor's proportion of a 14-unit pension under the 1938 Act, or £182 per annum. The net result is £226 per annum which, when added to the original assessed pension, becomes £907. The present rate paid for that pension is now £754. The increase to be granted would be £153. I have some examples, but I do not know whether members could follow them if I read them out.

Hon. Sir Charles Latham: I think you should read them because then they would be in Hansard.

The CHIEF SECRETARY: Very well. The first deals with the year of commencement, 1938, and the basic wage to the nearest shilling was £4. The original pension payable per annum was £316 and the excess of basic rate over basic wage was £416. The 1938 contributor's portion was £182, so that the adjusted pension was £316 plus the contributor's portion of £182 making an adjusted pension of £550.

Hon. A. F. Griffith: It is not plus £182; it is minus £182.

The CHIEF SECRETARY: It is £316 plus £182.

Hon. A. F. Griffith: You do not add the £182; that is taken off under the formula.

The CHIEF SECRETARY: I am out of plumb somewhere.

Hon. A. F. Griffith: The figure of £550 is right.

The CHIEF SECRETARY: I will give the examples that I have here in tabulated form so that I shall not put my foot in it again.

Hon. A. F. Griffith: Have you an example of a man who retired in about the year 1949?

The CHIEF SECRETARY: I will give the examples as they have been given to me. They are as follows—

Year of Commencement	Basic Wage to nearest 1s.	Original Pension p.a.	Excess of "basic rate" over basic wage	1938 Contributor's portion	Adjusted Pension	Present Pension	Increase.	Decrease
	£ s. d.	£	£	£	£	£	£	£
1938	4 0 0	316 +	(416	— 182)	= 550	490	60	....
1940	4 3 0	631 +	(408	— 182)	= 907	754	153	....
1947	5 8 0	359 +	(343	— 182)	= 520	489	31	....

It is mentioned that the formula has been designed to make a reasonable adjustment to pensions following the effect of the cost-of-living adjustments. If a pensioner is receiving more now than he would under the pension assessed by the formula, then he has been fortunate that the Pensions Supplementation Act of 1953 existed until now; and he has, in effect, received for four years, more than he should have, in comparison with other persons who will now receive increases by the application of the formula.

It is also mentioned again, that the Pensions Supplementation Act was introduced as a temporary measure only to give a relief to some extent to those pensioners who were, in fact, in need of help. The trouble has been that the flat rate increases granted by that Act were given to every pensioner, regardless of when they commenced on pension—whether it was when salaries and consequential pensions were low, or whether the pensioner retired in recent years, when he received a much higher salary because of inflationary trends and his pension was accordingly assessed at a much higher rate. The last-mentioned pensioner was fortunate in that fact and that he received the same increase under the Supplementation Act as his unfortunate fellow pensioner who went out of the service when salaries were much lower. That is the reply I have received in connection with matters that were raised in the course of the debate.

Hon. F. J. S. Wise: Does that mean that the maximum reduction would be the supplementation payment of £52?

The CHIEF SECRETARY: The two supplementations of £26 is the loss which would be suffered by certain members. Those who are on the lower scale will receive an increase.

Hon. F. J. S. Wise: There is no variation.

The CHIEF SECRETARY: No one will get any less than he is entitled to receive under the 1871 Act.

Hon. H. K. Watson: But they could be receiving less than they are now.

The CHIEF SECRETARY: Yes. They could get £52 less, which is the two payments of £26 for supplementation; but they will lose nothing so far as their pensions are concerned.

Hon. H. K. Watson: That is just playing with words.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Short title and citation:

Hon. A. F. GRIFFITH: I was pleased to hear the Chief Secretary say that no pensioner will receive any deduction in the

amount of pension which he is now receiving. But where does it say that in the Bill? Further over it says—

> the amount not exceeding £1,000 per annum to the nearest pound of superannuation allowance as adjusted under this subsection.

I cannot understand the Bill, and I would like the Chief Secretary to tell me which clause states that no pensioner will receive any reduction or any amount less than he is receiving now.

The CHIEF SECRETARY: I did not make the statement that no pensioner would receive less than he is receiving now.

Hon. A. F. Griffith: Less the supplementation.

The CHIEF SECRETARY: I said that no one would receive any pension less than he is receiving now, but some will lose the supplementation payments which amount to £52.

Hon. A. F. GRIFFITH: I did not mean to confuse the Chief Secretary, but I thought the Bill contained a provision which would prevent anybody from receiving more than £1,000 per annum. I also understood the Chief Secretary to say that that was not so and that a man who is receiving more than £1,000 per annum would not receive less, except for the supplementation, as a result of the Bill. Am I right about that?

The Chief Secretary: He will receive exactly the pension he is receiving now.

Hon. A. F. GRIFFITH: Let us take the example of a man who retired in 1949 and whose pension at the time of his retirement was £1,035. Since then he has received two supplementation payments, which would bring the figure to approximately £1,087. When this Bill becomes law, will this pensioner, who is an 1871 man, drop only the supplementation payments and thus still receive £1,035? If so, where is that mentioned in the Bill?

The CHIEF SECRETARY: The hon. member is quite correct. That man will get the £1,035, and he will lose his supplementation payments. I refer the hon. member to page 13, Clause 3, Subclause (3b), paragraph (b), line 11.

Hon. A. F. Griffith: I am sorry to labour the point, but to my mind this is important.

The CHIEF SECRETARY: It might be said that it is a confidence trick more than anything else because, from the way it is worded, one is led to think along the lines mentioned by Mr. Griffith. This will apply to those getting up to £1,000 but not over £1,000. They will get what they are getting now.

Hon. A. F. GRIFFITH: Would the Chief Secretary explain this: A man retires in May, 1949. According to the formula, "a" is £12, "b" is the basic wage at the time, which in May 1949 was £6 15s.

The CHAIRMAN: I think the hon. member is dealing with Clause 3, and we are on Clause 2 at the moment.

Hon. L. A. LOGAN: I asked about the case of a member of the staff of Parliament House who is likely to be reduced on the pension payroll. The Chief Secretary was talking about contributions, but the Bill refers to the date the pension is payable. The person who retired before the 1st January, 1958, would receive £1 per unit, but if the person does not retire until after January, 1958, he will come down to 17s. 6d. a week.

The CHIEF SECRETARY: If the person retires before, he retires on the rate of £4. But it is quite correct to say that after that it will be £3 10s. That person will still be in the service and can contribute for a higher rate of pension.

Hon. L. A. LOGAN: This man should have been retired at the age of 60. He is over the retiring age now. So he will lose 10s. a week on four units.

The CHIEF SECRETARY: He can change to 65. The hon. member has a special case of a man who is over 65 years and is still in service. There will probably not be another case like it.

Hon. L. A. LOGAN: In regard to widows, I would point out that before a certain period they receive 7s. 6d., plus half supplementation, which is 2s. 6d. a unit, making it 10s. a unit. After January 1958 they will be down to 8s. 9d. a unit.

Clause put and passed.

Clause 3—Short title and citation:

Hon. C. H. SIMPSON: There is an impression among those at present receiving a pension over £1,000 that the Bill will cut them down to a maximum of £1,000. Some of them are under the 1871 Act. I would like to know how many pensioners would be so affected.

The Chief Secretary: None.

Hon. C. H. SIMPSON: For a start I think there would be, although I accept the Chief Secretary's assurance. We have been told that two supplements of £26 each would expire by effluxion of time.

The Chief Secretary: That is not a pension.

Hon. C. H. SIMPSON: It is a supplement to a pension.

The Chief Secretary: There is no alteration to the pension.

Hon. C. H. SIMPSON: I accept that explanation, but there are people who fear that the pension they have been receiving will be reduced, and we want to know to what extent those pensions, plus the supplements, will be reduced. Would those under the 1871 Act receiving more than £1,000 be allowed to retain the surplus over the £1,000, even if they lost the amount

of supplementation referred to? These formulae are possibly not difficult to understand if one has had time to study the Bill; but for those of us who have not, an explanation is necessary. The provision in Clause 3, page 13, refers specifically in two places to the fact that pensions up to £1,000 are subject to a certain formula.

The CHIEF SECRETARY: No one's pension will be reduced. They will only lose the supplementation payments. The formula only applies to those receiving up to £1,000, not to those who receive over that amount. They would receive whatever they are getting now.

Hon. A. F. GRIFFITH: I take it that anyone receiving over £1,000 would not have the formula calculated in respect of his pension, so there is no chance of his getting more than he receives now, because the formula will not apply. The Chief Secretary mentioned the pensioner under the 1871 Act who received his pension free. The other two Acts which are the subject of this Bill provide for widow pensioners but the 1871 Act does not. Is that correct?

The Chief Secretary: That is so.

Hon. A. F. GRIFFITH: So if the man under the 1871 Act dies, his pension dies with him; his widow receives no pension whatever?

The Chief Secretary: That is so.

Hon. A. F. GRIFFITH: That is worthy of calculation; and in fact it was calculated when the 1871 Act was put on the statute book of the Legislative Council of this State. The next point is: I take it there will be no deduction where a pensioner will receive lesser payments than he is receiving now under the other two Acts. I move an amendment—

> That after the word "fifty-eight" in line 20, page 13, the following proviso be added:—
>
> > Provided that any pension payable prior to the coming into operation of this Act under the Superannuation and Family Benefits Act, 1938-1955, and the Superannuation Act, 1871-1951 Act 35, Victoriæ No. 7 and the Government Employees Pensions Act, 1948-51 shall not be reduced notwithstanding any of the provisions of this Act and shall continue to be payable at the rate now payable.

With all that has been said and the assurances given, I see no reason why an amendment of this nature should not be written into the Bill, as it will make quite sure beyond any shadow of a doubt that there will be no deduction.

Hon. F. J. S. Wise: The supplementation amount may be regarded as part of the pension.

Hon. A. F. GRIFFITH: The Chief Secretary has told us that the word "supplementation" has no connection with the 1871 Act.

Hon. F. J. S. Wise: There is the amount received as pension now.

Hon. A. F. GRIFFITH: This is an amount which is over and above the pension and is not computed as the pension.

Hon. F. J. S. Wise: Your amendment may not be clear on that point.

Hon. A. F. GRIFFITH: I think it is clear because the Bill lays down the formula on which a pension will be calculated. If there is any doubt in Mr. Wise's mind, I suggest he move a further amendment.

The CHAIRMAN: Order! We have not dealt with this amendment yet.

Hon. A. F. GRIFFITH: I am only suggesting that the hon. member could add words that this payment would not include the supplementation and then we would know where we stood.

The CHIEF SECRETARY: I could not accept an amendment of this description and I would also inform the hon. member that part of the amendment is redundant. The legal application of an amendment of this nature could be involved, and I do not think it is fair to ask me to accept it at this stage.

Hon. A. F. Griffith: Why?

The CHIEF SECRETARY: Because this Bill mentions quite a number of Acts. Before I accepted an amendment of this nature I would want to have a legal opinion as to how it would interfere with the measure. I am entitled to know that. Therefore, I cannot accept the amendment. I would point out to the hon. member that there is a great difference between the pensions paid under the two Acts. The 1871 men did not pay one penny towards their pension, but the other men did. When they subscribed to their pension they knew that when payment became due it would be paid to either the pensioner or his widow.

Hon. A. F. GRIFFITH: I pointed out that the 1871 man got his pension without paying for it, and I agree with the Chief Secretary on that point. What I want to see established is the fact that neither an 1871 pensioner, nor those mentioned in this Bill under the Superannuation and Family Benefits Act 1938-55 and under the Government Employees Pensions Act 1948-51, will be subject to a deduction. The amendment I have moved has application to the three Acts and I know of no reason why the Chief Secretary should be scared to accept it.

We have been told there will be no deduction under either of the three Acts, and I simply want to make doubly sure that this is so. If he so desires, the Chief

Secretary should report progress in order that he may obtain legal advice. There is no intention on my part to do anything but ensure that the undertakings given in the speeches are written into the Bill.

The CHIEF SECRETARY: I have already suggested to the hon. member that some parts of his amendment are redundant. I do not know whether the hon. member does not trust the Government. Pehaps he thinks it will not honour what has already been said and what is in black and white. Is that the position?

Hon. Sir Charles Latham: Is it included in the Bill?

The CHIEF SECRETARY: Of course it is in the Bill! I am not scared to accept the amendment; but there is the doubt about the supplementary payment being regarded as pension. It has been regarded as such by a lot of members.

Hon. A. F. Griffith: I didn't so regard it.

The CHIEF SECRETARY: Perhaps the hon. member did not, but a lot of other members have tonight used the phrase "supplementary pension." Rather than report progress I suggest that the hon. member include the words, "excluding supplementary pension." I would then be prepared to accept the amendment and before the report is considered tomorrow I could have the matter examined.

The CHAIRMAN: Does the hon. member desire to alter his amendment?

Hon. A. F. GRIFFITH: Yes. I ask leave to alter the amendment by inserting after the word "pension" in line 1, the words, "excluding payments under the Pensions Supplementation Act, 1953-55."

Leave granted.

Hon. A. F. GRIFFITH: I have no desire to delay the measure. Admittedly I asked the Chief Secretary last night and last week to go ahead with the Bill, as there was an elderly gentleman waiting here to send the information to Canberra, in order that it could be included in his pension benefit. He has to do that every year. Obviously I did not want to hold up the Bill; but it was held up by the Government.

The CHIEF SECRETARY: The amendment is not good drafting, but I will agree to it for the moment and have it examined tomorrow, to see if it can be accepted. I did not accuse the hon. member of holding up the Bill, but I wanted to finish it tonight just as he wanted to finish it last night.

Amendment, as altered, put and passed; the clause, as amended, agreed to.

Clause 4, Title—agreed to.

Bill reported with an amendment.

BILL—NURSES REGISTRATION ACT AMENDMENT (No. 2).

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 2 amended:

Hon. J. G. HISLOP: I move an amendment—

> That the word "ten" in line 14, page 2, be struck out and the word "twelve" inserted in lieu.

It is essential, if we add these extra people to the board, to increase the number from nine to 12, rather than 10 as the Government intended when introducing the measure. The inclusion of the matron of one of the nurses' training hospitals in the metropolitan area will be of advantage to the board and will bring a modern viewpoint. The adding of the tutor sisters instead of senior sisters will also bring a refreshing modern approach.

The Chief Secretary: The only objection is the size of the board, with 12 members.

Hon. Sir Charles Latham: They will never get through their business.

The Chief Secretary: It would be nice to have the tutor sisters on the board; but of the 12 five could be tutor sisters, as the position now stands.

Hon. J. G. HISLOP: Not necessarily.

The Chief Secretary: I believe that if two are added at the moment they must be tutor sisters.

Hon. J. G. HISLOP: It will not be too large a board, as at times some members will be absent.

Hon. Sir Charles Latham: It is a very large board.

Hon. J. G. HISLOP: They have a large field to cover.

Hon. Sir Charles Latham: I am thinking of the time they will take.

Hon. J. G. HISLOP: It is their own time. There is not only general nursing, but also nursing at the hospital for the insane, children's hospital nursing, widwifery, and infant welfare nursing. All those branches have requested representation on the board; and if this cannot be agreed to, I would prefer that the provision for the elected nurses should go out, so as to ensure full representation of the tutor sisters. That would still leave the number at nine. I doubt whether the nurses elected from the rest of the profession would carry the same weight as those actually engaged in training nurses, and so I would prefer to eliminate the elected members.

The CHIEF SECRETARY: The education committee that was established has on it two tutor sisters, and so they are already on the board and on the committee.

Amendment put and a division taken with the following result:—

Ayes	14
Noes	10
Majority for	4

Ayes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. C. H. Simpson *(Teller.)*

Noes.

Hon. G. Bennetts	Hon. G. E. Jeffery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. F. J. S. Wise
Hon. E. M. Heenan	Hon. R. F. Hutchison *(Teller.)*

Pairs.

Ayes.	Noes.
Hon. A. F. Griffith	Hon. W. F. Willesee
Hon. L. A. Logan	Hon. F. R. H. Lavery

Amendment thus passed.

Hon. J. G. HISLOP: I move an amendment—

That after the words "ex officio" in line 19, page 2, the following new subparagraph be added:—

(iib) A matron of one of the nursing training hospitals of the metropolitan area elected by the matrons of these hospitals.

The CHIEF SECRETARY: I do not know whether Dr. Hislop is purposely trying to achieve this object; but it is possible that whereas at present there are two senior matrons acting as members of the board, the amendment could provide that only one would serve.

Hon. J. G. HISLOP: What the Committee has to realise is that so long as the nursing profession is represented by the Principal Matron of the Public Health Department and one of the matrons of the senior training schools, we have sufficient representation of administration. In future, the people who will govern the curriculum will be those who are the tutor sisters. They are the ones who, as the Chief Secretary has said, will dominate the interests of the board.

Amendment put and passed.

Hon. J. G. HISLOP: I move an amendment—

That the following new paragraphs be added:—

(c) by substituting for the words "Two senior" in line seven of subsection (4) the word "Three."

(d) by inserting after the word "registered" in line seven of subsection (4) the word "tutor."

The amendment means that the words "two senior nurses" will be struck out and the words "three tutor sisters" will be substituted. This morning, I made it my business to inquire whether there are tutor sisters at King Edward Memorial Hospital, because I contemplate that there will be tutor sisters interested in the general field of nursing. There are tutor sisters at most of the other hospitals and at the Government training school in Wellington-st., and we will have a school of tutor sisters definitely established if this amendment is passed.

Amendment put and passed.

Hon. J. G. HISLOP: I move an amendment—

That the following new paragraph be added:—

(e) by substituting for Subsection (6) the following:—

(6) No appointed member shall serve on the Board for a period exceeding five years but every member having served for this period shall be eligible for reappointment after the lapse of one year.

This amendment will mean that there is a certainty of some continuous change in the membership of the board.

The CHIEF SECRETARY: For the life of me I cannot understand Dr. Hislop moving an amendment of this description. It seems rather ridiculous to appoint persons for five years and then, when they have gained valuable experience and are of the utmost value to the board, their appointment is to lapse for a period of one year; and then, if during the previous five years they have given good service, they are eligible for reappointment. To me that seems a rather strange proposal. If a person has given good service for five years, surely the people responsible for making the new appointment should be the ones to judge whether that member shall be reappointed for a further term.

Hon. J. G. HISLOP: In professional institutions it is sometimes very difficult to say to a person who has been appointed for a period of, say, five years, and who is due for reappointment at the end of that period, that it would be very much better if someone else took his place.

Hon. N. E. Baxter: Would you apply that principle to the Physiotherapists' Board, too?

Hon. J. G. HISLOP: Yes; I would be quite agreeable to that. But the principle is something like that applying to the

Australian Cricket XI; that is, it is easier to get in than it is to get out. If the person concerned was a valuable officer, he or she would be certain of reappointment after a lapse of one year.

Hon. L. A. LOGAN: Whilst I appreciate the thoughts of Dr. Hislop on this amendment I am not very happy about it. I know that on any board there could be a person who had served for five years but who had not pulled his weight, and at the end of his service he would be eligible for reappointment. I appreciate that the amendment seeks to overcome this difficulty. On the other hand, a member of the board who performed excellent service would, according to this amendment, cease to be a member and his valuable services would be lost. In my opinion it is much better to take the risk of having to put up with a man who is not performing his full share of the work than to lose another who is rendering yeoman service.

Amendment put and a division taken with the following result:—

Ayes	9
Noes	14
Majority against	5

Ayes.

Hon. J. Cunningham	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. J. Murray
Hon. R. C. Mattiske	*(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. G. E. Jeffery
Hon. G. Bennetts	Hon. A. R. Jones
Hon. E. M. Davies	Hon. L. A. Logan
Hon. L. C. Diver	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. F. J. S. Wise
Hon. E. M. Heenan	Hon. R. F. Hutchison *(Teller.)*

Pairs.

Ayes.	Noes.
Hon. A. F. Griffith	Hon. W. F. Willesee
Hon. J. M. Thomson	Hon. F. R. H. Lavery

Amendment thus negatived.

Clause, as previously amended, put and passed.

Title—agreed to.

Bill reported with amendments.

BILL—ELECTORAL ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the previous day.

HON. A. R. JONES (Midland) [9.1]: This Bill, which has been brought before the House by the Government, seeks to change the system of postal voting in Western Australia, to bring it into line with the Commonwealth system. While I have never considered the existing practice to be perfect, I am of the opinion that this measure is also far from perfect, and even more imperfect than the existing Act. The main reason is that the Bill will definitely disfranchise some people if it is passed. It cannot help doing that.

Under the existing legislation no elector is disfranchised. I say that because, irrespective of where a person lives at present, he has a right to apply for a postal vote if he is ill or if he lives beyond seven miles from a township in which a polling booth is situated. In those circumstances he can register a postal vote. It appears that all eventualities are taken care of under the existing legislation, and all persons are enabled to vote; no one is disfranchised.

Hon. R. F. Hutchison: The Act now disfranchises them.

Hon. A. R. JONES: If this Bill is passed some people cannot help being disfranchised. If we are to look for a system to improve the existing one, we should find a system that is an improvement rather than one that does what I have suggested—that is, disfranchise some people. It can be said that under the existing system anomalies arise. Whilst I have seen only one ballot paper in which the vote was invalid, I believe that in many instances votes become invalid because of some omission by the persons taking the postal votes. That may be so. But I believe there have not been many such cases; otherwise we would have heard or seen more of them.

The postal vote system which operates under Commonwealth legislation, and which is similar to the procedure envisaged in the Bill, would be open to more malpractice than the existing system in this State. For instance, in respect of postal votes we have to take into consideration the many places in this State where mail services arrive once or twice a fortnight, rather than once or twice a day as in the metropolitan area. We have to allow for the fact that many votes will not reach their destination within the time specified by the returning officer. We all realise that people are apt to put off doing things until the last moment; if that habit is persisted in by electors residing in the Lakes district or at Laverton—where the railway service has been discontinued and where the mail arrives once a week—it would not be possible within the time available for them to make an application for postal votes and to lodge the votes with the electoral office.

When that state of affairs exists it seems to me that there is no advantage in the Bill. If a person living in the Lakes district becomes ill three days before the polling date and cannot attend at the polling booth, it is only then that he decides to make application for a postal vote. By

the time his application reaches the electoral office polling will have been completed and thus he will definitely be disfranchised.

Hon. A. F. Griffith: How would he get on under the Commonwealth legislation?

Hon. A. R. JONES: In just the same way. He would be disfranchised. That is my main objection to the Bill. Similarly, a person who finds himself in hospital in the metropolitan area can become disfranchised because after a certain time he cannot make application for a postal vote.

While it is desirable to have something better than the existing system, the matter should be gone into more thoroughly in order to devise a more effective system of postal voting. It must, however, be better than the existing system, and it should not deprive people of their votes. The people who should be protected more than others in regard to their votes include those who are unfortunately taken ill and are confined to bed; those who are and will be far removed from any polling booth on polling day; and those who are travelling on polling day. This Bill provides that any of these people shall be able to make application for a postal vote.

In the case of people living in remote areas, such an area is to be prescribed by the Chief Electoral Officer, which, of course, means at the discretion of the Minister. It seems wrong to leave such a decision to the Minister, irrespective of who the Minister may be. At any time the Minister could declare a place to be a prescribed area, or to be taken out of a prescribed area. The Chief Electoral Officer would have no option but to follow that direction.

If it is intended to amend the Act permanently in this respect, then the area should be defined. That should be laid down in the legislation; the matter should not be left to one or two persons to decide, because in many instances ducks and drakes can be played if it is felt that some advantage can be gained.

The system of postal voting envisaged in the Bill is open to malpractice, more so than the provision in the existing legislation, for this reason: Mail arriving from outlying districts such as Leonora, Laverton, Cue, Day Dawn or the Lakes area, is taken to a small post office, and then sent to a larger centre—in one instance, Katanning; and in the other, Kalgoorlie. It would not be difficult at all for a bundle of votes to be missed out. If a bundle of votes misses a mail, a lot of difference can be made to the result, because those votes would not be counted in time. Some members may think I am concocting a story, but it could occur.

It has been established beyond doubt that during a Federal election about two years ago, at Katanning on the Monday following the election held on the previous Saturday there were 30 votes cast by post. They arrived at the Katanning post office too late to be forwarded to Perth or any centre where they could be counted, so those people lost their votes. I admit that those votes could have cancelled one against the other. But who knows? These 30 people were disfranchised, and their votes could have affected the result.

It is far from perfect to go from the existing system to the system proposed in the Bill. We are concerned mainly with people having the right to vote and having it always. Under the system as set up at present many people would be disfranchised. I cannot support the Bill unless some other method can be devised which will prove to be better all round and which will prevent people from being disfranchised.

The Chief Secretary: Don't you think there is some improvement in the Bill?

Hon. A. R. JONES: I do not think it is an improvement. No system which takes away the vote of a person is an improvement.

Hon. R. F. Hutchison: We are disfranchised now if we have to leave the State. I missed my vote because I had to go east on business and could not vote because of that.

Hon. A. R. JONES: Any system which deprives a person of his right to vote is not an improvement, especially as such person had made claim to be on the roll. For that reason, together with the others which I have outlined, I consider the proposed method of postal voting will not help the people living in the outback areas who wish to ensure that their votes are recorded. I have given the instance of a person living in the outback being taken ill and confined to bed four or five days before an election. He would be aware that he was not able to get to the polling booth on polling day; but because he lived so far distant, and because the mail service was so irregular and infrequent, he would be deprived of a vote.

I cannot support the Bill, but I consider there is a need for an improvement to the existing system. It has been suggested in this House, if not in another place, that an all-party committee be set up to formulate an improved Act—one which will make it as easy as possible for people to cast a vote.

HON. L. C. DIVER (Central) [9.15]: I think it can be conceded that the vast majority of electors in this State desire some uniformity in our voting system. Therefore it becomes a question of what we consider is the best form to adopt. In this instance, the Government has produced a measure to provide for postal vote facilities, based on the Commonwealth Electoral Act. But I do not think the contents of the Commonwealth Act as set out

in the Bill are as good as those of the State Act; and it would be preferable for the Commonwealth to alter its Electoral Act to conform with ours in this connection, instead of our considering the adoption of the Commonwealth system. The interests of those we represent must be studied; and with the discontinuance of railways, the position of a lot of people in outback areas has become more remote than previously.

Hon. R. F. Hutchison: Travel has speeded up now. You can travel faster in aerial cars.

Hon. L. C. DIVER: It is remarkable how well we are informed on things we do not understand. Older members here can cast their minds back over the years and think of how many occasions important elections —either State or Federal—have coincided with very wet conditions. In such circumstances, if we were to adopt the Commonwealth postal voting system our mails in the outback could be held up for days. Doubtless many members here know that what I am saying is a fact. Originally the railways used to bring mail to the place nominated for counting. But with the discontinuance of railways we have to rely on motor transport; and in some of the outback country, in the conditions I have mentioned, motor transport cannot operate, and I have known of instances in which it has not been possible to travel by motor-vehicle in the back country for days on end.

So we could have the position that in one fell swoop, through the discontinuance of the rail services, votes would not be counted. But under the existing legislation everything would be all right provided the votes got to some outback polling both and into the ballot box on the day of the poll. In such circumstances a person would not be disfranchised, as would be the case under the proposed set-up.

Several aspects of this matter were dealt with by Mr. Jones; and I do not wish to reiterate any of the points he stressed, because it would be sheer repetition and I would only be taking up valuable time. I agree with what he had to say regarding the disadvantages of the system proposed by this measure as compared with the existing Act, and I intend to vote against the Bill.

On motion by Hon. E. M. Heenan, debate adjourned.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. G. Fraser—West): I move—

That the House at its rising adjourn till 2.15 p.m. tomorrow.

Question put and passed.

House adjourned at 9.21 p.m.

Legislative Assembly

Wednesday, 13th November, 1957.

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