

Clause 38—Section 183 amended:

The MINISTER FOR JUSTICE: I move an amendment—

That after the word "amended" in line 5, page 23, the words "by substituting for the word "booth" in line 2 of Subsection (4) the word 'place', and" be inserted.

Amendment put and passed.

The MINISTER FOR JUSTICE: I move an amendment—

That after the word "feet" in line 7, page 23, the words "and by deleting the words 'from the nearest street or way' in lines three and four of Subsection (4)" be added.

This amendment seeks to reduce the distance at which it is considered an offence to influence an elector in his voting from 50 yards to 20 feet. The Commonwealth Act provides 20 feet and I see no reason why we should not adopt that.

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

Clauses 39 and 40—agreed to.

Clause 41—Section 192 amended:

The MINISTER FOR JUSTICE: I move an amendment—

That the following be added to stand as paragraph (c):—

by deleting the words, "from the nearest street or way" in lines four and five.

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

Clauses 42 to 45, Title—agreed to.

Bill reported with amendments.

House adjourned at 10.57 p.m.

Legislative Council

Wednesday, 9th October, 1957.

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

QUESTIONS.

RAILWAYS.

Scope of Royal Commissioner's Inquiry.

Hon. G. BENNETTS asked the Minister for Railways:

(1) Is it the intention of the Government to retain the services of Royal Commissioner A. G. Smith, to inquire into railway administration?

(2) If so, will Mr. Smith inspect the power locomotive branch, the railway dining car services at Welshpool and other branches which have been established during the term of the three commissioners?

The MINISTER replied:

The Royal Commission investigating railway matters generally is proceeding.

CUNDERDIN AERODROME.*Conversion to Agricultural College.*

Hon. N. E. BAXTER asked the Minister for Railways:

(1) Have any negotiations been entered into, or any approach made to the Commonwealth Department of the Interior for the purchase or taking over of the major portion of the Cunderdin aerodrome for the purpose of an agricultural college, or for any other purpose?

(2) If the answer is "Yes," are the negotiations being continued, or has the Government decided to discontinue further negotiations or approach?

The MINISTER replied:

(1) Yes.

(2) The matter is still under consideration.

ROAD DISTRICTS ACT.*Disallowance of Uniform General Building By-laws.*

Hon. J. McI. THOMSON (without notice) asked the Minister for Railways:

This afternoon Mr. Griffith gave notice of a question regarding the disallowance of uniform general building by-laws under the Municipal Corporations Act. Would the Minister include in his reply to the question information regarding the disallowance of the by-laws under the Road Districts Act? I moved a motion for the disallowance of these by-laws two days after Mr. Griffith moved his motion. I should like the Minister to include the information regarding the Road Districts Act in reply to the question.

The MINISTER replied:

I take it that the hon. member wishes to know whether consideration has been given to the suggestion he made when he moved the motion for the disallowance of the by-laws under the Road Districts Act. I shall have inquiries made and give a full reply tomorrow.

BILL—BEE INDUSTRY COMPENSATION ACT AMENDMENT.

Read a third time and *passed*.

BILL—INTERPRETATION ACT AMENDMENT (No. 2).*Second Reading.*

Debate resumed from the previous day.

HON. SIR CHARLES LATHAM (Central [4.39]): This Bill proposes to give Parliament powers to amend regulations and by-laws. Section 180, in Part VIII, of the Municipal Corporations Act covers the powers of municipalities to make by-laws and regulations and states for what purposes by-laws may be made. Section 201 of the Road Districts Act covers the same powers for road boards.

The local authorities only have power to make by-laws; but those by-laws have the same force as regulations, with the exception that the latter are made by the Governor-in-Council, whereas by-laws are first submitted to the Minister for approval. The present legislation proposes that both Houses of Parliament at any time may pass a resolution giving them power to amend regulations. I have no objection to that. I think it would be wise. But I do not think that we should ask Parliament to interfere with by-laws made by local authorities.

For instance, there may be a by-law made to suit local affairs at Wyndham, or at Hall's Creek, or some other place, of which we might not have sufficient knowledge, and it would therefore not be advisable or satisfactory for us to attempt to amend such by-law. Accordingly I hope the House will agree that the provision in the measure should not apply to such by-laws; and I propose to move an amendment in that direction in the Committee stage.

The Bill provides for regulations to be amended by either House of Parliament, and to be sent to the other for approval. There can be no objection to that. But that will apply to by-laws as well as regulations, and I hope to be able to exclude by-laws framed by local authorities from that provision. It could be difficult to know exactly what conditions apply in these out-of-the-way local authorities, and it would not be advisable to amend any by-laws made by them. We all know that regulations are very necessary; but I would like to point out to the Government that a number in existence are obsolete, and I think it would pay us to employ an officer of the Crown Law Department to review them all.

There must be close on 400 to 500 regulations under the Traffic Act alone, and it requires a Philadelphia lawyer to really understand some of them. Many of them are quite contradictory. We should try to keep our regulations up to date, because they have the same force as the written law, and they are not always as accessible as is the written law. One can always buy a copy of the relevant Act, but it is not always possible to obtain a copy of the necessary regulations. Some regulations were framed 40 years ago; and they are still in existence, even though the conditions appertaining to them have changed completely.

I hope the House will exclude the amending of by-laws from the Bill. Let us deal with regulations first; though I hope we will not be given the responsibility of reviewing all the regulations that have come here from time to time, because that would entail a year or two's work. I support the second reading of the Bill.

HON. N. E. BAXTER (Central) [4.45]: I intend to support the Bill because I believe that while we in this Chamber,

and members in another place have the power to disallow regulations, on many occasions in the past the object that has been sought in their disallowance has not always been achieved. Regulations have been disallowed here on some occasions, and those same regulations have been reintroduced by the department time and again, with practically the same wording and the same meaning.

That happened the session before last, I think, in regard to one of the traffic regulations which dealt with stop signs. That regulation was disallowed, but was eventually reframed and reintroduced in the same terms, with the identical wording of the previous one. It is hopeless for Parliament to seek to disallow regulations if they are going to be reframed within a short time. It defeats the whole purpose for which they are disallowed if the department is not going to take cognisance of the suggestions made by Parliament.

There is no doubt that when that traffic regulation to which I referred was disallowed, members who spoke to the debate recommended certain ways in which it should be reframed. Those suggestions were ignored. If those responsible for making rules and by-laws are not prepared to accept the suggestions of Parliament in the reframing of regulations that have been disallowed, it is high time that Parliament stepped in and took unto itself power to amend regulations.

Another such instance which I can recall was in regard to the soil conservation regulation, which was one of the first I moved to disallow. At that time, all we could do was to disallow that regulation, and the department concerned could reframe it. As it happened, on that occasion it was reframed properly, because there was an obvious mistake.

If this Chamber, or another place, had power to alter or rephrase regulations, it would be much more satisfactory than the present method. I disagree to a certain extent with Sir Charles Latham's objection to rules and by-laws being included in the Bill. I see some difficulty in his objection, because the Interpretation Act, when defining "regulation" says, "In this section the term 'regulation' includes 'rule' and 'by-law'". Are we going to have an amended definition of "regulation"?

Hon Sir Charles Latham: No.

Hon. N. E. BAXTER: I do not hold the fear expressed by Sir Charles that both Houses of Parliament will be interfering with by-laws made by some road board in the North-Western or Eastern districts. Surely Sir Charles will realise that if members are interested in a particular rule or by-law, they will obtain all the facts, which will be put before Parliament prior to any amendment being made to such by-laws. Surely we would not agree

to doing anything that was not sound! We would not attempt to interfere with a local authority by doing something that would affect it adversely.

I think it would be quite safe to leave the Bill as it is framed at present and see how it works out. If there happen to be any miscarriages of justice in regard to the measure then will be the time to take action. I feel very sure that neither this Chamber nor another place would interfere with a by-law in such a way that it would adversely affect any local authority.

HON. L. A. LOGAN (Midland—in reply) [4.51]: There are only two observations I wish to make. One concerns the remarks of Dr. Hislop about the setting up of a committee. As we all know, he has on many occasions suggested that a committee be set up to inquire into regulations before they have been laid on the Table of the House, similar to the committee in South Australia. I believe that such a committee would have quite an extensive job to do and probably one that was worth while.

It would not overcome the problem of regulations already gazetted; and if one looked up the number in vogue in Western Australia one would find it ran into many thousands. Therefore, something like this measure is necessary to give both Houses of Parliament an opportunity of altering regulations which otherwise might never be altered.

Whilst the committee suggested by Dr. Hislop might be all right for the framing of new regulations, it would be of no advantage for old ones. The statement by the hon. member that this Bill will not make any difference and that it is almost ineffective, is one with which I do not agree, because I think some good will come of it.

In regard to the worry of Sir Charles Latham concerning by-laws, I would like to remind him that this House is asked on many occasions to debate subjects affecting places far removed from the city. For instance, the subject could be a cemetery at Albany or Kalgoorlie; and there is a measure on the notice paper relating to jetties at Geraldton and elsewhere. Surely members of this House have to find out for themselves the necessary information before casting a vote.

The same would apply to by-laws, even if they were those of a local authority at Hall's Creek or somewhere else. No member of Parliament would bring a resolution before this House asking that a by-law be altered until he had the facts to indicate that such a change was necessary; and having brought the resolution to this House he would eventually have to get this place and another place to agree.

I cannot see any difference whether it is a regulation or a by-law; both Houses have to agree to it. I think it is a safeguard, and that is why this measure was altered in another place so that changes in a by-law would have to be agreed to by both Houses.

Hon. J. G. Hislop: Which is enforceable.

Hon. L. A. LOGAN: Yes. One worry which members have is that regulations laid on the Table of the House would have to be disagreed with by two Houses of Parliament. That is incorrect; either House can disagree. Even if this measure is passed, we can still disallow fresh regulations which are laid on the Table of the House.

Hon. Sir Charles Latham: It permits the making of alterations, which have to be laid on the Table of each House.

Hon. L. A. LOGAN: Alterations have to be. Some members have the idea that if this measure is passed, it will be necessary for both Houses to pass a new regulation; but we are not altering that part of the Interpretation Act. Either House can carry on as in the past and move for disallowance on its own. I hope the House will pass the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; Hon. L. A. Logan in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 36 amended:

Hon. Sir CHARLES LATHAM: I move an amendment—

That after the word "meantime" in line 3, page 3, the following proviso be inserted:—

Provided that this subsection shall not apply in respect of any by-law made by any local authority under any Act relating to local Government.

As I pointed out before, if we deal with regulations, that will be quite enough. We can deal with by-laws later if it is found necessary. I do not want to be on a committee which is going to revise regulations. We have local people who are giving their services free and who do a great deal of good for people in the country; and I want Parliament to interfere with them as little as possible.

When local authorities put up regulations and by-laws, they have to be approved by the Minister for Local Government; and now we are going to say to them, "You know the local conditions, but you have to submit a by-law to us and not only the Minister, but Parliament also is going to have the right to veto it." That is going too far. So far as regulations are concerned, this measure will be a good check on public servants who

frame them. The fault we find with public servants is that they have a lack of local knowledge. I think the Minister would agree.

The Minister for Railways: No, I won't.

The Hon. Sir CHARLES LATHAM: The Minister would if he were sitting on this side of the House.

The Minister for Railways: Would you if you were on this side?

Hon. Sir CHARLES LATHAM: I do not want to take authority away from local governing bodies any more than I can help, as they are doing a good service in the country, and know local conditions. They do not frame by-laws just for the sake of it. Mr. Wise evidently has something in mind, and will tell me I am wrong.

Hon. F. J. S. Wise: I was thinking of some of your past performances.

Hon. Sir CHARLES LATHAM: What does it matter what I did yesterday? It is today and the tomorrows which count. We make mistakes; but let us correct them at the first opportunity. I hope I will not be judged on what I did in years gone by. It is today, and I hope all the tomorrows, that count with me. I trust that the hon. member is not going to charge me with something I did in my unsophisticated youth. I hope we will not say that not only the Minister but Parliament shall have the right to take away from local authorities an authority that they seem to have but really do not possess.

Hon. L. A. LOGAN: Parliament is responsible for the Act under which local authorities work and for the by-laws and regulations under which they function. If Parliament is responsible for these things it should be responsible for the good working of the by-laws and regulations, which are law the same as a statute. If an amendment is necessary it should be the right and privilege of any member of Parliament to bring it before Parliament. Whilst I appreciate the thought behind this amendment, I do not think it is necessary, and I shall oppose it.

Hon. A. F. GRIFFITH: I am wondering how this will work. Will it mean that both Houses can amend regulations which are laid on the Table by Ministers in this House or in another place, but that they will be able only to disallow regulations or by-laws made by a local authority? If that is so, it is not very desirable.

Hon. Sir Charles Latham: This does not deal with regulations.

Hon. A. F. GRIFFITH: I shall keep to by-laws. I recall that a certain member of this Chamber moved to disallow some by-laws that were made by a local authority. An amendment could easily correct by-laws. If we accept the amendment we can only disallow local authority by-laws whereas we can amend any others.

It could easily happen, as is the case with the uniform general building by-laws, that many are good and many are not. By being able to amend them we could obviate what we have been doing here for the last five weeks, and that is wait for the Government to take some action. We could move amendments, have them dealt with by this Chamber and then send them to another place to be considered. I doubt whether this amendment has a great deal of merit.

THE MINISTER FOR RAILWAYS: Since the hon. member objected to the by-laws, the Government has extended the period for them to become operative. He knows that a committee is studying those by-laws and that there will be further amendments made to them.

I agree with the hon. member in regard to this amendment. As Mr. Griffith has said, the uniform building by-laws of a local authority could be amended if the Bill were passed as it stands, but the amendment would mean that Parliament would have no alternative but to disallow them.

Hon. Sir Charles Latham: You admit they make them and the Minister has to approve.

THE MINISTER FOR RAILWAYS: We have an instance now which shows that by-laws can slip past the Minister. The circumstances were peculiar; there were extenuating circumstances in connection with the Minister concerned. The Bill would be preferable without the inclusion of this amendment.

Hon. Sir Charles Latham: What Mr. Griffith and Mr. Logan are trying to say is that we shall treat the local authorities as nonentities. We say to them, "You will have power to make by-laws and the Minister shall have the right to accept or reject them," and then we are going to say to them, apparently, "That is not sufficient. We are going to give Parliament the right to determine for you local people how the by-laws ought to be altered."

Do not let us set ourselves up on a pedestal as though we were the begin-all and end-all of everything. Let us give credit to our fellow-citizens as being of equal intelligence to us. We are going to say to the local authorities, "You shall not have any right to initiate anything unless it is approved by the Minister." If a by-law is disallowed I want it referred back to the local authority together with the reason for its disallowance. How many of us would like to come into the House with the feeling that we had no rights?

Hon. L. A. Logan: Who is taking a right from them?

Hon. Sir Charles Latham: The hon. member is. He is saying to them, "We are not going to allow you to make this by-law as you want to." What do we say if we send the by-law back?

Hon. L. A. Logan: If it is disallowed, is it referred back to them?

Hon. Sir Charles Latham: Yes.

Hon. L. A. Logan: It is not.

Hon. Sir Charles Latham: The local authority can put up another one the next day, or at its next meeting. The members of local authorities know the local conditions; and for that reason I want them to have exactly the same privilege as they would have if they were in this Chamber. They are elected—in much the same way as members are elected to this Chamber—to the local authority in their district by people who have confidence in them.

I do not want to take away from local authorities any of their powers. I am anxious to encourage their activities because they have rendered excellent service to the State and have saved ratepayers a great deal of money. It would be an insult to members of local authorities if we, in effect, said, "You have not the same brain-power as we have." If a local authority makes a mistake by introducing a regulation, we should disallow it and give the local authority the opportunity to frame another one. We should not lower the dignity of members of Parliament. It is for those reasons I submit my amendment.

Hon. A. F. Griffith: With all due respect for the opinion held by Sir Charles, I feel it would be wrong and a great pity if, by the speech he has just made, he gave members of local authorities the impression that we are not appreciative of the excellent work they are performing. I do not want to be associated with his remarks in respect of local authorities. I am sure that all members here are aware of what local authorities do for this State. I have here a booklet entitled "Uniform General Building By-Laws." If we pass this Bill we can amend these by-laws instead of disallowing them. I think that would be a wise move.

If the amendment moved by Sir Charles is carried, whilst we can amend the powers of local authorities to make by-laws, we cannot touch the by-laws themselves, but we can move to have them disallowed in toto. We all realise what happens in practice. Some time ago I made a move in this Chamber for the disallowance of something that had been done by a road board in my district. As soon as the local authority learned what I intended to do, the secretary rang me and asked me if I would have a talk over the matter, which I did; and it was finally settled amicably. I never take any action on any matter affecting a local authority without consulting it beforehand, because I think we should always take local authorities into our confidence.

I am not in favour of the amendment, because if we are not to have legislation that will enable us to amend regulations

we have to take the same action with all of them and not only some of them; and we are then left no other course but to throw them out. If both Houses amended a by-law introduced by a local authority, would it not be dealt with in much the same way as any Bill is dealt with? When a particular interest in the community found that a by-law was introduced it could contact the member for the district if it had some objection, and desired an amendment to be made. That would be much more satisfactory than to introduce a by-law and then find later that a move is made for its disallowance. If a by-law is amended by both Houses of Parliament, what is to stop the local authority introducing another by-law on the same subject?

Hon. Sir Charles Latham: Why should the local authority have to do it?

Hon. A. F. GRIFFITH: We do it now.

Hon. Sir Charles Latham: We do not alter them now.

Hon. A. F. GRIFFITH: No; that is the unfortunate part of it. Under the Bill, an amendment of any by-law introduced by a local authority can be passed only after the consent of both Houses of Parliament has been obtained.

Hon. L. A. LOGAN: I would point out to Sir Charles that local authorities today are working under by-laws which they wish to have altered. The Minister, however, refuses to alter them. That is an important point.

Hon. Sir Charles Latham: How can they get here if he doesn't?

Hon. L. A. LOGAN: Because of the law at the moment, they cannot be amended. Because the Minister or the officer in charge of the department refuses to amend them, the by-laws remain. The result is that local authorities are working under disabilities. If passed, this legislation will give a local authority an opportunity to write to its local member of Parliament and have amended any by-law to which it takes objection. In this way we are giving local authorities some freedom that they do not enjoy today.

Hon. J. G. HISLOP: I thank Sir Charles for making a speech which must be one of the finest I have heard in support of my desire to see established in this State a parliamentary standing committee that would examine regulations before they were brought before Parliament.

Hon. Sir Charles Latham: I agree with you now.

Hon. J. G. HISLOP: We are getting into trouble now with regulations and by-laws purely because no such committee exists. One of these days I will introduce a measure that will give Parliament power to appoint such a committee. When we

study what Sir Charles is suggesting we have, once again, to discuss words. As far as I can ascertain from the Interpretation Act, a regulation, a rule and a by-law are all one and the same thing. All we have to do is get away from the principle of using the term "by-law" or "rule" and use instead the term "regulation" throughout.

Hon. Sir Charles Latham: What matters is the person or body to whom we give authority.

Hon. J. G. HISLOP: That is so. If members will look at the Interpretation Act they will see that the term "regulation" includes "rule" and "by-law."

The Minister for Railways: It is explained at the top of page 162 of the Standing Orders.

Hon. J. G. HISLOP: Yes; that is so. It is the same terminology right through: Is it not better to review regulations before they become enforceable rather than defeat them afterwards? If we are going to seek power to alter regulations it seems unwise to separate regulations which bear the unfortunate term "by-laws"; and that is, I think, all we are trying to do.

Hon. Sir CHARLES LATHAM: There are three kinds of powers: Power held by a local authority, power held by a Government; and power held by Parliament; and they are all different. Parliament does not make regulations, but it grants authority to the Ministry to make them. Of course, regulations are subject to a decision of Cabinet, which should be unanimous.

We say that a local authority may make a by-law; but before it gets any further, it must become a regulation, because it has to be sent to the Minister for overhaul and eventually it is passed to Executive Council. That is the difference; and I hope Dr. Hislop appreciates it. A regulation does not become enforceable by Parliament until it passes through the other two routine channels.

I had a lot of experience in road board matters in my early days. I was responsible for setting up road boards in two districts. It is because I know the feelings of those people that I am putting forward these comments.

My first experience was 1913, when I helped to form the Bruce Rock Road Board. I also initiated the Naremburn Road Board. They have done very good work; and I want to be able to say to them, "Parliament trusts your decision. Your local knowledge is worth a great deal to us." We should not say to them, "Although you are making a by-law which has to be submitted to the Minister, we will amend it." We have not the local knowledge.

I do not know of the conditions in the districts of the Wyalkatchem, Nullagine or far north road boards. I know they

have provisions, for instance, relating to the destruction of camels. All those things are regulated in their by-laws. Are we to say to them that, as we do not understand those provisions, we will have to alter them?

Hon. H. K. Watson: What is your answer to the point that a local authority can come to Parliament to ask for an alteration of the regulation which the Minister has refused to alter?

Hon. Sir CHARLES LATHAM: If the Minister refused to sanction a regulation, would it be likely to be altered? There must have been a reason for the Minister's action.

Hon. H. K. Watson: Very often from his angle.

Hon. Sir CHARLES LATHAM: Much as I have a strong bias against too much power being given to Ministers, I have not heard of any political party saying to a road board that because of politics, the party will not agree to a certain thing.

Hon. H. K. Watson: You have a very fertile imagination.

Hon. Sir CHARLES LATHAM: What reason is there? Most local authorities look to their members to make reasonable decisions, and all the points are considered by them. Mr. Griffith said he was invited to a conference of a road board. I do not think he has much experience in local government affairs, but the ratepayers would be knowledgeable of those affairs.

The road board has to satisfy the residents, the Local Government Department, and the auditors who examine their affairs; yet it is intended to say to them, "It is not a question of what you want. The decision will have to be left to Parliament." When the matter comes before Parliament we may amend the suggestion put forward. I have put up what I think to be a reasonable case. I have submitted the proposal because, as a member of Parliament, I have a great appreciation of the people who are giving their time and service to the affairs of road boards.

Hon. L. C. DIVER: I have listened with interest to the remarks of Sir Charles Latham, and I am surprised. While I recognise his considerable experience in local government affairs, he is not the only one amongst us with that knowledge.

In regard to country road boards there are two major issues on which the members are not well versed. One relates to building by-laws, and the other to health. Over the years local authorities spend more time on these two aspects than on any other matters which they have to deal with.

Sir Charles said that not only do the road board members have local knowledge, but they also have the opportunity to consult lawyers. That savours of the blind leading the blind in relation to health and building by-laws.

I agree that when objection is taken to some by-law, the local authority concerned will first of all be consulted before any action is taken in Parliament. That is to the mutual advantage of both the local authority concerned and the Government department. But above all, Parliament should remain supreme, otherwise too much power will be delegated to local authorities, which I must agree are doing a very great service for the community.

It must be remembered that Parliament has to answer to all the people, but local authorities have to answer to only a section of the people. I support the Bill introduced by Mr. Logan because I recognise the good service given by local authorities. No harm will come with the passage of the Bill. It will prove to be of considerable benefit to all parties.

Hon. J. MURRAY: As one who admires and gives great credit to the people who render unselfish service to local authorities, I support the measure. Although Sir Charles may have moved the amendment because he felt that the people owe a great deal to members of roads boards, I would point out that it is not a case of whittling away their authority. Parliament will be putting local authorities into a position which is not acceptable to Parliament, if the Bill is not passed; because no Parliament can bind the action of future parliaments in respect of anything introduced in either House. At all times whatever Bill is introduced, irrespective of its implications or importance, it will be subject to review by Parliament.

Under the antiquated system referred to, the road board or municipality can bring in a by-law which will become a regulation after it has been laid on the Table of the House and agreed to. What might have been a good regulation or by-law in 1895 might not be suitable today. The present board might desire to alter it, but the Local Government Department might not agree. The department might say that the regulation had worked very well. That same argument has been heard on many occasions in this House. Where will that road board go, if for ever and a day the same by-law must be carried on?

Hon. Sir Charles Latham: This Bill will not correct that position unless such a by-law is reintroduced. They should all be reviewed.

Hon. J. MURRAY: Under this Bill all by-laws can be brought before this House and reviewed. If I am incorrect in that statement I apologise for taking up the time of the House. It is time the Act was altered; but not in the way suggested by Dr. Hislop—that is, by forming a committee—because the committee would be in the same position as we are in today. The decision of the committee would have to stand up to review by Parliament.

Hon. R. C. MATTISKE: When this Bill was introduced I thought I would oppose it entirely because I felt that those who were very close to the problem should have the opportunity of making by-laws, and this Parliament should have the authority to reject them. I felt that if the by-laws were rejected, then those who introduced them should be able to resubmit something after reconsideration, somewhat in line with the reasons given by Parliament.

Upon further reflection and after hearing the debate on the Bill, I now feel that if any by-law is submitted to either House of Parliament, and if in the opinion of Parliament it should be altered, then Parliament should have that right to vary. When one considers that an Act itself is altered from time to time by Parliament, one feels that Parliament should surely also be permitted to alter regulations made under that Act.

Again, I feel that there might be occasions when persons would be so close to a particular problem that they would be unable to see clearly certain aspects that might be apparent to others. In Parliament we would have all aspects of a problem thoroughly examined and given full consideration.

With regard to the amendment, I do not consider that any injustice will be done to local government by refusing to add this proviso to Clause 2, any more than would be done to any other organisation which might be equally important with local government and equally capable of making very good regulations. By not singling out any one particular authority and by treating them all precisely on the same basis, we would not produce any invidious position, and would not preclude local government from the right to have full consideration given to all its problems and regulations.

The amendment will not serve any useful purpose. When regulations concerning local government came before this place, the Minister in charge would be able to obtain the departmental view on those regulations. Those of us connected with different local governing authorities would be able to ascertain their angle; and other persons who might be associated with industries or trades concerned with the regulations would be able to obtain their angle; and thus the question could be debated in all its aspects, and something prepared which would be generally suitable, in the same manner as at present we produce the Acts under which regulations are made.

Amendment put and negatived.

Clause put and passed.

Clause 3, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. J. G. HISLOP (Metropolitan) [5.50]: This is a small Bill in words, but it has a very deep principle attached to it. In 1953, the Government brought down a similar measure and authorised the University to borrow funds to erect further buildings. So far as I can gather from that measure, it was purely for a project; but this measure is to grant in principle the right to the University to raise funds, on the approval of the Treasurer, who would then be responsible for the interest and capital payments. In short, we are deciding on a term of hire-purchase for the University.

That has been brought about to a large extent by the stringency of money within the State. Not only is that stringency apparent in this State so far as educational purposes are concerned, but it is so throughout the whole of Australia; and it not only applies to educational needs but to many other of the necessary factors in our life also.

Hospitals are short of accommodation and equipment, not only in the metropolitan area but in country districts as well; and the same may be said in regard to schools, in respect of which there is a constant appeal for increased classrooms; and, indeed, there is a constant appeal for new schools. All this means a tremendous call upon the public purse; and I wonder how long the States of Australia, and Australia generally, can continue facing this need with the financial conditions under which we exist.

In the United States, Congress demanded, in relation to hospital care in that country, that each State prepare a schedule of its needs over a long period and survey its whole area from the point of view of hospital accommodation. It was only upon receipt of that survey that Congress made monetary payments to assist a state to carry out its projects.

We have heard in Australia of the needs of universities in every State. There was a commission on which, if I remember aright, our own Vice-Chancellor sat, and which investigated the urgent needs of universities throughout the continent. I wonder how long it will be before the Federal Government takes into consideration the needs of such institutions and prepares something akin to what I have discussed concerning American legislation covering hospitals, and applies it not only to universities but to hospitals and schools and to the cultural and health needs of the nation.

No one can cavil for a moment at the introduction of this Bill, which will allow the University Senate to borrow on such

an authority as the State. But I wonder whether some urgent move could not be made by the States, through a conference, for a survey to be conducted of the needs of the States in the three avenues to which I have referred with a view to placing the matter before the Commonwealth and submitting a long-term plan in connection with it. Whether such a survey covered a five-year-need period or a ten-year period would matter little so long as it was uniform and was presented to the chief financial authority.

In that way we would be relieved of the burden of constantly wondering whether we can expand this or that necessary factor within our midst. I quite see the difficulties that arise in any State when things are allowed to grow like Topsy. I have stressed before that in relation to hospitals, for instance, the spending by the Commonwealth of large sums of money without relating the expenditure to the needs of the States is unwise.

In this regard one begins to question already whether the huge hospital being built, and to be known as the Chest Hospital will, in fact, be used, so far as the majority of its beds are concerned, for chest therapy purposes, and whether it should not within the next few years become a general hospital. At the moment it is a Commonwealth institution, and therefore difficulties arise in making any move for its use as a State feature.

The same would apply to repatriation hospitals. No one except those who have occasion to go to such hospitals is entitled to know how many beds are occupied. But one hears it said by members of nursing staffs who go to such places that there is less to be done in the way of active work there than within the State hospitals.

All this disjunction between Commonwealth and State needs is bad for the future of Australia and the morale of its people, and particularly the administration of the States; and I suggest that there should be a much closer liaison between the two financial bodies—the Commonwealth Treasury and the State Treasury—in regard to meeting these vital necessities within our midst.

I would stress the need for our keeping, for as long as we can, to a standard architecture when making extensions to our University. I trust that we will have no more of the old temporary wooden structures. I would like to see a continuation of stonework; but if that is not possible, let us at least have some agreed upon and accepted type of building which will be continued over a long period.

Those of us who 40-odd years ago knew the University of Melbourne very well shrink in absolute horror when we visit that place now and see the polyglot type of architecture that has arisen in the interval. No longer does it have that power

of fascination that it previously possessed; and I trust that our own University will keep to some standard form of architecture so that it will be a monument to the State and an edifice that will conform to the original design and plan.

Hon. G. Bennetts: Have you seen the Brisbane University?

Hon. J. G. HISLOP: I have seen quite a number of universities, and that is why I am making this plea. I trust that the £250,000 mentioned in this measure will be ample to provide, for the engineering school, a facade of buildings in keeping with the remainder of the original building constituting our very beautiful University. I support the measure.

HON. N. E. BAXTER (Central) [5.59]: In this Bill I detect an echo of the voice of the Premier some months ago at the University when he promised the Senate that if it was able to raise £250,000 the Government would, from loan money, assist it to the extent of another £495,000 for the purpose of building an engineering school at the University. I brought this matter up in this House on a previous occasion and objected to such a large sum of money being used on a project that will cater for an intake of only 91 students per annum when, as Dr. Hislop said, we have a dire lack of hospital facilities, not only in the city but also to a large extent in the country; and in addition to that, the Education Department tells us that there is also a considerable lack of classrooms.

I have always spoken in the strongest terms on this matter; and on the fact that money can be spent in some avenues in large sums although we are told by the Government that it has not sufficient money to build all the hospitals, classrooms, and so on that we need. I believe that this Bill will give carte blanche to the University, subject to the approval of the Treasurer, to borrow sums of money to be spent at the University, thus more or less keeping the promise of the Premier that he will assist from loan funds in the building activity there; and that is a bit hard to take.

One would not mind this sort of thing if we could see our way clear to spend large sums of money on an engineering school. I have no objection to such a project, but do not want to see huge sums of money spent on a lavish building, perhaps with lavish appointments, while other urgent needs of the community are going short of money—and that is more or less what this Bill proposes.

When introducing the measure the Minister referred to the Bill as a proposal for raising money for an engineering school, and I am not happy about the measure in that regard. When we are asked to authorise the raising of a sum in the vicinity of £250,000, of which the

Treasurer is to be the guarantor, not only as regards the capital but in relation to the interest also, I think such questions should be referred to Parliament from time to time. Instead of that, this Bill is a wide-open mandate to the university—as I read it—to raise a loan at any time and then take the matter to the Treasurer for approval before the loan is finally negotiated.

The proposal in this measure would place in the hands of the Treasurer the sole responsibility of deciding where these huge sums of money are to be spent. I cannot support the measure and intend to vote against the second reading.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North—in reply) [6.3]: The hon. member has demonstrated an amazing attitude in declaring that the specialised educational facilities of this State—the highest education that can be obtained here—should not have money spent on them in order to keep the standard up, just the same as moneys are spent in country areas—

Hon. N. E. Baxter: I did not say that.

The MINISTER FOR RAILWAYS:—or to the detriment of spending in country areas, while we are short of schools and hospitals. The available money must be apportioned; and it is owing to the large sum made available on the very facilities that the hon. member mentioned, that this Bill is necessary. Surely the hon. member—having probably read the recent statement in the Press about something like £2,500,000 being earmarked from future loan funds for the Serpentine dam, in order to ensure sufficient water for this city until 1974, which after all is not very far in the future—would not object to money being spent on the comprehensive water supply scheme—

Hon. N. E. Baxter: There is absolutely no comparison.

The MINISTER FOR RAILWAYS: There is. All our major public works require engineers of the highest possible standard to plan and supervise them, and we know there is a world-wide shortage of qualified engineers and specialists in almost every avenue of endeavour. I am surprised at the hon. member's attitude, which savours almost of the parochial. Surely it must be conceded that the facilities at our University have to be kept in line with the other public facilities in this State! There is not sufficient money to meet all our requirements.

Dr. Hislop said he hoped there would be closer co-operation between the Commonwealth and the States in financial matters, but I can assure the House that nobody could try to get closer to the Commonwealth in financial matters than the States endeavour to. The Commonwealth has a surplus of funds each year and the States all have deficits.

The hon. member suggested what I believe is the best course to follow, and that is that illustrated by the university commission which was set up by the Commonwealth to investigate the universities of all the States in an endeavour to decide what financial assistance should be given them. That commission was here recently and inquired into the position of our University, although it is not known yet whether any—and if so, what—financial assistance will be provided by the Commonwealth. That is why the University Senate is anxious to borrow funds in order to keep its facilities up to date. Our University is already behind the times in some respects, and that is the reason for the power sought in this measure.

I cannot see why any member should object to finance of this type, and I trust the majority of members will view the Bill differently from Mr. Baxter.

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—CHIROPODISTS.

Second Reading.

Debate resumed from the previous day.

HON. J. M. A. CUNNINGHAM (South-East) [6.10]: This measure is one of those the introduction of which the Government has been encouraging and for which I think it is deserving of the highest praise. This and certain allied measures are designed to protect the health of the people in the matter of what have now become recognised as ancillary medical services which previously have not been recognised in that way.

As long ago as 1755 France recognised the art of chiropody as worthy of being raised to a standard which up till then had never been accepted. Up till that time chiropody was considered as something practised by quacks and other itinerants of various sorts. Until that time there had been no recognised authority and no written knowledge of the subject; and those indulging in such practices were generally barbers or bathhouse keepers; and were, in many instances, referred to as corn-cutters, and so on.

In 1755, as I have said, France passed legislation mainly as the result of the work and efforts of a French surgeon of that day, named Rousselot. He was also responsible for the recognition of some other ancillary services in France such as ophthalmology. The status of these people was at that stage, for the first time raised to that of professional men.

Before that time, the only literature on the subject that existed was a few Latin theses; but Dr. Rousselot wrote several

informative articles on chiropody which are recognised, even today, as being of great value.

For some 300 years prior to 1755 the practice of minor surgery had been carried on by barbers and others. The work of chiropody and also dentistry had no standing until about the 18th century; and the only practitioners, as I have said, were barbers and similar persons.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. M. A. CUNNINGHAM: A great number of ancillary medical services have been recognised by the Government, and legislation has been passed to establish safeguards where, in many cases, dangerous practices could result from ill-advised people offering their services to the public. Some services which were in existence in years gone by, but which have since been recognised, include dentistry, eye surgery, and in more recent times physiotherapy and occupational therapy. The Bills which were introduced into this Parliament designed to cover those services were introduced for the safety of the public, and to take away any doubt which might exist concerning the handling of any part of the human body by people who, no matter how well intentioned, might cause grave harm to those they were trying to help. There is also a measure on the notice paper dealing with optometrists.

The Bill now being dealt with was introduced to cover what has come to be recognised as a most useful form of health service. Some of those who practise chiropody in Western Australia may not have the experience gained in research and study that other countries of the world feel is necessary. England has recognised for some years now that a comprehensive course of study is necessary in the treatment of the feet, and has issued diplomas when people have passed the requisite examinations; and thus the public knows that such chiropodists are registered and have a full knowledge of their subject.

Hon. Sir Charles Latham: And we have to pay for it.

Hon. J. M. A. CUNNINGHAM: Yes. But we always have to pay for good service; and that is as it should be. One has to pay not only for the time occupied in treatment but also for some of the cost involved in training a person. These people have been trained for the protection of the public, and some concern has been felt about the fact that those who would make great use of chiropodists—I refer to the aged people—may not be able to afford the necessary treatment.

From what I have read, trained chiropodists in many cases establish clinics where aged people can get either free treatment or treatment for a very reasonable fee. They have even offered to train people in the simple forms of chiropody.

One common ailment of aged people is ingrowing toenails; but if incorrectly treated, they can be extremely dangerous and can cause the loss of a toe or even a limb. Members can therefore realise how serious it is for an untrained person to undertake treatment of this kind.

The course of treatment that has been recommended is rather surprising. In addition to a fairly general knowledge of anatomy and physiology, particular attention has to be paid to the legs and feet. One can realise why a general knowledge of anatomy and physiology is necessary, because many constitutional and organic diseases—particularly those of circulatory, lymphatic and glandular origin—affect the feet.

I think most members will agree that the feet are the most abused part of the human body; and people who work hard in factories and shops, and who are on their feet for many hours each day, suffer considerably from foot troubles. During the war years, in ammunition and other factories, it was common practice to have people trained in chiropody available to the staffs so that those who spent long hours on their feet could undergo treatment. Apparently those in charge of the factories felt that these chiropodists, or people trained in that work, were necessary.

Some of the diseases where symptomatic evidence is apparent in the feet are diabetes, thyroid condition, cardiac condition, certain diseases of the nervous system, pernicious anaemia and thrombosis. An untrained person, but one who has some experience in the work of a masseur, might massage a person's aching limbs. It might be done with the best of intentions and some temporary relief might be given; but if the person concerned were suffering from a thrombosis, that massaging could do incalculable and irreparable harm. Unless a person is trained in chiropody he does not know what to look for and certainly would not recognise the danger signs. A trained chiropodist can recognise the trouble; and if anything like that is apparent, would immediately send the person to a medical practitioner.

I am afraid that many people look upon a chiropodist as an essential part of a beauty parlour and think of chiropody as something like a manicure, or, I should say, a pedicure. That is not so. A person who has undergone complete training and is registered as a chiropodist is a trained specialist and can recognise the symptoms of diseases which require medical treatment. Up to a certain point he is able to give superficial surgical treatment.

Hon. Sir Charles Latham: Are chiropodists to be in opposition to doctors?

Hon. J. M. A. CUNNINGHAM: No, even though in the early days surgeons considered such work professionally *infra dig.*

Hon. G. C. MacKinnon: Is it a menace if they do not know all these details?

Hon. J. M. A. CUNNINGHAM: Yes, a grave menace. I have here an interesting letter from Miss Ruth Cooke, secretary of the Western Australian Association of Chirododists, and I think I ought to read the letter to members.

Hon. Sir Charles Latham: We like to listen to girls' letters.

Hon. G. C. MacKinnon: Don't you think she would be biased?

Hon. J. M. A. CUNNINGHAM: She may be; but she is also very well informed about this question, and she is held in very high esteem. She says —

I set out hereunder some reasons why the association considers chiropodists should be registered.

To protect the community from the dangers of people practising chiropody without knowledge of the subject.

A qualified chiropodist has spent up to two to three years in practical and theoretical training in chiropody and has passed examinations in—

Anatomy and physiology.

Materia medica, medicine, surgery, diseases of the skin—within the province of chiropody.

and therefore the profession should be protected against unqualified persons.

An untrained person is not competent to recognise conditions which should be referred to a doctor, such as diabetic ulcers, gangrene, etc.

Incidents have occurred when people have lost toes, sometimes a limb, as the result of such conditions being treated in ignorance.

Even ingrowing toenails can become in a serious inflamed state if unskillfully treated. Also, in cases of thrombosis an untrained person is liable to give massage during a chiropody treatment and this would aggravate a dangerous condition.

Hon. G. C. MacKinnon: Don't you think those people should go to a doctor in the first place?

Hon. J. M. A. CUNNINGHAM: I will answer that, too. She goes on—

At present, anyone without training in chiropody or any knowledge of asepsis, may set up in practice as a chiropodist, and this constitutes a danger to the public requiring treatment.

Hon. Sir Charles Latham: To what association was she referring?

Hon. J. M. A. CUNNINGHAM: The Western Australian Association of Chiropodists.

Hon. Sir Charles Latham: She is a qualified person.

Hon. J. M. A. CUNNINGHAM: She is a knowledgeable person, and knows what she is talking about. Mr. MacKinnon asked if there is any danger in untrained people doing this work. I would point out that there is nothing to prevent untrained people doing this work; indeed, up till today it has been normal for untrained people to do it. If there is evidence of inflammation or poisoning in the limb and the danger is well advanced, as a result of this treatment by untrained people, the patient then goes to a doctor or a surgeon for treatment, and this very often means a most dangerous and costly cure ahead.

If people knew that they could visit a qualified chiropodist it would give them confidence, and it would do away with the present practice of getting a friend to use a razor blade to do the paring for them. People who might have aching feet or small ulcers or bad bunions are inclined to treat these ailments themselves at the moment.

Hon. G. C. MacKinnon: Don't you think that a person with an ulcer would go to a doctor?

Hon. J. M. A. CUNNINGHAM: There are various stages of an ulcer, and one of these stages is a small eruption which does not necessitate a visit to the doctor. One treats a boil oneself, but when a carbuncle develops it becomes too late and a visit to a doctor is then necessary. Without being facetious about the matter it is obvious that people, with the best intentions in the world, might think they are helping somebody by giving them massage or applying a poultice, which in particular ailments could be most damaging, and would eventually need medical treatment.

We as laymen would not be able to recognise these conditions, and would probably consider that we were doing a good turn by massaging a certain area which should not be massaged, or by cutting ingrowing toenails which perhaps needed other treatment. Because we lack a knowledge of asepsis it is possible that we would do more damage than good to the patient, who would ultimately have to visit a doctor. A trained person would know from certain indications that he would not be qualified to treat such ailments; with his training he would recognise the condition as being one that was dangerous and should not be treated by him. In such a case the qualified person, without attempting a diagnosis, would suggest medical advice being obtained; and that, of course, would be the right thing to do.

The Bill is designed to encourage people to study, train, and qualify in this service. How can that be anything but good? It is merely another safeguard to the public who may seek or expect treatment from ill-informed people, or from quacks—and we know that they do exist. Under this measure a person will be able to put up openly and honestly a sign or plaque

indicating that he is qualified, and showing the letters he might have after his name—letters which would mean something, and which would not be fictitious. Anyone putting up a fictitious sign would be running the risk of grave danger of prosecution for a breach of the Act.

With every confidence I recommend this Bill to the House. I think I am right in saying that if it becomes law we would have available in Western Australia the services of trained and highly qualified people possessing English diplomas; they have offered their services as instructors and teachers if courses are established in this specific field. Other lectures and lessons will be offered by medical men in this State; and in every way adequate safeguards will be set up to see that anyone qualifying in this field of endeavour does the State and the people of the State a great service. I support the second reading of the Bill.

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

BILL—JETTIES ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. C. H. SIMPSON (Midland) [7.50]: I have taken the opportunity of examining the measure in the interval between its presentation and now. There is no doubt that it is a small machinery Bill. It is quite satisfactory and is necessary in order that the changeover, from the railways to the Harbour and Light Department, of the harbour facilities at Esperance, Busselton and Geraldton might be covered by the power to make regulations.

Under the Railways Act at present, the property on which the rails run is regarded as railway property; and it is not competent for any other body to make regulations in respect of those areas. This Bill is designed not only to make that possible, but also to validate all regulations that have been made in the past, particularly in regard to the North-West ports, such as Port Hedland, etc.

One interesting point arises; and that is that, in Fremantle—where the operations of the port are governed by the Fremantle Harbour Trust, and at Albany and Bunbury—where they have harbour boards—they have power to make regulations. I wonder whether this Act, when it becomes law, will cover the possibility of any validity regulations passed by those bodies. I think it does. While I suggest that the Bill does all that is required of it in regard to the places I have mentioned, it might be advisable for the Minister to examine, perhaps, its application to the three ports I have named, in order to see if there is any necessity for legislation in respect of them. In any case the Bill is necessary, and I support the second reading.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North—in reply) [7.53]: I am pleased that Mr. Simpson drew attention to the harbour boards, and the harbour trust. I am quite sure that the position in regard to the harbour trust is in order.

Hon. C. H. Simpson: The railways might own the actual land on which the lines run, or it will be regarded as the owner of that property.

The MINISTER FOR RAILWAYS: I am sure that the harbour trust would be covered; but I am not too certain about the harbour boards, and I will have the matter looked into.

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—CEMETERIES ACT AMENDMENT.

Second Reading.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North) [7.55] in moving the second reading said: This is an unusual Bill as it does not propose in any way to alter the provisions of the Cemeteries Act. The original Act has been in existence for 60 years, and has been amended on numerous occasions. Some of the amendments are so overlapping that they have become confusing and almost impossible to read into each other.

In order to straighten out and consolidate the provisions of the Cemeteries Act, it has been requested by the Crown Law Department, and other authorities, that a Bill be introduced to revise the conditions of each of the amending Acts that have been passed with a view to consolidating them in the order that is provided in the schedule to the Bill.

As I have already said, the Bill does not propose to alter any of these provisions of the Cemeteries Act, or the amending Acts, as they now stand. It simply means that the entire Act will be reprinted and consolidated and presented in a form that will be readily understood by those who use its provisions.

Hon. Sir Charles Latham: Are you doing anything to clean up the abandoned cemeteries?

The MINISTER FOR RAILWAYS: There is no provision in this Bill for that. Abandoned cemeteries come under the jurisdiction either of a board or a local authority. There is a cemetery board

in almost every district where there is a cemetery, and there is some governing authority. I move—

That the Bill be now read a second time.

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—PIG INDUSTRY COMPENSATION ACT AMENDMENT.

Second Reading.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North) [8.2] in moving the second reading said: Prior to the passing of the Act in 1942, there was no provision for a compensation fund, probably because, up to that time, the pig population of the State was in a reasonably healthy condition.

The relaxation of quarantine regulations during World War II, although brought about by circumstances over which we in this State had no control, was responsible for the importation of frozen pigmeat to this country for the feeding of certain military personnel. In 1942, a serious situation developed which brought before the pig industry the need for legislation to provide compensation for pig farmers who suffered loss through various types of diseases.

Some members of this House may recall that in 1942, 8,000 pigs had to be destroyed in five or six weeks as a result of a serious outbreak of swine fever in the metropolitan area.

The principal Act provided for the establishment of a fund for the payment of compensation to the owners of pigs and carcasses of pigs. From time to time, the parent Act has been amended mainly to provide for increases in the maximum compensation payable and for increases in the rate of levy, the reason, of course, being the higher prices brought by pigs from year to year.

This Bill, however, proposes to amend the Act so as to make it possible for certain stock agents to pay duty on the sale of pigs by cheque at regular intervals, instead of by the present system of buying duty stamps and fixing them on the prescribed statements.

The Act states that the owner of pigs or the carcasses of pigs, or the agent for the owner, must pay the levy on the sale of the pigs. He must complete a statement showing the number of pigs or carcasses sold, the amount of purchase money for each pig, and the date of the sale. He must also affix to the statement, duty stamps for the amount payable according to the Act and the stamps must be cancelled.

It has been represented on behalf of certain livestock agents that considerable time, tedious work, and expense could be saved if they could furnish returns of sales and pay duty on the returns instead of carrying out the procedure required by the Act.

These agents belong to a body known as the W.A. Livestock Salesmen's Association, and include Westralian Farmers' Co-operative Ltd., Elder Smith & Co., Dalgety's and Goldsbrough Mort & Co. These four concerns, which handle about 95 per cent. of the pigs sold in the State, suggest that payment of duty monthly by cheque would be much more convenient for them. It does appear, however, that the present system of collection—that is, by stamp duty on each pig or pigs sold in one lot—is the only method that could be applied to sales by private transaction or by small dealers. These small sales, mainly would be direct purchase by curers, canners and small goods manufacturers.

The stamps used for the purpose of collecting the levy are adhesive stamps issued by the Commissioner of Stamps, and £100 annually is paid by the fund to Treasury Revenue to cover cost of distribution, printing, etc. It would seem that this amount will have to be reduced if the bulk of the levy is collected by cheque.

The proposed system of collection would place considerable responsibility on the firms mentioned as it is essential that the collection of the tax be faithfully carried out. However, if falsification was intended, it is obvious these lists could be as easily falsified as any other return. The agents are reputable firms and operate under safeguards to protect their clients. Their records can be checked and, moreover, the permit to pay stamp duty in bulk, instead of as individual sales, can be cancelled at the will of the Minister. The Commissioner of Stamps will be kept advised of firms receiving the permits.

The proposed system has its counterparts in other industries, simplified collection systems being in use in the fruit industry, and the dairy produce and potato industries.

For the information of members I would advise that the present position of the compensation fund is as follows:—

	£	s.	d.
Balance at 1/7/56	55,415	14	9
Revenue for year ended 30/6/57	13,959	8	6
	69,375	3	3
Expenditure for year ended 30/6/57	2,489	16	9
Balance at 30/6/57	66,885	6	6
The balance at 31/8/57 had risen to	68,794	16	3

That credit balance appears to be rather a large one; but the industry and the breeders are not concerned about that, because they had an experience in this State on a previous occasion of an epidemic of swine fever which killed a large number of pigs. The fund would need to be a substantial one in order to offset an outbreak of any proportion in the industry, should one occur.

The provisions of the Bill are as explained, and I do not think it contains anything to which the pig industry, as a whole, has any objection. I move—

That the Bill be now read a second time.

HON. L. A. LOGAN (Midland) [8.9]: Having had an opportunity of studying the Bill this afternoon, I can find nothing wrong with the principle involved—to allow stock agents to pay by cheque instead of licking stamps and cancelling them after every sale. However, I would ask members to look at this Bill, because it takes exactly eight pages to achieve what could be done in one paragraph. I do not know what our draftsmen are coming to when they cannot put such a simple provision as this in a better form.

The only principle contained in the Bill concerns stock firms which, instead of making a statement after every sale and buying stamps necessary for the fund, will have the right to send in a cheque, according to the period of time given by the Minister. It has taken eight pages of printed matter to put that principle into the Bill.

We cannot oppose the principle, because the present system must create a lot of work for these firms after every sale since they have to make out statements, buy the stamps, cancel them, and forward a statement to the Minister.

The Minister says that the industry is quite happy in regard to the fund. I believe it is; but I think we should give some consideration to the idea that when the fund reaches a maximum, some of the money should be repaid to the earlier contributors. At the moment there are pig breeders who have been in the industry for many years; and they have been paying into the fund since its inception, although they have never taken a penny out of it. They have been paying into the fund for somebody else's benefit, because in a few years' time they may go out of the industry. I know that sort of thing does happen.

Therefore, when the fund reaches a certain stage, we should give consideration to paying some of the money back to the earlier contributors. There is a precedent for this in the wheat industry. After the stabilisation fund reaches a figure of £20,000,000 it is intended to pay money back to the earlier subscribers. I think

such a scheme would be worth consideration once the fund has reached a stabilised figure.

I do not think that £68,000 is a lot of money because if there were an epidemic that amount would not go far. However, consideration could be given to the matter when the fund reaches an amount of £75,000, and portion paid back to the earlier contributors. I support the second reading.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North—in reply) [8.12]: The hon. member drew attention to the large Bill required to achieve a small and worth-while result. We can only blame Parliament for that. The parent Act that passed through this Parliament must have had so many sections that each one required to be amended; and this Bill had to be drafted in this fashion. I am afraid we cannot level this at the draftsman, because after all he submits and we approve, as a Parliament.

In relation to the retrospective refunds when a healthy financial position is reached in regard to the fund, I consider this might be difficult to achieve. However, I will draw the attention of the Minister for Agriculture to the hon. member's remarks and see whether I can get some information on that score for him.

Question put and passed.

Bill read a second time.

In Committee.

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

PAPERS—PHYSIOTHERAPISTS.

Tabling of Files on Practice in Western Australia.

Debate resumed from the 17th September on the following motion by Hon. N. E. Baxter:—

That all files in connection with physiotherapists and the practice of physiotherapy in Western Australia since the passing of the Physiotherapists Act No. 75 of 1950, be laid on the Table of the House.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North) [8.17]: As, perhaps, the main grievance that has been ventilated in regard to the activities of the Physiotherapists Board in this State is that the British Ministry of Health withdrew the reciprocity existing with Western Australia, I would like to inform the mover of the motion and the House that advice has been received from England that the British Chartered Society of Therapists is recommending to the Ministry that reciprocity be reintroduced, because

the society has found that reciprocity had been cancelled through misleading information having been given to the society. I will refer later to this matter.

It was stated by Mr. Baxter that the Physiotherapists Board in W.A. had been endeavouring to solve its difficulties by advertising in both the United Kingdom and this State for a qualified teacher of physiotherapy. The hon. member doubted that the salary offered would induce any person from Britain to accept the position, and he stated it would be preferable for a qualified local person to be considered for the vacancy.

I have pleasure in advising the hon. member that a most suitable applicant from Great Britain has been appointed. This gentleman is a Mr. Cook, a former R.A.F. pilot of the last war, who possesses the teacher's certificate of the chartered society; and who, since qualifying as a physiotherapist, has had about nine years' experience, including six years of teaching. Mr. Cook has taught for nearly four years at King's College hospital, a famous London medical school.

Mr. Cook was interviewed in London by Dr. Bedbrook, a Perth orthopaedic surgeon, who was mainly responsible for the establishment of the paraplegic unit at the Infectious Diseases Hospital, Subiaco, and Dr. Heymansson of the Public Health Department. These medical men were most impressed by Mr. Cook's personality, training, experience and general suitability. They considered him an outstanding candidate.

Mr. Baxter has stated that the board originally had a trained teacher who resigned after a disagreement with the board, and who was replaced by an unauthorised teacher who was not recognised by the English chartered society. These statements are not correct.

The original teacher to whom Mr. Baxter referred was a Mr. Lyall who was appointed from England as Director of Studies and who commenced duties on the 20th June, 1951. Mr. Lyall resigned at the end of 1952, because he wished to enter private practice. He did not resign because of any dispute with the board. In fact, as honorary adviser and lecturer he has been very helpful to the board; and it was with his voluntary co-operation and largely at his suggestion that a committee was formed in April this year to investigate training methods, curriculum, staff needs and organisation, with a view to ensuring that the board's training satisfied the requirements for full reciprocity with the United Kingdom.

The members of this committee were Professor Sinclair, of the University; Mrs. V. Harvey, Australian Physiotherapists Association; Miss S. Seward from the Physiotherapists Board; Dr. D. Goacher, the Medical Director of the physiotherapy school, and Mr. Lyall.

In regard to Mr. Baxter's statement that the board appointed an unauthorised teacher who was not recognised by the chartered society, the position is this: On Mr. Lyall's resignation as Director of Studies, the board advertised throughout Australia and in the United Kingdom for a replacement. A physiotherapist with a teacher's certificate was sought. Of several candidates, only one had sufficient qualifications for registration in Western Australia and he was appointed. This was Mr. Keating, who was a member of the Chartered Society of Physiotherapists and of the Australian Physiotherapists' Association. He did not hold a teacher's certificate but was employed on the teaching staff of the Sydney school of physiotherapy when he was appointed to the position of Director of Studies in Western Australia.

Hon. N. E. Baxter: Do you know why he left there?

THE MINISTER FOR RAILWAYS: The chartered society has stated that the reason reciprocity was withdrawn was because it had been led to believe, as a result of a letter from Miss Hammond, that Mr. Keating was not qualified to be even a member of the chartered society. Mr. Baxter went on to say that as a result of action taken by the W.A. association, Miss Hammond went to England more or less on the advice of the board and studied at St. Thomas's hospital.

This again is wrong. In June, 1956, the registrar of the board was approached by Mr. Hammond, who stated his daughter was studying in England for the physiotherapists' teacher's certificate, and asked what were his daughter's employment prospects in Western Australia. As a result, the board, on the 25th July, 1956, wrote to Miss Hammond, and offered her the position of assistant teacher. It also offered to assist with the cost of her fares from England, provided she remained with the board for three years.

On the 7th August, 1956, Miss Hammond replied accepting this offer, and the appointment was confirmed. Miss Hammond returned to Western Australia in February, 1957, and after interviewing the registrar, wrote to him on the 24th February, stating that as the Director of Studies, Mr. Keating, was not a certified teacher, she could not work under him. She stated that until her return to Western Australia she was not aware that Mr. Keating did not possess a teacher's certificate. The board, however, has evidence that she did know of this prior to her return. In view of Miss Hammond's attitude, the board had no option but to agree to her not taking up the position of assistant teacher.

Shortly after Mr. Keating's appointment, it became apparent that an assistant teacher was required. After the board had advertised on several occasions a Perth girl was appointed. She resigned late in

1954, and the board was not successful in obtaining any other applicants. Mr. Keating therefore carried on with casual help and the co-operation of the Royal Perth Hospital staff.

In April, 1957, the committee which I have mentioned was appointed to consider methods of obtaining full reciprocity with the United Kingdom. The board considered that this committee should advise it concerning the curriculum, training and examination of students so far as possible. The board accepted the recommendation of the committee that it should appoint a lecturer in physiotherapy who should, if possible, possess a teacher's certificate; and a supervisor who would be a qualified physiotherapist, but not necessarily a qualified teacher.

These recommendations were made known to the board's Director of Studies, Mr. Keating, who agreed that they were in the interests of physiotherapy training in the State. He thereupon submitted his resignation to the board on the 17th June, 1957, but offered to continue with his duties until such time as the board was able to fill the proposed new positions. Mr. Keating made it clear that his action was as a result of a thorough appreciation of the position and a personal desire to serve the interests of physiotherapists in this State.

The positions were advertised in all Australian States, New Zealand and the United Kingdom. Two local applications were received, one for each position. A number of English applicants were interviewed in England by the committee which I referred to earlier, which comprised Dr. Bedbrook, Dr. Heymansson, and the secretary of the Agent General's office, Mr. Gibson. These gentlemen interviewed the English applicants and submitted a comprehensive report. This report, together with local applications, was considered by the local physiotherapy school committee which considered that Mr. Cook had outstanding qualifications for the senior position. The only local applicant for the position of supervisor was appointed to that position. As soon as these appointees take up duty, the reorganisation proposed by the board will take effect.

Certain statements by Mr. Baxter should be corrected. Firstly, it should be clearly understood that Miss Hammond went to England on her own decision and without the knowledge of the board, let alone with its encouragement. Her decision to train for the teacher's certificate was her own. The board first became aware that Miss Hammond was contemplating studying for the teacher's certificate when the registrar was approached by Miss Hammond's father, who sought a letter of recommendation in order to facilitate Miss Hammond's admission to training in St. Thomas's hospital as she did

not have the required experience for admission under the St. Thomas's hospital rules.

The letter was supplied for this and no other reason. The board did not approach Miss Hammond in order to secure her services, but became aware of her interest in a position in Western Australia through this direct approach made to the registrar by her father. The board has no doubt whatsoever that Miss Hammond, before she arrived back in this State, was well aware that Mr. Keating did not possess a teacher's certificate. Correspondence indicates that not only did the board offer Miss Hammond employment, but also that she accepted an appointment with the board well appreciating the position; and that, within a few days of her arrival in the State, she rejected the appointment on the agreed terms, but sought to lay down terms and conditions which had not previously been mentioned.

Secondly, the board was unaware that Western Australian-trained physiotherapists had been removed in February or March, 1957, from the overseas list of qualifications accepted by the Ministry of Health in the United Kingdom and had not received any communication in regard to this matter from either the Ministry of Health or the chartered society. It is therefore apparent that the action taken by the chartered society and the Ministry of Health was a result of an unofficial approach. The board was advised of this action by a letter from the Australian Physiotherapy Association which had received word from London.

Miss Hammond made a statement at a meeting shortly after her return to Western Australia to the effect that the United Kingdom authorities did not recognise the Western Australian qualifications because the teacher in charge was not a chartered society physiotherapist and because the course did not appear to be of the same standard as that taught by the chartered society of the United Kingdom. Despite her allegations, Mr. Keating is, and was a chartered society physiotherapist; and it is difficult to understand how the chartered society could have compared teaching standards in Western Australia with those of its own school without some reference to the Western Australian board.

It has been stated by more than one person with experience in these matters, including one who has had teaching experience in London, that some of the training given at our local school is superior to chartered society standards. The allegations made by Miss Hammond regarding the standard of training in Western Australia must be judged in the light of the following facts:—

- (1) Her statements were made without her even having visited the Western Australian school.

- (2) They were made immediately after her return to Western Australia, so that time factors alone prevented her from making an investigation.
- (3) She qualified in 1951. Since then she has spent less than three years in actual practice, excluding time spent in training.

The board has at its disposal the advice of persons who possess qualifications in no way inferior to Miss Hammond's, and whose experience is far more extensive. These persons are well acquainted with details of the position both in the United Kingdom and other parts of Australia, as well as locally. Miss Hammond has made accusations based on her own interpretation of hearsay. Had she conducted a proper investigation—and she has not done so—the value of her findings would have to be measured against her possible ability in this direction when her relatively limited experience is considered.

It should be clearly understood that Western Australian graduates were and are recognised in all Australian States, and were recognised in the United Kingdom until about the time Miss Hammond accepted a position as an assistant to the Director of Studies in the Western Australian School of Physiotherapy.

On the 16th August, 1956, the chartered society in London advised the Australian Physiotherapy Association that Western Australian graduates were recognised by and acceptable to the Ministry of Health, with the reservation that they would not be entitled to a salary increment of £15 per annum. This was the only distinction. And yet several months later, and simultaneously with Miss Hammond's accepting a position in the Western Australian school, the Ministry of Health in London reversed this decision. This would seem to be a remarkable coincidence.

Miss Hammond's statement that Mr. Keating has a private practice is an improper allegation. Mr. Keating's activities have been known to the board, which approved them. He was permitted to give emergency attention in limited special cases at a time of extreme shortage of physiotherapy services. In no way could it be said that he was engaged in private practice.

The board has evidence which proves that Miss Hammond has communicated direct with the Federal Council of the Australian Physiotherapy Association bringing into question the right of reciprocity of Western Australian graduates with other states. The nature of her communication suggests that some person with ideas similar to herself—if, indeed, it was not Miss Hammond—communicated with the United Kingdom authorities. It appears that as a result of the unofficial approach made to the United Kingdom authorities, Western Australian physiotherapists

in England may have been placed in an embarrassing and disadvantageous position. The Physiotherapists' Board is the proper authority to control training and registration in this State and to negotiate with authorities outside the State on these matters.

Private advice from London recently received by a member of the board is to the effect that the Chartered Society now realises that its recent views concerning the standards of training in Western Australia were not as well founded as they had been led to believe. They are therefore taking steps which it is believed will result in the Ministry of Health reinstating graduates of the W.A. School of Physiotherapy to the overseas list.

Thirdly, it was stated by Mr. Baxter in his comments when introducing this matter, and I quote: "Now we find that the registrar of the board has taken umbrage and has blamed this person for the decision concerning non-reciprocity between the chartered society and Western Australia." The registrar is a paid servant of the board. His actions are a result of a direction and decision of the board. He is not concerned in these decisions. The board has acted in the best interests of physiotherapists and physiotherapy in Western Australia as circumstances permitted.

It was formed not at the request of local physiotherapists—as has been alleged—but as a direct outcome of the very difficult position in which the State was placed as a result of the 1948 poliomyelitis epidemic. We had very few physiotherapists at a time when there was a world-wide shortage. There was an immediate need for a very great increase in their numbers. The Government therefore formed the board and through it instituted training in this State. Naturally, in commencing a new course of training, it had to face difficulties; and is to be commended for the magnificent job it has done in setting up a training school of very high standard, and providing for the training of Western Australian students in their own State to serve the needs of Western Australia.

The trouble that has arisen is really only a "storm in a teacup"; and has, I am afraid, been inspired. The chartered society in the United Kingdom regrets the temporary loss of reciprocity and states it was caused through the supply of incorrect information from a private source. In view of all those facts, I consider that the hon. member has no real cause to call for the tabling of the papers concerned, and I oppose the motion.

HON. H. L. ROCHE (South) [8.37]: I am not particularly concerned with respect to the controversial point of the failure by the Physiotherapists' Board to appoint any particular person to any particular job. However, I am

extremely concerned, in a personal sense, with the operation of physiotherapy in this State and with the results that are being achieved by physiotherapists.

The position that seems to have developed is that the Minister's adviser—who I presume is the Commissioner of Public Health and is a member of the physiotherapists' Board—seems to be quite prepared to string along with a board that does not appear to be particularly concerned about maintaining a high standard in the training of physiotherapists in Western Australia.

I am not in a position to refute some of the statements that the Minister has made in this House. However, from personal knowledge I question a statement he made—which seems vitally important to me—that the original teacher who held qualifications as a teacher of physiotherapy, resigned from that position to enter into private practice. I understand that gentleman is highly qualified; and if my information is correct, when he entered private practice he started from scratch without much prospect. It is only in recent times, I think, that he has built up quite a good practice.

I am gaining experience in a practical way as I am one of those persons who require a considerable amount of physiotherapy treatment. Therefore, from what I can learn as a result of practical experience, there is something radically wrong with the administration of the Physiotherapists Act of Western Australia, which administration lies in the hands of the Physiotherapists' Board of which Dr. Henzell is chairman. Whatever hope anyone may have had of building up or raising the standard of physiotherapy in this State has gone for the time being.

Since Mr. Lyall—to whom the Minister referred—resigned in 1951, Mr. Keating—who is a qualified physiotherapist, but who is not qualified as a teacher of physiotherapy—has been conducting the School of Physiotherapy. The fact seems to be that he resigned as the result of pressure and agitation, and the board now admits that it is necessary to make some change. This should indicate to the members of this House that some further knowledge, in addition to that which the Minister has given to this House tonight, should be made available to members.

Again speaking from personal experience, it would seem that in Western Australia we are developing physiotherapy factories. A person has only to open up business as a physiotherapist; and as business develops, such person obtains one, two or more assistants who are either badly trained or not completely trained and, in some cases, not particularly interested in the profession. Although the business carries the name of the person who is the physiotherapist and who is

supposed to be conducting the business, such person seems to take little part in it.

I had the experience of being sent to one physiotherapist for a course of treatment. On the day I went there some person said "good day" to me and I said "good day" to him. However, if that was the gentleman who was supposed to be conducting the business, I never saw him again; nor did I meet the owner of the business, if the person whom I saw was not the owner.

In attending a physiotherapist one has a certain time under a ray lamp—it may be a quarter or half an hour—and perhaps some so-called massage for five or 10 minutes; and no doubt this treatment costs the Repatriation Department, or whoever it might be, the usual fee of £1 1s. That is the type of practice that is developing in this State.

Therefore, I would like to see a much broader inquiry instituted into the administration of the Physiotherapists' Board and physiotherapy in general, so that we may get a great deal more information than we could get from the files which Mr. Baxter desires to be tabled in this House. In my opinion, this constitutes a serious matter for the people of Western Australia.

It is pathetic to see workers' compensation cases and war pensioners being sent to physiotherapists for treatment, with high hopes that the treatment will prove to be of some benefit, only to find in a few weeks' time that they are not making any progress. To any experienced person the reason is obvious. Those people are being paid to give the treatment I refer to.

I understand that over a three-year course given at the school there were 40 students, and they all consisted of young women. There were no men among them. Although quite a number finished the course, it is unfortunate that this profession seems to be quite a fashionable one to follow.

There does not seem to be much to commend the administration of the Physiotherapists' Board since it has been instituted. I cannot understand, if everything is as plain or as good as made out by the Minister, what Dr. Henzell or the Physiotherapists' Board has to fear. I should imagine that in the terms of the statement made by the Minister they would welcome the tabling of the files so as to refute any statement that has been made in this House.

The Minister for Railways: I have refuted them.

Hon. H. L. ROCHE: The Minister made statements which had been prepared for him. If those people were prepared to sustain the statements they would welcome the tabling of the files. What have they to be afraid of?

The Minister for Railways: Nothing.

Hon. H. L. ROCHE: Then let us have the files.

The Minister for Railways: That would be a waste of time.

Hon. H. L. ROCHE: As far as we can gather from the Minister's remarks, the new officer to be appointed from England is well qualified; that may help with the education of trainee physiotherapists. A lot will depend on the individual who is appointed, both as regards character and qualifications. In one sense it is fortunate, but in another respect it is unfortunate that the gentleman originally appointed appeared to have considerable pride in the profession. He was well qualified and rather jealous of maintaining a high standard. That was why he left the job of teaching at the school. If the new appointee is of the same type, he will also probably leave.

We have to consider the position in this profession, which is not yet regarded as highly paid, of the person coming from England to Western Australia and then being forced to decide whether or not to continue; and whether or not he will be hard put to face the expense of returning to England. It is a matter of waiting to see what happens. I am inclined to believe, and naturally it is only an assumption, that if this gentleman has been highly trained, and if he is a man of the character which he will need to be, he will not stay long in the job after he arrives.

When Parliament passed legislation for the control of physiotherapists in Western Australia, it did so with the best of intentions. The machinery in that legislation should have been sufficient to help. I regret that it seems to have fallen down through the unfortunate choice of the personnel of the Physiotherapists' Board. Neither the State, nor the department concerned, nor the Minister, has been very fortunate. The people in Western Australia requiring physiotherapy treatment are paying the price for that unfortunate choice.

From my own observation, and from what I have been able to learn, it does seem that the profession of massage manipulation carried on by physiotherapists and chiropractors is growing and there is more and more need for that treatment. It appears that the medical profession is also availing itself of that treatment to a greater extent. We owe it to the people of this State to lift this profession and the training of physiotherapists into a much higher state than that into which it has fallen.

I regret that Dr. Hislop is not here this evening. He could have contributed something to this debate and said whether or not he favoured the motion. I imagine that his view would be the same as mine; that is, if there is nothing to fear there

is nothing to hide. And if there is nothing to hide, the department should not resist the motion for the tabling of the files.

Dr. Hislop's suggestion in reference to the appointment of a main board to cover all medical ancillary services is well worthy of further examination, because the formation of such a board would help to remove from a personal monopoly field, the control of any single one of these ancillary medical services, such as physiotherapy. That position to my mind, seems to be developing at the moment. I hope the House will agree to the motion.

HON. J. MURRAY (South-West) [8.54]: I support the motion for the tabling of the files, not because I am personally interested in the appointment of one teacher as against another, or what the Government actually did in this regard. I am concerned with any motion for the tabling of papers that is moved by a member of this House. Unless the Minister concerned can prove conclusively that the move is a mischievous request—

The Minister for Railways: They are always available to members.

Hon. J. MURRAY: In this case the Minister acted within his rights by giving a lengthy statement in answer to the comments of the mover. He would have reflected great credit on himself and the Government, if—after having done that—he had tabled the papers. That would have clarified in our minds that the board and the Government had nothing to hide; but unfortunately he did not choose to take that step.

I, and other members both here and in another place, have time and time again found a reluctance on the part of Government departments to table papers. As I indicated in a debate some years ago, when all the necessary steps are taken to force the issue, the papers are generally found to be not what they should be.

I am rather concerned about the statement made by Mr. Roche. If what he says is true—and I believe it to be so—that the persons registered as physiotherapists do not always give the treatment, the Act should be amended so that no unqualified person shall be permitted to carry on practice in any medical ancillary services on registered premises. If the same position applies in the field of chiropody, this House should also decide whether legislation covering that occupation should not be tightened.

HON. F. R. H. LAVERY (West) [8.56]: I support the motion. I piloted the amendment to the Physiotherapists Act in this House a couple of years ago which enabled two very efficient men to be registered under the Act. I refer to Mr. Johnson, who carries on his occupation at the Royal Perth Hospital annexe at Subiaco, and who accompanied the paraplegics recently to England; and to Mr.

Tollifsson in Fremantle. Both of these men have shown great appreciation at their being registered. They have accomplished what was required of them.

Because of the stigma that may arise from the remarks made in this House about the practitioners in this occupation who were registered under the Act, although they may not have had sufficient training when they were registered, the papers should be tabled. I consider that the Minister in his comments submitted all that could be expected of him and full marks should be accorded him on that course of action. When the medical treatment available to the general public, irrespective of the branch of medicine, is in question, the clearest investigation should be held, if required. I consider that the department would have brought great credit on itself had it agreed to table the papers.

HON. N. E. BAXTER (Central—in reply) [8.59]: This evening I listened to a lengthy statement made by the Minister, which no doubt had been prepared by the chairman of the Physiotherapists' Board. It is only natural for the chairman of that board to avoid putting his board in the wrong; naturally he would endeavour in every way possible to put someone else in the wrong. It was more or less a protective statement which the Minister made.

When I moved this motion there were two or three little points on which I was not correct. But they were not very serious matters. A lot of the information I possessed I had to present from memory; and it is not always possible to be absolutely word-perfect in small details.

One of the statements with which the Minister commenced his speech was that I expressed doubt as to whether a qualified person could be obtained. I believe that I qualified that by saying "for the salary offered." A qualified person was obtained; and I had known that for some weeks. But that was after I made the statement. I also knew, as the Minister informed us, that Dr. Bedbrook was one of those in the United Kingdom who were interviewing prospective teachers for the training school. I have known that for some months.

In his statement, the Minister referred to the fact that the trained teacher—Mr. Lyall—who was originally employed at the school, left the school to take up private practice. He did leave the school and took up private practice. But that is not the only reason he left school, as Mr. Roche informed the Chamber. Another reason was that the curriculum was not up to standard; and in spite of what the board says, the curriculum is not up to the standard of the chartered society. If it had been, no question would have arisen with the chartered society concerning non-reciprocity.

It was implied in the Minister's statement that I had been led up the garden path by misinformation. But my information came not just from one person but from many people associated with physiotherapy in this State, and mainly from the Physiotherapists' Association, the members of which are not fools but are people anxious to see that physiotherapy is on the right and not the wrong footing.

To illustrate that, I would point out that this Act came into force in 1950 and the board was appointed in 1951. How many amendments to the Act have been framed and passed since the board was appointed? There have been two. One had to do with the common seal of the board; and the other was a Bill introduced by Mr. Lavery dealing with the period of time which people must have been practising prior to the introduction of this measure in order to obtain registration; to assist some people who, under the Act as it stood, would have been otherwise precluded from practising, but who Mr. Lavery felt had a right to be registered as physiotherapists. Those are the only two amendments that have been made since the Act was proclaimed in 1951.

This Act was something new in the State in those days; something that not many people knew much about. Yet, except for the two minor amendments to which I have referred, the original Act has remained in force apparently without any recommendations from the board as to desirable alterations; and it would be very strange if in a new measure of this type, dealing with an ancillary medical service connected with the training of physiotherapists and the conduct of physiotherapy, which would require a lot of information being obtained in other countries of the world—it would be very strange if some amendments were not necessary to ensure that the training of physiotherapists was carried out properly and efficiently. Yet, as I have said, no amendment has been suggested by the board since that time with a view to improving the training of physiotherapists.

If the board had been doing everything possible in the best interest of physiotherapy and had a curriculum comparable to the chartered society curriculum, things might have gone on all right. But from information received, and judging from what has happened this year since Mr. Watts first wrote to the Minister early in the year, one is justified in challenging the correctness of the statement that that was actually the position. It is strange that no action was taken in this matter until Mr. Watts wrote to the Minister early in April. It appears that from then on the board decided it had better do something about it.

Unfortunately I have not got the date of the first letter which Mr. Watts wrote to the Minister; but I think I informed

the House that it was almost two months before he received a reply; and a similar period elapsed before he obtained an answer to the second letter. There must have been some reason for the Minister's neglect. I do not think that he himself neglected to reply. Somebody else held up the matter for some reason or other.

The Minister for Railways: What Minister are you talking about?

Hon. N. E. BAXTER: The Minister for Health. Coming back to the matter of Mr. Lyall, the board this year recognised that there was something in the fact that the Western Australian physiotherapists did not receive reciprocity from the chartered society. According to the Minister's statement, the board accepted Mr. Lyall's recommendation that the curriculum be investigated. But we do not know up to date what has been done in that regard. We do not know if the board is prepared to accept a curriculum which will have the approval of the chartered society or not. It is still all in the air.

A statement was made by the Minister regarding the unauthorised teacher, Mr. Keating, who I stated was not a recognised chartered society teacher and did not hold the teacher's certificate of the society. All the information I obtained from all sources bears out the fact that he is not an authorised teacher of the society, in spite of the statement from the board. According to my knowledge, he does not possess a diploma from the chartered society.

The Minister for Railways: He was a member of the society, but did not possess a certificate. I told you that.

Hon. N. E. BAXTER: I took it the other way. The Minister read rather quickly.

Hon. H. L. Roche: He has not a teacher's certificate.

Hon. N. E. BAXTER: In that respect, the board itself is entirely to blame. Surely the board should have known the facts. It has been in existence since 1951.

The Minister for Railways: He was the only applicant at the time.

Hon. N. E. BAXTER: That may be so. But the board was quite happy to continue with Mr. Keating as the teacher, and would have continued if the matter had not been brought up this year through the efforts of the Physiotherapists' Association and Miss Hammond.

The Minister for Railways: It seems that somebody wanted his job.

Hon. N. E. BAXTER: I will admit that. I am coming to that. There was another statement with reference to Miss Hammond going to England. Perhaps I used words which indicated that the board was instrumental in her doing so. If that was the case, I admit my error. I believe that I did give that impression. Miss Hammond went to England entirely of her own volition.

But while she was there, she was informed that she had been given the opportunity of being appointed to the position of teacher on her return. She did not know, when she accepted the position, that Mr. Keating did not hold the qualification of a chartered society teacher. When she did find out, she was informed, or received the impression, that Mr. Keating would be leaving on her return, and that she would not have to work under an unauthorised teacher, a condition which would have been untenable in view of her qualification as an authorised teacher. In other words, she, as an authorised teacher, would have been in an inferior position to an unauthorised teacher and getting substantially lesser salary.

The Minister for Railways: There is a difference between being an unauthorised teacher and holding a certificate.

Hon. N. E. BAXTER: Yes; quite a difference. Naturally, when Miss Hammond knew that Mr. Keating was being retained, she would not accept the position, which was only sound.

The Minister for Railways: Infra dig.

Hon. N. E. BAXTER: She was informed personally that she would get the job, and that Mr. Keating was leaving. There is a lot more behind this business than the board has let out.

The Minister for Railways: Not enough to worry Parliament about.

Hon. N. E. BAXTER: The board is shuffling around to try to cover up its own mistakes. Another statement made in the speech which the Minister read out was that somebody had said the training in Western Australia was superior—or a good part of it—to the chartered society training. Perhaps we might say that there is a possibility that is so. But from information I have received from trainees—people upon whom I can rely; people who have gone through their training course here and taken positions under recognised physiotherapists who hold the highest qualifications—a lot has been learnt from those physiotherapists which should have been taught in the training school and was not. Therefore, I do not see how the statement can be justified that the training here is superior to that of the chartered society.

The Minister for Railways: That is an opinion.

Hon. N. E. BAXTER: In addition, the Minister said that Miss Hammond had made accusations based on hearsay. I do not think very many of her statements were based on hearsay. It is rather a pity that I did not know this motion was coming up for discussion early tonight. If I had known, I would have made sure that Miss Hammond was in the Chamber so that I could obtain information from her for presentation to the House. I admit that I asked the Minister last night

to give the motion a high place on the notice paper; but when I saw it low down on the list today, I thought it was likely to remain there, and did not think that its position would be altered. Unfortunately I was unable to have Miss Hammond here to advise me; and as the Minister had his contribution to the debate written out by the board, it was practically a one-sided argument.

In regard to the accusation that Miss Hammond's statements are made on hearsay, without proper investigation, I say that she has, to the best of her ability, obtained whatever information was available and has been as reserved as possible. In addition to that, the obtaining of information from the board has been difficult.

One young person, who is out of her training and is now employed as assistant physiotherapist in a hospital while waiting until she is 21 years of age and can obtain registration, was told by the registrar that she was asking too many questions and would probably be refused registration. That threat was made to that young girl; and if that is the attitude of the board to physiotherapists and trainees, is it any wonder that they do not trust it and feel sure that things are not going along the right lines?

As Mr. Roche said, I am not very concerned in this except to see justice done. People who have been concerned with the rights and wrongs of the question in this State have taken action because they know that the training here has not been along the proper lines.

Two of these people have sacrificed themselves with that object in view and intend now to leave this State and seek employment elsewhere, where they will not be victimised by the board for having tried to do the right thing by physiotherapy. The board has taken umbrage and is not prepared to treat them in a fair manner, to my way of thinking. If the board feels it is justified in taking its present stand, let the files be produced so that we can get the full story.

The Minister for Railways: Did you ever ask to see the files?

Hon. N. E. BAXTER: Surely there is no information on the files that the board wants to cover up!

The Minister for Railways: Did you ever ask to see them?

Hon. N. E. BAXTER: No.

The Minister for Railways: You want to make them public.

Hon. N. E. BAXTER: When Mr. Watts called for the file in another place he received the departmental file which has very little on it regarding physiotherapy. From its size it would not make a decent file for one of my constituents, and that is its size after nearly seven years of work by the board.

The Minister for Railways: If you or Mr. Watts had looked it up there might have been no need to go on with this motion.

Hon. N. E. BAXTER: We want the file of the board.

The Minister for Railways: You could have inspected it.

Hon. N. E. BAXTER: If we could obtain the files we could get the facts and could move for the Act to be amended in such a way that the training of physiotherapists in this State would be carried out in a proper manner.

I maintain that the Act requires amendment even if the board does appoint an authorised teacher, because the board would still have the right to lay down any curriculum it liked, irrespective of whether it was such as to ensure reciprocity with the chartered society. Even if Mr. Cook comes here he may have to accept the board's curriculum, and I think that we should lay down minimum standards such as are required by the chartered society so that this State would have full reciprocity.

I am concerned with the future of physiotherapists in Western Australia, and I think that the curriculum should ensure training to a minimum standard that would be recognised by the chartered society. I trust the House will agree to the motion.

Question put and passed.

As to Tabling of Papers.

The MINISTER FOR RAILWAYS: As the motion has been agreed to, Mr. President, I would ask the hon. member if he would agree to the files being tabled for one week as they are in practically constant action.

Hon. N. E. Baxter: I am quite agreeable to that.

BILL—FREMANTLE HARBOUR TRUST ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. F. R. H. LAVERY (West) [9.22]: The only object of this Bill is to give the Arbitration Court power—if it so desires—to grant attendance money to a body of workers who are employed on the Fremantle waterfront. Despite what may be said either for or against the Bill during this debate, that is the linchpin of the measure. I will not weary the House but will detail some history of this matter which may clear up one or two points in the minds of members.

The question of attendance money relates to ship repairers and those who do the maintenance work and emergency repairs on ships, and it is of vital importance throughout the shipping world. In

various countries there are different methods of dealing with the matter, but I will read portion of a decision made by Mr. Justice Beeby in the matter of the Federated Ship Painters and Dockers of Australia, respondents, in 1935, in regard to wages and working conditions. With reference to attendance money Mr. Justice Beeby said—

During the hearing of this dispute I expressed the hope that employers by pooling labour in a central bureau could devise a scheme that would give permanent employment to the workmen necessary for the industry. Employers, however, representing approximately nine-tenths of the industry have now abandoned their claim for permanent hands and have agreed that all labour shall be engaged at increased casual rates.

In 1940 His Honour said—

In making the last award covering the occupation on the 30th September, 1935, I expressed the opinion that the industry was one in which by pooling labour in a central bureau a scheme could be devised which would give reasonably constant employment to all men who are actually necessary to the industry.

Nothing has been done, however, to effect this organisation of labour. It suits the employers who have ample labour offering to meet emergencies. The union has until quite recently placed no check on the numbers of its members and the result is that in all main ports too many men follow the occupation, with consequent lowering of the average earnings. It is impracticable to fix casual rates which will give even the basic wage to all men who follow the occupation.

He ended by saying—

Every noticeable effort at decasualisation of labour is of public benefit.

Those statements are contained in Volume 42 C.A.R. During the intervening years it has been the practice and policy throughout the world, wherever this industry operates, to endeavour to do something to put it on a permanent basis or one that will give full security to the workers and at the same time provide the necessary labour force for all emergencies that arise in the shipping industry.

I have here two copies of the "International Labour Review," a volume recognised by all the courts of the Commonwealth, both State and Federal; and by both Federal and State Governments. It is therefore a recognised authority.

I want to make it clear that the next one or two quotations I intend to make are not from Arbitration Court judgments but are from A. A. P. Dawson, of the International Labour Office, writing on

the stabilisation of dock workers' earnings. In the course of his review of this question in March, 1951, in issue No. 63 of that year, he said—

In return for making themselves available at regular intervals, at specified times and in certain places, and for being prepared to undertake any work to which they may be assigned, dockworkers covered by such schemes are paid attendance money in respect of those calls—

a call or turn, being an occasion on which hiring of dock workers or their assignment to jobs takes place, and which recurs regularly once or twice each working day—

—at which they are unable to obtain employment. The amount so payable is proportionate to the number of attendances by each worker within a period, and is at the rate of a specified, fixed sum for each attendance proved.

He finalises that point by saying—

Unemployment benefits, if they are payable to dock workers as from the first day of involuntary unemployment and not only after the first week without work, differ from attendance money in that they are financed in part from sources outside the dock industry while the payment of attendance money is financed by the industry itself.

He goes on in like vein to state on page 251—

Measures providing for attendance money and a guaranteed wage are much more effective than any system for the equalisation of earnings can be by itself. Supplementary unemployment is an inadequate and unreliable support not available at all ports.

The point I am trying to make is that the problem is not peculiar to Fremantle; it is one which exists throughout the various countries of the world. But the position at Fremantle is peculiar inasmuch as legislation has to be passed by Parliament before the court can be permitted to make a deliberation on the matter; also the manner in which the men are employed at Fremantle is unique.

In Sydney, and also in the other larger Eastern States where they have dry docks and large shipping workshops, men required for emergency repair work can be taken from the common pool of permanent employees. They can carry out the necessary repair work and then be returned to their normal work. As a result, the other States have not found it necessary to have a completely independent body of men such as is required in Fremantle. In fact they could be likened to the men referred to by Mr. Dawson in the article I have just quoted.

Prior to the war, there was always a great number of men seeking work on the wharves. But in those days the men knew by 7.45 or 8 a.m. whether there would be any work on that day. If it looked as though none would be available they would get on their push bikes and go to the wool stores, or the oil depots, and look for casual work such as the shifting of empty drums. They might get two or three hours work for two or three days.

But that is not the case today; because under an award issued by the State Arbitration Court—and there is no member in this Chamber who does not stand by arbitration—the roster system has been instituted, and there are approximately 125 to 132 men listed on the roster the whole time. At present I think the number stands at 126.

The men go to the pick-up point; and whereas before they used to be able to leave by 7.45 a.m. or 8 a.m., if they thought no work would be available for them, the employers now want the men to remain until 9.45. The union agreed to this proposition of the employers; and as a result, they are unable to obtain casual employment. The employers' view was that by 8.45 a.m. they did not know what men would be required for emergency work. The union thought the request was a fair one and agreed to it.

While what I am saying might not have anything to do with the Bill before us, which merely asks us to give the court power to deal with the matter, I mention these facts because in my opinion they are relevant.

Members might say that most of these men carry out ordinary labouring work while a few do specialised work, but I would remind them that it has now reached the stage where most of these employees—I would say 85 per cent. of them—are specialists, and the other 15 per cent. carry out work which is beyond normal labouring standards. This is so because of the experience they have gained over the years, particularly those who worked at Fremantle over the war years when the port became a big repair station for most of the allied navies—the American, British and Australian.

The men who worked at Fremantle over that period, and who are still in the industry, have become specialists and the union believes that if attendance money can be granted to these men it will go a long way towards stabilising the industry, and will provide greater security for the men concerned.

I know of at least two occasions on which this matter has been taken to the Arbitration Court; and the court was convinced that if attendance money was granted, the position would become stabilised much more than is the case now. On some occasions these men go home at the end of the week without any money

at all; but if Parliament agreed to this Bill, and the Arbitration Court granted attendance money, the men would at least get something at the end of the week.

Let us say, for instance, that the court granted £1 a day attendance money. At least every man, at the end of the week, would have £5 in his pay envelope; and I would ask members just how much more secure they would feel if they received £5 instead of nothing at the end of the week. At least they would have enough to pay the rent.

In opposition to that proposition it could be argued, "What about the times they get a big pay?" I have worked in all types of industries over the years; and I think that the average working man who is on casual work, and who gets a big pay, spends it, and next week has to look after itself. That may sound improvident and some members might say, "Why should we give any security to these men if they cannot look after the extra money when they get it?"

Over the period of a year these men would receive an average weekly pay of approximately £15 2s. per week. But that pay is not earned in the normal way. I was not in the Chamber last night, but I read Mr. Diver's speech. He said that he thought £15 2s. a week was a fair wage.

Hon. C. H. Simpson: That is Mr. Troy's own figure.

Hon. F. R. H. LAVERY: It is not Mr. Troy's figure; I can give members an assurance on that point. When the union discussed the matter, I was approached and asked to take an active part, because at the time Mr. Davies was in England. I knew that this would be one of the first questions asked when I spoke on the matter in this Chamber—"What is the average weekly pay of these men throughout the year?"

At a meeting attended by 106 of the 132 members of the union at that time, I asked the members to produce for my information, and for the benefit of the union, their duplicate taxation returns, so that we could get the average weekly earnings of the men. The figure of £15 2s. was the average taken from the men's taxation returns; it was not Mr. Troy's figure.

Hon. L. C. Diver: So long as it is factual, that is the main thing.

Hon. F. R. H. LAVERY: It is; I can give members an assurance on that point. It was done especially for my benefit, and members can be satisfied on the point. The sum of £15 2s. is above the basic wage; but these men are not labourers. Many of them are specialists; they are highly skilled in their work. They have to work under all sorts of conditions and at odd hours. Let me quote the case of the P. & O. liner "Strathnaver." The vessel struck some engine trouble on her

way home from the Eastern States. She had to call on the union for 15 riggers and a foreman, because these large engines have to be man-handled in the ship in a way that is not normal if the ship is not in a dry dock. Those particular 15 men and their foreman all worked over the week-end; they worked long hours, and I admit they received a pretty high pay. But after the job on that boat was completed some of the men employed in that highly technical work were reduced to doing the work of glorified labourers, if I might put it that way.

These men who possess this technical knowledge have always been prepared to take whatever job is offering, on the day it is offering. It does not matter whether it involves painting or scraping or work in the holds of these double-bottomed ships—no matter how dangerous the work they are prepared to accept the job offering.

The point I am trying to make is that the average of £15 2s. was not earned over a five-day week at regular hours; it was earned while you and I were asleep Mr. President; it was earned while we had our Saturday and Sunday afternoons off. They are not considered a normal employable body of men; they are mainly for the purpose of carrying out casual work.

Peterson & Co. which is the biggest shipping repair company at Fremantle, and which is owned by MacDonald Hamilton and Co., MacIlwraith McEachern Ltd. and other large shipowners, accepted a contract to strip a vessel—I think it was called "Hanata," though I am not sure. Having accepted that contract, they found they were not in a position to strip that vessel and they asked the Painters and Dockers Union for nine riggers. This body of men supplies casual labour in the most unusual circumstances.

I was sitting in Mr. Troy's office two months ago about 4 o'clock in the afternoon when one of the companies rang through and asked him if he could provide a winchman and four riggers for a 6 o'clock start; that was after the roster had been completed up to 9.45 a.m.

These 126 men are absolutely necessary to ensure the smooth working of the waterfront. They have nothing to do with the loading or the unloading of the ships; but when deck cargoes are loaded on ships for transport overseas, the union's riggers are brought in to see that these deck cargoes are secured for safe transport in all weathers. I think I heard the ships have also to be serviced once every 12 months to comply with the requirements of the Underwriters' Association, and it is these men that do that type of work.

Members may say, "What has been the unemployment position over a period?" Having that in mind, I asked Mr. Troy to

take out some figures for me; particularly in view of the fact that Mr. MacKinnon had posed this question to me in private conversation. The figures that I have are irrefutable, because they have been taken from the record of the Fremantle Harbour Trust. I asked for the daily attendance figures and the figures for daily employees, etc. If members are interested I will lay them on the table of the House.

These figures include men who are on sick leave, or under workers' compensation, or who may be absent for other causes. I would like to quote the figures for two or three days in the month of January to show just what the figures mean. On the 2nd January there were 12 absentees and 47 unemployed on a roster of 103. On the 3rd, 4th, 5th, 8th, 9th, 10th, 11th, 14th, 15th, and 16th January there was no unemployment inasmuch as every man received some employment, except those who were absent over that period. The grand total of those figures shows that there were 205 absentees for the month, and that during that period there were 167 unemployed, while the roster for the month was 2,175.

The figures for February show that there were 124 absentees, and 94 unemployed on a roster of 971. In March the figures were much the same as those for April. In April there was 213 absentees and there were 102 unemployed on a roster of 2,028. In May the absentees totalled 234 on a roster of 2,967. I would be quite prepared to make these figures available to members if they so desire, and they would then be able to see the full import of them. Most of these figures represent men who have applied for employment and were not picked up.

The total for the month of June, was 953, and there were 222 absentees on a roster of 2,462. In July the absentees rose to 267, but I am given to understand that this was because things were bad in May and June and a few of the men gave the job away, and went to the country areas and helped in farming work. They were still assisting the country.

In July there were 267 absentees and the unemployment figure was 1,250 on a roster of 2,987. In August, the figure was 584; and in September, 285; and up to the 4th October, there were 52 unemployed on a roster of 512. These figures are supplied because I thought I might be asked how many men were employed daily.

During the Minister's speech, Mr. Simpson queried the statement delivered to members in regard to the decision of the court and suggested it was merely an expression of the union. For that reason I obtained a certified copy of the remarks of the Court of Arbitration dated the 9th October, 1957. These are stamped and

signed on each page and I would like to read them to the House. They read as follows:—

As originally filed the reference related to the wages and working conditions of both permanent and casual employees in this industry, but at the hearing, the reference was amended to delete the claims relating to the permanent employees. The union claimed that the award when issued should provide for annual leave and public holidays, sick leave and long service leave for casual employees, and further claimed that registered casual workers who attend the recognised pickup centre and thus made themselves available for employment, if not engaged for work on the day of such attendance, should be paid an amount equal to four hours pay at ordinary rates for such attendance.

Registered waterside workers enjoy similar privileges under the provisions of the Stevedoring Industry Commission Act (Commonwealth) and the claims in this case were drafted on the model of similar claims which the High Court of Australia recently decided a Conciliation Commissioner would have jurisdiction to grant under the Commonwealth Conciliation and Arbitration Act if he thought it just and expedient to do.

I have no doubt therefore that this court would have jurisdiction to grant the claims in one or two forms in one of which the liability would be thrown on the employer by whom a worker was last engaged preceding the holiday, sickness or attendance in question, and in the other such liability would be borne by the next succeeding employer. It is obvious that either form would have an entirely arbitrary and often unjust result as between different employers and as the Court has no jurisdiction to introduce an equitable and practical scheme these claims must in my opinion be refused. It seems to me, however, that some such scheme is eminently desirable. The decasualisation of work on the waterfront has to a large extent been achieved in recent years both in Great Britain and, so far as waterside workers are concerned in Australia; the same considerations that led the British Parliament to decasualise dockers' employment and also led the Commonwealth Parliament to set up the decasualisation of the labour of waterside workers, apply to the casual workers in this industry. The industry requires a pool of labour which cannot be entirely utilised every day and although the roster system of engagement instituted by this Court, and certain allowances made in the prescribed margins to some extent lessen

the evils of the casual labour inseparable from the industry, some of the evils resulting from irregularity of employment inevitably remain.

Any practical scheme must, however, depend on action by Parliament and it is for this reason that the Court has taken the somewhat unusual course of issuing this interim decision, so that Parliament may have the opportunity of considering in this present session—

That was in 1956, and it was intended to come before Parliament last year. The judgment continues—

—should it deem it advisable to do so, whether legislative action should be taken in relation to all or any of the claims I have mentioned.

Consideration might also be given as to whether certain other matters which have hitherto been regulated by awards of the Court or agreement between the parties would not be more appropriately administered by a statutory authority. I refer to the method of the engagement and transfer of labour and the roster system and possibly also the place and time of payment of wages.

I should, I think, say in conclusion that if Parliament does take some action in this matter any privileges granted will almost necessarily have some effect on the margins prescribed by the Court, and a provision for liberty to apply to these provisions will therefore be reserved in any award which we issue.

The Court has not yet had the opportunity fully to consider the other matters in dispute between the parties and we will therefore consider the matter further before issuing the minutes of the award.

Mr. Davies said:—

I agree with the decision as announced by His Honour the President.

Hon. C. H. Simpson: With the decision; not necessarily with the findings.

Hon. F. R. H. LAVERY: I thought Mr. Simpson would interject again; and I will have a little more to say about that matter later on. I repeat that Mr. Davies said:—

I agree with the decision as announced by His Honour the President.

Mr. Christian said—

I also agree.

The President said—

The matter will therefore be further adjourned.

And the case was adjourned sine die. I have here a certificate as follows:—

I hereby certify that this and the preceding two pages of typed matter bearing my signature in the margin contain a true and exact copy of the

official transcript note of the interim judgment given by the court on the 29th October, 1956, in connection with reference of Industrial Dispute No. 7 of 1956.

Dated this 9th day of October, 1957.

Signed R. Bowyer,
Clerk of Court of Arbitration.
29/10/56.

In regard to interjections made by Mr. Simpson, one point should be cleared up. I think Mr. Simpson is under a misapprehension, although he may prove me wrong. When this interim order was issued by the court in 1956 it contained the specific idea that this matter would be brought to Parliament in that year. A request was made to the Government last year to bring down legislation; but because of the various ramifications which arose as to how the finance would be provided to pay attendance money, the Department of Labour had great difficulty in getting a Bill drafted.

Because of this, the court issued an award in response to the claim by the union for better working conditions and increased pay. At the same time the court stated that it had to be remembered that should Parliament in its wisdom give the court power to grant attendance money for the workers, their margins under the award must necessarily come up for review.

I would like to make it clear that the parties in the court were unanimous and agreed with the president's proposal for an adjournment of this particular matter in order to allow Parliament to make a decision. That is the only point that should be brought up concerning this matter. Whether Mr. Christian agreed to this or that does not come into the story at all, because his agreement was on a very small section of an award, about which he commented rather caustically later on.

However, in this particular case it was a matter of the president suggesting Parliament should decide as to whether the request of the union could be considered by the court. No matter what evidence is produced in speeches on this Bill, that is the main point.

There is a clause in this Bill which states how the attendance money will be provided, and questions have been asked as to how much it will cost. The figure given to us at the moment is based only on assumption. It had to be assumed that 128 men would remain on the roster, and the number of working days would be the same as at the present time. It was estimated that the figure would be in the vicinity of £5,600, plus £1,000 for administration. Therefore the total amount would be something under £7,000. I have been given to understand—I am not sure of the actual figure, but Mr. Davies may

have it—that this would result in a charge of .016d. per ton on shipping coming into the harbour.

Hon. F. R. H. LAVERY: The figure I quoted was from memory. A query could be raised in regard to the cost of administration. I was not in the Chamber last night but I think the question was raised—I do not know by whom—as to the staff required to administer an attendance money scheme. I suggest that the staff is already operating at the moment, inasmuch as the Harbour Trust provides a roster officer each morning—I think he is Mr. Harris—who is engaged on this work for at least two hours. I do not think that the cost in excess of his salary would be very great. However, I am not up-to-date in accountancy and can be corrected if I am wrong.

It seems to me that the cost of administration would not be anything like £1,000. It must be remembered that the figure of just under £7,000 is an assumption, because we do not know what hourly rate of pay will eventually be awarded by the court if attendance money is granted. It is obvious the court will make a further amendment to the award which, at present provides for a percentage of lost time and days which would normally be holidays for other people.

Hon. A. R. Jones: It might be a very good figure.

Hon. F. R. H. LAVERY: It is a figure granted by the court, and I do not think anybody can argue in that respect. All of us in this Chamber agree with the arbitration system and support it to the full. Even if, under that system, the worker gets what he asks and an employer has to make out a bigger pay cheque, it is part of our British way of life, and is the most effective way of dealing with claims of both worker and employer. In the interim judgment to which I have referred, the court has already provided that should attendance money be granted, the parties concerned can immediately apply for a variation of the award.

Hon. J. McI. Thomson: What would be the amount of attendance money received per person per day?

Hon. F. R. H. LAVERY: I cannot give an actual figure because it is based on assumption. However, it will be a matter for the court to decide. I would not like to mislead anybody; but I should think the court would approve of a figure similar to that paid to waterside workers, inasmuch as the waterside worker does get a higher hourly rate than does the dock, river and harbour employee.

Hon. C. H. Simpson: Is not the proposed amount 24s. per man?

Hon. F. R. H. LAVERY: That is correct. It would be between £1 and 24s. If a man goes to work at a quarter to eight in the morning and waits until a quarter to ten

and is willing and ready to work during that time, he should, if the court so decides, be entitled to some compensation for being available without the employer having to send a taxi for him if there is work to do.

Hon. J. McI. Thomson: Would the £1 or 24s. be for a five-day week?

Hon. F. R. H. LAVERY: Yes, that is how it applies on the waterfront under the Stevedoring Industry Commission. I wish to make two more points before I sit down, and one is in connection with the suggestion that this amount of a decimal point of a penny will be levied on all shipping. A levy already applies under the Stevedoring Industry Commission, and this amount would be added.

A suggestion was made that certain ships would be required to pay this amount of money but would never receive any benefit. I think Mr. Logan tonight said that is what happens in life. On the pig industry Bill he said that the money had to be contributed by all.

As I pointed out earlier, the "Strathnaver" is a good example of an international liner suddenly finding itself with great engine trouble and requiring the services of these men. Also, what a wonderful thing it was for the Norwegian tanker "Lancing" to be able to have the services of this body of expert men available to it. Members can imagine what the owners of that ship were saved as a result of these men being here.

This applies also to the State ships and other small ships that use the slips. I think it was stated that approximately 60 per cent. of the work done was carried out for the Public Works Department, and therefore the shipping companies would be paying that department.

Hon. C. H. Simpson: I think the State ships and the Public Works Department would, together, absorb about 50 per cent. of the labour of this union.

Hon. F. R. H. LAVERY: It should be clearly stated that the Public Works Department operates on the cost-plus system. That department should not be brought into the question under the suggestion that Mr. Simpson has just made. The Public Works Department is a contractor on a cost-plus basis for quite an amount of work.

The other point I wanted to make was in regard to the efficiency of these men. I wish to quote the words of Capt. Elley, a particularly efficient officer on the waterfront. He enjoyed the rank of Lieutenant-Commander in the R.A.N., and during the last war was Officer Commanding Naval Boom defence from Darwin to Albany. He is now in charge of shipping repair work in the area controlled by the Fremantle Harbour Trust and he deals with all this rigging work. He, therefore, probably more

than any other person, can evaluate the work and the necessity for riggers and the other specialist members of this union.

Capt. Elley is a man of high engineering attributes. He has had great experience; and he said that the type of men engaged in this industry—men who were not very experienced prior to the last war, but who learned during the war years—were now specialists in the job. He also said that we could not expect to find a more efficient body of men in any harbour in Australia. Those words really sum up the story as to whether these men are efficient or not.

Hon. J. McI. Thomson: When you say—

The PRESIDENT: Order! The hon. member can raise the point in debate.

Hon. F. R. H. LAVERY: I think perhaps I can answer what the hon. member was going to ask. These men are specialists in the various types of repair work. The "Strathnaver" was a case in point; enormous engines had to be manhandled and a specialist type rigger was required to do this work as against what takes place in the docks where there is proper equipment. Here it is all emergency equipment. There are winchmen, men doing pipe repair work on steam pipes.

Quite a compliment was paid to the painters in the union. As members know, the interstate liner "Manoora" makes seasonal trips. During one part of the year she is on the Sydney-Fremantle run and in another part of the year she is on the run from Sydney to Queensland. Last year, for the first time, this union was given the opportunity to paint the "Manoora," and so well was the job done and so efficient were the men that the painting is not now done on the ship in other States but is done here by the members of this union.

Hon. L. C. Diver: Internally or externally?

Hon. F. R. H. LAVERY: I know that the external painting has been done, but I do not know about the internal work because I do not know what the awards provide.

Hon. J. McI. Thomson: You have answered the question I was going to ask.

Hon. F. R. H. LAVERY: The point before the Chamber is clear cut and it is this: The court delivered an interim award giving Parliament the opportunity to legislate so that the court, if it desired, could grant attendance money to the members of the Ship Painters and Dockers Union in the harbour work at Fremantle. The second point in the Bill is in connection with what body should administer this fund. Fremantle harbour is unique inasmuch as it is the one harbour in the whole of Australia—a most efficient one too—

Hon. Sir Charles Latham: And expensive.

Hon. F. R. H. LAVERY: —controlled by a local body. It is controlled by a body similar to the State Electricity Commission —namely, the Fremantle Harbour Trust which is autonomous. I hope I have cleared up one or two points for members; and I trust that after hearing other speakers they will grant this privilege to the Arbitration Court which we all believe in.

HON. L. A. LOGAN (Midland) [10.26]: As one who realised that this Bill would create a certain amount of controversy and that information would be given to members from various people and organisations, I, together with some other members, took the opportunity to go to Fremantle to get a bird's eye view of some of the queries that would be raised. At the moment I still have not come to a firm conclusion.

The question, in my opinion, is not one of this House deciding whether attendance money should be granted to painters and dockers. I believe it has already been granted to a certain extent by the Arbitration Court. The court's judgment was that attendance money could be paid to this body of men if certain circumstances applied. These circumstances are that there must be an authority which could handle or receive the money and pay it out. I think that is the only purpose of the Bill—to decide whether this Parliament will set up an authority to do that. I think that is the only question before us.

The Minister for Supply and Shipping: That is right.

Hon. L. A. LOGAN: But we have to consider some of the pros and cons of the industry. I disagree with Mr. Lavery in regard to the degree of skill that these men have attained. I concede that the riggers possibly need a certain amount of skill, and I believe they have quite a good reputation for their work. But the percentage of riggers in the 126 men employed is very small.

Hon. F. R. H. Lavery: There are the winch men.

Hon. L. A. LOGAN: Not a great degree of skill is required to drive a winch.

Hon. F. R. H. Lavery: They are qualified.

Hon. L. A. LOGAN: Neither is much skill required to chip paint off an iron ship and slap on a bit more paint. There is not a great degree of skill required for a lot of the rigging work itself, although I appreciate that when a rigger is required to set up special equipment to handle certain types of machinery he would know how to rig it; but even so, he would still be working under the supervision of the engineers. No engineer would allow a rigger to carry on unless he was there to see what was happening.

All of these men, I would say, would be skilled, in their different departments, and in permanent employment. The man who is doing electrical work is a skilled man in permanent employment. The man using the oxywelding plant is in permanent employment. The shipwrights themselves are permanent men and have labourers working under them. Therefore, I disagree with Mr. Lavery that these men require to have a great degree of skill or sufficient to place much emphasis on the nature of their employment.

We know also that because of the casual nature of their employment these men have been granted a casual rate of pay by the court to cover such items as sick pay, holiday pay and loss of time. They are also paid a margin over and above the basic wage. In the awards it has granted to the men the court has provided for an amount which the men are now claiming as attendance money. With the position as it is today, with the men being on casual employment, possibly some better method could be found to ensure that at the end of 12 months these men have received a just wage.

In this particular type of industry I suppose that some casual workers will always be required, but I fail to see why it is necessary for 126 men to be kept in casual employment all the time. I think there could be a greater degree of permanency in the employment of many men and a lesser force of workers who are employed on casual rates.

Hon. F. R. H. Lavery: The union agrees with that idea, but the employers don't.

Hon. L. A. LOGAN: I do not know who is right or who is wrong; but I would like to know the truth in that regard, and I have not been able to find it to date. There is no doubt that some of the men who now work as casual workers could have been made permanent employees. Mr. Lavery refuted the statement that any of these men had ever been permanently employed. Am I to believe that from the time these men left school as boys they have been in casual employment; or that at some time in the past they have been in permanent employment, but have left such positions to take up casual employment because of the increased rate of pay?

Hon. F. R. H. Lavery: Many of them have been seamen.

Hon. L. A. LOGAN: I can appreciate that point, too. I realise that many of them are ex-seamen who prefer to remain at home with their families rather than serve on a ship and be absent from their homes for long periods. Also, I fail to see why there should be two unions for workers who are engaged on ship work or work associated with ports, harbours, etc.

I cannot see why there should not be an amalgamation of the two unions. If that were achieved it would have the advantage of there being only one pick-up

of all the workers at the port, and they would be covered by attendance money. Such an aspect could be given some consideration.

Why a small separate union should be necessary to cover men who are engaged in this type of work, I fail to see. There is no difference between a man who sits on a plank painting a ship and a man who is loading a truck with goods conveyed by a sling. There are also men who are engaged on cleaning the bilges of water tanks. That is a very menial task, but someone has to do it. These jobs are performed by men who come under this small union; and therefore I cannot see why they could not continue performing such tasks as members of the other union. The two unions could be amalgamated under the Waterside Workers' Union and the men could be rostered and picked up in their turn.

As Mr. Lavery has mentioned, the skilled worker—and a rigger particularly—can be picked up out of roster if he is required for a certain job. That is one way by which a skilled man is rewarded for his skill. During the times that Mr. Lavery has mentioned, when men are unemployed, it could be that a rigger is picked up and, by virtue of his skill, enjoys greater employment by being picked up more often. As a result, of course, a rigger is enabled to earn more money than the ordinary worker.

Another point relating to the payment of attendance money to casual workers is that if we are to apply this policy to one or two industries and the Arbitration Court accepts it as a principle, to what other industries will such a practice spread? There are many industries which employ casual men on a daily basis. Very often some workers are keen to obtain casual work because of the increased pay. Therefore, if the principle is to be extended to other unions, I do not know where it is going to finish.

Hon. F. R. H. Lavery: That is a matter for the court, isn't it?

Hon. L. A. LOGAN: I know it is; but it is also a matter for us to think about. We have to legislate for this State in the same way as the Arbitration Court grants awards to unions. When speaking on the Pig Industry Compensation Act Amendment Bill, I mentioned that some money should be refunded to pig breeders; but I think there is a little difference between the argument advanced in that instance and the argument put forward on this Bill. If my information is correct, something like 1,100 ships were recorded as having used the harbour last year. I hope Mr. Lavery can supply me with the correct information on this point. Or perhaps the Minister can supply the necessary data.

However, of the 1,100 ships using the Fremantle harbour last year, I understand that approximately 100 used labour from the Ship Painters and Dockers Union. If that information is correct, it means that the owners of 1,000 ships will be paying into a fund for the benefit of obtaining the services of only 100 men. The State Shipping Service would derive the greatest benefit from the payment made by those 1,000 ships because the State Shipping Service would be, by far, the largest employer of members of the Ship Painters and Dockers Union.

The Minister for Supply and Shipping: Fremantle is the home port of the State Shipping Service; that is why.

Hon. L. A. LOGAN: We are taking away the responsibility from the employer who is using the members of the Ship Painters and Dockers Union to the full and making other shipowners pay for this service.

The Minister for Supply and Shipping: That is the position that operates in all navigation services. Many shipowners pay for services but never use them.

Hon. L. A. LOGAN: The majority of the shipowners would make use of the services provided.

The Minister for Supply and Shipping: No they don't.

Hon. L. A. LOGAN: I admit that some have no intention of using them. They have stated that they do not want them.

The Minister for Supply and Shipping: The fellow who pays for the pig now should have been paying for it 50 years ago, according to you.

Hon. L. A. LOGAN: But the Minister should not forget that the pig-breeder with the infected pigs could have paid himself. That is entirely different.

Hon. A. R. Jones: The difference is that he is being paid from his own fund and is not being paid by somebody else.

Hon. L. A. LOGAN: In this instance we have many shipowners paying into a fund for the benefit of a very small number of shipowners.

Hon. F. R. H. Lavery: One never knows when they may have to call upon these men. The "Strathnaver" did not think it would have to call upon them, nor did the "Lancing."

Hon. L. A. LOGAN: The skilled men engaged on the repair of the "Lancing" were the engineers. They were present to see that the work was performed according to what they desired.

Hon. A. R. Jones: It is still not right.

Hon. L. A. LOGAN: No, it is far from right. The repairs are not completed yet. The Arbitration Court's statement that was read by Mr. Lavery is still open to interpretation. One could read into that statement that the Arbitration Court

agreed with the last portion of the president's comment that it would be better to let Parliament decide what action should be taken. I believe that that interpretation is the correct one. I believe that Mr. Christian concurred with the president's comment that no judgment could be made until such time as Parliament had met and decided the question. That is my interpretation. The court did not concur in any principles of the policy that was enunciated.

Hon. E. M. Davies: Did it concur?

Hon. L. A. LOGAN: It does not concur in everything. It made a statement in the end that Parliament should decide the matter.

Hon. E. M. Davies: It does not matter what was the opinion; it is the decision of the court that counts. The decision is not given by one man.

Hon. L. A. LOGAN: My interpretation of the judgment was that the decision should be made by Parliament.

Hon. G. C. MacKinnon: They were comments.

Hon. L. A. LOGAN: Not necessarily. That was the summing up of the Arbitration Court president. Having examined the position and after studying the Bill, it seems that Parliament has to decide whether or not the necessary authority should be given to the Fremantle Harbour Trust for the levying of dues on shipping companies, and whether or not the Fremantle Harbour Trust should be the authority charged with the payment of attendance money to ship painters and dockers when no work is available.

At the present juncture I do not intend to commit myself, because I am still awaiting further information and I require further enlightenment as to the position. I can say this: I understand—although I may not have any ground for saying so and no member of the Harbour Trust has given me that impression—that the Harbour Trust does not want this job. I agree with Mr. Lavery to this extent: that the Arbitration Court has intimated that attendance money could be paid. But that is the function of the court.

Having given that intimation and having arrived at that conclusion, the court intimated, as it had not the power to set up an authority for the payment of attendance money, that Parliament should decide the matter. If we are to follow arbitration to its logical conclusion we should give serious consideration as to whether or not such an authority should be set up. With those comments I leave the matter for the time being until I have heard the rest of the debate.

HON. E. M. DAVIES (West) [10.48]: I support the second reading of this Bill. It was necessary for the contents of the measure to be placed before Parliament

so that the necessary authority could be given to the Arbitration Court to give effect to its decision. The union, known as the Ship Painters and Dockers Union, covers a very old industry. It not only exists in the port of Fremantle but in many parts of the world. It was found necessary in the United Kingdom, in America, and in many other places, to adopt a system which is the basis of the Bill now before this House.

Each and everyone of us will readily agree that it is far preferable for an employee to be assured of a certain income each week, than for him to have to depend on a certain amount of work in each day or each week. For that reason the matter was raised in the Arbitration Court, and the court decided that this was a suitable industry in which attendance money should be paid. The court has not the requisite authority to put that view into effect, so it has approached Parliament for authority to implement its decision. The method proposed is to appoint the only organisation available—namely, the Fremantle Harbour Trust—to control the payment of attendance money.

Quite a number of the employees in the union concerned have been associated with the waterfront for many years. Whether they are classed as skilled, unskilled or semi-skilled workers, is not important. It is agreed among the employers that this is not an industry in which the workers can be employed permanently, because the labour is only required on ships entering the port. It was found necessary to establish a pool of labour and that pool cannot be employed permanently because it is not known what work will be available from day to day or from week to week. It was not possible to engage a permanent staff on that class of work.

Not very long ago an attempt was made by the Harbour Works, which is a branch of the P.W.D., to absorb the employees in this industry on days when there was no work available. It was the aim to employ that labour on productive work in the harbour. When it was necessary for ships to avail themselves of that pool of labour, it was intended to transfer the labour from the Harbour Works to the ships. That plan did not work out. For instance, one gang might be employed on a concrete job, and all of a sudden, there might be a call for labour in the industry in which they work. It was neither possible nor profitable to work in that way.

A number of men in this industry form a very important chain in the link of transport. At various times ships have come into Fremantle harbour to undergo certain work. Apart from working on the slipways, the workers in this industry are called out on emergency jobs at various times. It is necessary for the workers to attend a central pick-up, or a place of engagement, by 7.45 a.m. and to remain until 9.45 a.m., to see what labour is

required. No one can suggest that if no work is available by 10 a.m., these employees are able to seek other employment. Although it has been suggested that there are other forms of employment available, it is only of a very seasonal nature.

So they cannot depend to any great extent on work being available after 10 a.m. It is not fair to suggest that the employees in this industry could, if work was not available by 9.45 a.m., seek employment in some other sphere. It becomes necessary for them to remain at the pick-up and hope for some work to come their way. I understand that when emergency jobs crop up, gangs of various descriptions have to be obtained as soon as possible.

It does not matter very much whether they are classed as skilled, semi-skilled or unskilled workers, because they are all required to carry out work on ships in those three categories. The union has members accustomed to working on hatches, others experienced in working winches, others experienced in splicing, and others experienced in performing other classes of work in and around ships, all of which the ordinary worker would not be accustomed to. It is not so much a question of whether these workers are skilled, except in the case of engineers who have to be highly skilled. There are many classes of work on which these workers are engaged, and which necessitate a great deal of experience.

It is not correct that these men can find other employment if they desire to obtain it, because they have to attend at the pick-up. The pool of labour required to attend at the pick-up amounts to about 130.

Hon. A. R. Jones: Apparently a number of them do not attend the pick-up.

Hon. E. M. DAVIES: Possibly so. Different circumstances arise on some days and in some weeks. I venture to say that if the whole pool of labour is not engaged, a great amount will have to be paid by way of attendance money. If this Bill is passed, other organisations might follow the approach to the Arbitration Court for similar recognition; but it would be for the Arbitration Court to decide whether the industries concerned were suitable. The workers in certain directions would have to prove to the court that theirs was a suitable industry before their claim for attendance money would be recognised. There need be no worry in that respect.

We contend that we believe in the principle of arbitration. On the court there is a judge, a representative of the employers and a representative of the employees. As a rule the decision is given by the judge supported by one of the assessors sitting on the bench. Irrespective of the view held by either the employees' representative or the employers' representative, it is for the judge of the court, who is trained to hear and assess the evidence, to make the decision.

Hon. H. K. Watson: Within the limits prescribed by Parliament.

Hon. E. M. DAVIES: Yes; but Parliament says, "We agree, and support arbitration."

Hon. H. K. Watson: Within the limits laid down in the Act.

Hon. E. M. DAVIES: In this case the court has said that this industry is a suitable one to which attendance money can be applied, and all it is asking Parliament to do is to make authority available for it to carry out its desire. While it has the power to grant these things, it has not the means to provide for their being carried out. The reason for the Bill is the desire to create an authority to deal with this question.

I feel that this is a legitimate case, and it is not an isolated one. We know that attendance money has been granted to waterside workers, and it has been made possible by Act of Parliament. That is one branch of the waterfront workers. The section we are dealing with now is another branch, whose members are called upon to attend at places of engagement each morning and to remain there for two hours hoping and trusting to be picked up.

This is a question that this House can attend to with sympathy for that class of labour. I do not know whether it is necessary for me to go very extensively into the matter, because Mr. Lavery went to a great deal of trouble to place certain facts before the House. But I would like to make one or two points so that members will know what I claim and what I believe we should stand for.

It was in 1945 that a scheme was introduced in Australia and New Zealand for waterside workers to receive attendance money. That was brought about by legislative action. Then, in 1951, the International Labour Office unanimously endorsed the principle. That means that it has been adopted in other countries throughout the world. On the 29th October of last year, the Full High State Court of Arbitration held that an attendance money scheme was eminently desirable, and that it had power to make an award in two of three forms sought; but that, despite this power, in view of all the factors, an award of the kind required and desired could not be made effective, legislative action being necessary for that purpose.

So this Bill has been brought to Parliament. The judgment was clear and unequivocal. The court stated that if Parliament legislated, the rate of pay would be reviewed. It has been stated that these workers now receive a rate of pay which provides for casual labour, for holidays, and for sick pay; but if, by the action of Parliament, the court is given power to grant this attendance money, there will have to be a review of the award

conditions. Quite clearly the details are for the court to attend to. The position briefly is that the court has said that the workers concerned should have this reform granted, and it is asking Parliament to give it the tools to do the job.

Stripped of all side issues, the basic question is: Do we accept arbitration, or do we not? The court has pointed out a defect and suggested the means to remedy the position. The simple issue is the settlement of a dispute by arbitration. Parliament has a duty to act in the manner indicated by the court.

The workers are compelled by a court award to go to the pick-up each morning for two hours. In addition, the union is required by the same award to make men available outside of the pick-up hours. "Any kind of men" is not of any use. The men must be versatile and able to do the work of winch-driving, running a hatch, erecting or dismantling of rigging, overhauling and maintaining ships' boilers, working in double-bottom tanks, and a whole wide variety of tasks.

Hon. C. H. Simpson: Riggers are paid extra, are they not?

Hon. E. M. DAVIES: I am not conversant with what they are paid; but I understand all these cases would be dealt with by the court again if this House passes the Bill. It will be necessary for the award to be reviewed because there are certain payments for certain other conditions; and if attendance money is paid, those conditions and payments will have to be reviewed. The men that are required cannot be picked up at random. They are the product of a whole tradition related to ships and commerce. It would be wrong to suggest that they can and do get other work. They are required to be available every day for this industry.

It is wrong also to suggest that they refuse permanent employment. They would be only too glad to obtain it if it could be made available to them. The fact is that the industry has not yet in any country found the solution of this problem. Indeed, these very workers tried out a scheme whereby they would get employment on wharf construction when no work was available in the dockers' industry. I have already mentioned that that scheme had to be cancelled because it was not a success. It would be idle to contemplate men leaving a pick-up at 10 a.m. and going to work, say, on a concrete job; and being taken off it at 1 p.m. to do a job on a ship. The scheme which they endeavoured to put into operation was neither efficient nor economical, so it had to be abandoned. It has been mentioned that it would be possible for these men to seek other employment in shearing, fruit picking—

The Minister for Supply and Shipping: Or casual work.

Hon. E. M. DAVIES: Yes. It has to be remembered that such work is only seasonal and does not last long; whereas the industry in which these men are employed continues for the full 12 months, and they must be available if required.

It was said that the Public Works Department is the biggest employer and therefore it is indefensible to levy shipping to pay for the P.W.D. That is not correct and could give rise to wrong conclusions. The facts are that the P.W.D. is a cost-plus contractor at the slipway and merely acts as a timekeeper. The cost of the slip hire, and of the labour employed on it, is borne by the ships which use the slip; and the ships are owned by the Government and by private owners.

The point to be borne in mind regarding the levy and the justice of it, is that any ship has the right to demand the use of the labour; and as it needs it, it does in fact so demand. An example is the Norwegian tanker "Lancing" which needs labour and expects it to be available as and when required. Quite a number of other ships have found it necessary to use the labour available at this port.

This appears to me to be a form of insurance. Most of us pay insurance for many things hoping that it will not be necessary to collect. We would not like our homes to be destroyed just for the sake of obtaining the insurance money. We pay premiums so that in the event of a fire we will have the opportunity to obtain another home. This attendance money is a form of insurance. There is a pool of labour available for doing that class of work should it become necessary on any ship coming into the port.

I think Mr. Logan drew attention to the fact that there was one question to be dealt with, and that was whether Parliament was prepared to give the necessary facilities to the Arbitration Court which has agreed that the industry being dealt with is a suitable one to which attendance money could be applied. The issue is that the court has said that these men should have this reform. It has said that legislation is necessary. Parliament should provide that legislation.

I am glad to have had the opportunity to assist in this matter. All I hope is that if members desire any further information, they will make the fact known to the Minister; for I feel sure that, when replying to the debate, he will give them all the details it is possible for him to obtain. All that is expected of this House is that it will give intelligent and sympathetic consideration to the measure. I support the second reading.

HON. A. R. JONES (Midland) [11.14]: I wish to make one or two observations and to ask the Minister to make one or two inquiries for me. The ground was fairly well covered in the first place

by the Minister when introducing the Bill and then by Mr. Lavery and Mr. Davies from the Labour side. In addition, Mr. Simpson gave a fair coverage, and Mr. Logan added his contribution. There are still two or three matters on which I would like further information before coming to a decision.

While it has been said by some speakers that the only question before us is whether we should make the machinery available for these people to receive attendance money daily at pickup, if not employed, I do not altogether agree. Great play has been made by the Minister, Mr. Davies and other speakers on behalf of the Government, of the Arbitration Court and the fact that we must abide by its decisions. Apparently, the union which prompted this legislation believes that also, but we have not much evidence that it would be prepared to stick by any method suggested by the court. Too often we have found that it will accept what the court gives it but when there is a question open to further negotiation, it sometimes takes the law into its own hands and goes on strike, and I do not call that sticking strictly to arbitration.

I therefore feel that men like these who are not guaranteed employment every day, should be employed on the basis of so much per week, whether they work or not. That would ensure that there would always be labour available and the men would have to be on call at any time. At present there is the ridiculous situation where men are not forced to work in any industry but are at liberty to make the choice of where they work and the type of work they do, and yet do not always make themselves available for the work offering. Fortunately, at present we live in a State where labour is not directed. If we had socialism, we would have direction of labour, but at present people are free to decide what they will do to earn their livelihood.

Nobody asks these men to do this particular work. They choose to go into an industry that calls for labour seven days a week and so they should be prepared to work on any of the seven days without overtime, although they should be paid a sufficient wage. Then they could be rostered so that each of the men would do a certain amount of the week-end work when it became necessary. The position has been reached where week-end work at time-and-a-half and double time has been exploited by some workers, adding greatly to the terrific costs of whatever form of employment is involved, and particularly in waterside work where ships must be turned around quickly. The payment of time-and-a-half and double time has made the handling of cargo increase constantly in cost.

While I do not favour men being paid just to put in an appearance, I think they should have a stable income no matter what industry employs them. Rather than

the present set-up under which these men can place themselves as they like and fail to turn up on Monday and Tuesday, and then make themselves available on Saturday and Sunday when they get penalty rates, I would prefer the system I have outlined. The present position makes a mockery of stable and genuine employment and good relations between employer and employee.

The Minister for Supply and Shipping: That is not the situation on the waterfront.

Hon. A. R. JONES: I hope the Minister when replying will enlighten me on a couple of points. On the figures given to us by the secretary of the union concerned, I find that on days when there has been full employment available there have been a number of absentees. In January, when apparently there was a lot of work offering, with 103 on the roster, on some days when employment was available there were 15, 13 or 10 absentees and on other days the number was 5 or 6. Of course, some of the men might have been on holiday or away sick, but I think the difference in the figures I have quoted is large enough to be significant. There is something wrong when men who tell us their industry is not stable, will stay away from work when it is offering.

I notice that there were an even greater number of these men away on two consecutive days when work was available. On the 20th and 21st June, 19 men were away. There were 129 on the roster and on each of those two days there were 19 absentees, which convinces me that these men are not completely genuine in their claims or the claims made for them by members opposite.

Much has been said of the skill of these workers, but I would prefer to say they are unskilled workers who are used to a certain job, having been at it so long. A man who is used to a job has a definite advantage, but I think any member here could join these workers and do the job efficiently, if not the first time he was shown how to do it, at least after a week or two on it. I admit that they are efficient and, from what I saw, they were working efficiently—

Hon. J. Murray: That would not apply in some instances.

Hon. A. R. JONES: I have received a communication from one party who apparently employs a number of these men and who may be their principal employer apart from the State. It says that since the introduction of the roster, to the best of their knowledge no difficulty has been experienced in maintaining the full strength. When we examine the figures again, there is apparently difficulty in maintaining the full strength because on several days throughout the year the roster has not been

filled and yet there has been employment in the job. Apparently, it does not follow that there has been no trouble in getting men.

Hon. F. R. H. Lavery: Our daily notice paper shows a fair amount of absenteeism here, but we all have good reasons for it.

Hon. A. R. JONES: When we visited Fremantle, I decided to ascertain the attitude of these men. I had an opportunity only of speaking to one for a short time, and I think he was on guard because he knew who we were and possibly what we were there for. He told me very little. I spoke to another person who has constant contact with these men, and I understand that not all of them are in agreement with doing away with the present system because in their estimation they are paid a good wage—9s. 10d. per hour, which takes into account the factors that have been mentioned. The fact that they are not always employed and that they have a certain amount made up for holiday pay, sick pay and so on, is taken into account.

It is possible that the men who may be rostered in a bit better than their turn, or those who are available each day and are not absent often during the year would receive about £18 or £19 per week. One does not seem to be able to get the correct figures even from the union representatives; and whether those figures have been kept from us because they are so good, I do not know. However, I would like the Minister to give us definite figures in this regard as I believe our judgment must be founded on our opinion as to whether these men are receiving justice. As far as I can gather, the wage at present, on the average, for the whole year, is over £15 per week.

Hon. F. R. H. Lavery: It is £15 2s. per week.

Hon. A. R. JONES: I am indebted to the hon. member for that figure. That is not a bad wage for a casual worker who is not skilled, and it is well above the basic wage. There are many difficult jobs involved where the work is tedious, but in many instances it is not hard and, generally speaking, these employees do not work any harder manually than does the average manual worker. I repeat that I believe a number of these men do not want to do away with the present system, because they realise that those who now absent themselves will be the only ones to benefit while those now regularly available for work will have something taken from them.

Hon. E. M. Davies: They would have to be there to get their attendance money.

Hon. A. R. JONES: They would turn up and get the 24s. if it were available, to the detriment of the men who now attend regularly for work. I like to see the man on the job get the best spin; and from the

figures given, it appears that on some days certain men are not particular whether they turn up or not. There are others who turn up every day, and I know there are some men who make a fetish of always being on the job. They would not have it said, unless they were very sick, that they did not report for work on all the days that they were supposed to work.

We have to consider many aspects of this matter before we make up our minds. Are we going to adopt a policy where we grant such a system to all and sundry? As Mr. Logan said, where will the field stop? Can industry and the economy of this country stand all this sort of thing? If men are paid for nothing, we encourage them to do nothing; and rather than have all the rules and regulations governing overtime and so on, I think it would be better if they were certain of their employment for five days a week, or 40 hours a week.

Let us determine what is a good living wage for these workers, whether it be £16 or £18 a week, and let them be on call all the time and then cut out this overtime. Let them work right through when the labour is wanted so that we can turn round our ships and get them out of our ports as quickly as possible. The way things are now, everybody tries to avoid week-end work unless he gets double time for it. While we have awards that allow for that sort of thing, workers look for it. I believe in paying a good wage to a good man, whether he is paid £20 a week or £30 a week; so long as he earns it and he does a good job, he is entitled to it. With the awards that are being made today, and the conditions of work, goodness knows where our industries will finish up.

I will be obliged if the Minister will make the inquiries I have suggested and give us some more information about absenteeism, because I think there is more in it than is apparent, especially when we realise that on the days when work is available as many as 19 out of 120 do not turn up for work. If we agree to this Bill we will be creating a precedent, and wherever casual labour is employed, applications will be made for appearance money. Whether the country can stand that sort of thing I do not know.

If a man elects to work in this industry I would prefer him to be paid a good wage and be on call at the time, and let us forget about appearance money. If we did that, we would get the right type of worker who would be only too happy to work to the best of his ability, knowing full well that he was being paid a good wage and would be employed full time for the year. To my mind, that system is much better than the one we have at present with waterside workers, where they are paid so much to turn up and with the owners of shipping not knowing at any time whether they will get the full number of men that they require because the men need not turn up

unless they have to do so. I reserve my decision on this matter until I have received the answers to the queries I put forward, and also until I have heard other members speaking to the Bill.

On motion by Hon. J. McI. Thomson, debate adjourned.

ADJOURNMENT—SPECIAL.

THE MINISTER FOR RAILWAYS
(Hon. H. C. Strickland—North): I move—

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

Question put and passed.

House adjourned at 11.35 p.m.

Legislative Assembly

Wednesday, 9th October, 1957.

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THE SPEAKER took the Chair at 4.30 p.m., and read prayers.

QUESTIONS.

EDUCATION.

(a) *Anticipated Expenditure on Classrooms, etc., Bunbury.*

Mr. ROBERTS asked the Minister for Education:

(1) What is the anticipated total expenditure on—

(a) school classrooms;

(b) other school buildings;

at all schools within the boundaries of the Municipality of Bunbury during this financial year?

(2) At which schools and on what projects will these funds be expended?

The MINISTER replied:

(1) (a) £5,000.

(b) £1,491.

(2) (a) Bunbury (Carey Park School).

(b) Bunbury Girls' Hostel.