Legislative Assembly.

Tuesday, 21st November, 1950.

CONTENTS.

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

QUESTIONS.

RAILWAYS.

As to Maintenance, Bonnie Rock Terminal.

Mr. CORNELL asked the Minister representing the Minister for Railways:

(1) Is it the policy of the department to allow the permanent way of the railway terminating at Bonnie Rock to fall into a state of decrepitude and thus facilitate the pulling up of the line?

(2) If not, why has the supply of sleepers for urgent maintenance work on this railway been refused?

The MINISTER FOR EDUCATION replied:

(1) No.

(2) Sleepers are in short supply everywhere. Available stocks are distributed to the best advantage and where the need is greatest.

TRAFFIC.

As to Motorcar Registrations, Accidents and Prosecutions.

Mr. STYANTS asked the Minister for Police:

(1) How many taxis were registered in the metropolitan area for the year ended the 30th June, 1950?

(2) How many traffic accidents occurred during that period in which a taxi was involved?

(3) What was the percentage rate of accidents in which a taxi was involved compared to the number of taxi registrations?

(4) What was the percentage rate of accidents in which private cars were involved compared to the number of private car registrations for the same area and time?

(5) How many prosecutions were made against taxi drivers for excessive speeds in the metropolitan area for the 12 months mentioned above?

The MINISTER replied:

(1) Three hundred and ninety-seven taxis were registered in the metropolitan area for the year ended the 30th June, 1950.

(2), (3) and (4) Separate statistics are not kept of accidents which involve taxi cars and private cars respectively, and I have, therefore, been unable to obtain this information.

(5) Twenty-four taxi drivers were convicted for speeding in the metropolitan area for the year ended the 30th June, 1950.

SWAN RIVER

As to Pollution by Fremantle Shipping.

Mr. SHEARN asked the Minister for Works:

(1) Has he seen a report in "The West Australian" of the 16th November regarding a letter received by the Claremont Municipal Council from Mr. H. C. Meyer, Investigating Engineer of the Fremantle Harbour Extension Scheme, which stated that he was unable to include in his work an investigation of the effects of pollution of the Swan River from ships and installations at the harbour?

(2) If so, can he say if the report is substantially correct?

(3) If the reply is in the affirmative, will he explain the reason for such a serious variation in the publicised undertaking by the Government to include such vital matters affecting the river in the terms of reference for the inquiry?

(4) In view of the great importance of these matters, will he now give a further assurance that the investigations mentioned will be conducted?

(5) If not, why not?

The MINISTER replied:

(1) Yes.

(2) The report is not clear.

The Council's resolution submitted to Mr. Meyer was as follows:—

> That the matter be referred to Mr. Meyer for consideration as to what liability there may be from chemical and other fertilising matter, being discharged in quantity into the Swan River, increasing the possibility of marine growth.

The investigating engineer replied informing the Claremont Council of his desire and intention to carry out the work for which he was engaged, including Items 3, 4 and 5 of the Terms of Reference which deal with river pollution.

These items are:—

> (3) To what extent, if any, will pollution of the river, including Freshwater Bay, be affected by the ultimate addition of 11 berths upstream to Point Brown?
>
> (4) What types of liquid, or other materials, are discharged into the harbour from vessels?
>
> (5) What methods for disposal other than those now being employed by the Trust, would be recommended?

Mr. Meyer informed the Council that chemical, biological, or analytical investigations are definitely outside his qualifications as a harbour engineer and he could, therefore, not undertake that phase of river pollution.

(3) There has been no variation whatever from the Terms of Reference in the inquiry as undertaken by the Government.

(4) The matters concerned were also referred to in the hon. member's letter to me of 29th August, 1950, in view of which and bearing in mind that such investigations required the services of fully qualified specialists, I immediately initiated action through the Director of Government Chemical Laboratories and the Department of Agriculture in collaboration with the University of Western Australia.

No report has yet come to hand.

(5) Answered by (4).

DEVELOPMENT WORKS.

As to Commonwealth and State Plans.

Mr. NALDER (without notice) asked the Premier:

(1) Is he aware that in "The West Australian" of the 15th November, the Minister for National Development made the announcement that Western Australia was included in the national development plan to spend £700,000,000?

(2) Will he advise the House as to the amount allocated to be spent in Western Australia?

(3) Was he, as Premier, invited to put forward this State's developmental plans?

(4) Can he state what new major Western Australian undertakings are included in this scheme?

The PREMIER replied:

(1), (2), (3) and (4). I have received from the Minister for National Development copies of the document in question. It is not a national development plan, but it simply lists, for purposes of information and reference, works of a developmental character costing over £500,000 which are in an advanced planning stage or are being undertaken at the present time by State and Commonwealth Governments. The hon. member may inspect a copy of the statement in my office if he so desires.

PARLIAMENTARY SESSION.

As to Probable Date of Conclusion.

Hon. F. J. S. WISE (without notice) asked the Premier:

As it is evident from the fact that six or seven Bills were given notice of today, most of them being formal and continuance Bills, and as this appears to be an augury for the closing of the session, does he intend still to attempt the closing of Parliament on the 7th December, and, if so, what chance is to be given to members to discuss the Departmental Estimates as they are introduced by the Ministers?

The PREMIER replied:

The Government will give early consideration this week to an alteration in the hours of sitting. It may be that we will decide to sit earlier in the day, probably from 3 p.m. onwards, and we may find it necessary to ask Parliament to sit on Fridays. Should it be decided to sit on Fridays, I hope we will not have to sit after the tea adjournment. I feel we can get through the legislative programme without having to do that. I think, too, that usually at this time of the year it has been the practice to suspend Standing Orders in order that Bills might be more expeditiously dealt with. I propose to look into that and will advise the Leader of the Opposition of the decision arrived at. I would think that if we do have this extra day's sitting and, if we met earlier in the afternoon, Parliament should be able to rise by the 7th December. I told the Leader of the Opposition previously that the Government was desirous of giving members a full opportunity of discussing the Estimates. I think we have dealt with most of the contentious legislation, and the Bills introduced today are about six or seven in number. There would not be more than

two or three more Bills to come down as far as I know. It is still the intention of the Government to try to finish—and I think it can finish—on the 7th December.

FREMANTLE GAS AND COKE CO.

As to Expediting Legislation.

Hon. J. B. SLEEMAN (without notice) asked the Minister for Works:

Is he aware that in 1947 the Fremantle Gas Company's Bill was put through for a certain extra capital of £195,000? To the Gas Undertakings Act Amendment Bill a proviso was added that there should not be included on a particular date the 30,000 unissued shares. In view of the statement of the managing director of the company that he does not desire to take advantage of the provision, will he use his influence with his colleagues in another place to ensure that the Bill is brought up expeditiously in that Chamber?

The MINISTER replied:

I will do what I can to expedite the passage of the Bill in the Council in view of the fact that we did co-operate in this Assembly, if co-operate is the right word.

PASTORAL LEASES.

As to Water Points and Development.

Hon. A. A. M. COVERLEY (without notice) asked the Premier:

In view of the Government's reply to Question No. 3 asked by Hon. H. C. Strickland under date Wednesday, the 15th November, will the Premier answer "yes" or "no" as to whether the Government will give consideration to this proposition contained in that question as follows:—

> Will the Government give consideration to subdividing these million-acre leases and allow private capital to develop the areas?

The Government's answer to that was—

> The terms of pastoral leases in the Kimberleys do not expire until 1984.

The PREMIER replied:

This plan in regard to the provision of water supplies in the Kimberleys has been devised, as the hon. member knows, in order to prevent the erosion that has taken place, particularly on water frontages, and it is believed that by the provision of water in the outback areas erosion, in all these stations that have it, can be prevented. I know there are a number of pastoral companies in the Kimberleys that will not want to take advantage of this provision that is being made, but taking the long view, I think it necessary that we should provide these water points. We have to preserve the State's assets, and I think the Government is acting in the right direction in placing these water points on the various holdings. As the hon. member knows, from time to time there are reappraisements of pastoral holdings, and I think the provision of additional water points on these places would be taken into consideratoin by the board.

THE KAURI TIMBER COMPANY LIMITED AGREEMENT BILL JOINT SELECT COMMITTEE.

Extension of Time.

On motion by Hon. F. J. S. Wise, the time for bringing up the report of the Joint Select Committee was extended to Tuesday, the 28th November, 1950.

ASSENT TO BILLS.

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

1. State Trading Concerns Act Amendment.
2. Stamp Act Amendment.
3. Superannuation, Sick, Death, Insurance, Guarantee and Endowment (Local Governing Bodies' Employees) Funds Act Amendment.
4. Bulk Handling Act Amendment.
5. Inspection of Scaffolding Act Amendment.
6. Roads Agreements between the State Housing Commission and Local Authorities.
7. Acts Amendment (Allowances and Salaries Adjustment).

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Read a third time and transmitted to the Council.

BILLS (3)—REPORTS.

1. Increase of Rent (War Restrictions) Act Amendment (No. 2).
2. War Service Land Settlement Agreement (Land Act Application) Act Amendment.
3. Milk Act Amendment.

Adopted.

BILL—STATE (WESTERN AUSTRALIAN) ALUNITE INDUSTRY ACT AMENDMENT.

In Committee.

Resumed from the 9th November. Mr. Perkins in the Chair; the Minister for Industrial Development in charge of the Bill.

Clause 3—Amendment of Section 9:

The CHAIRMAN: The member for Northam had moved an amendment to strike out of proposed new paragraph (d) the words "Minister shall think fit" with a view to inserting the words "Parliament shall from time to time determine and approve" in lieu.

The MINISTER FOR INDUSTRIAL DEVELOPMENT: When the Bill was previously before us, there was some discussion in which the principal participants were the member for Northam and myself. I referred the hon. member's observations and my own to the officers of the Crown Law Department and, as a result, have placed on the supplementary notice paper an amendment which is in three parts. The first part proposes to insert the word "or" after the word "lease", but I cannot move my amendment unless the member for Northam is prepared to withdraw his so that the feeling of the Committee on my proposal may be tested. Is he agreeable to do so? If the Committee decided to insert the word "or", it could be taken as being in favour of the rest of the amendment.

The purpose of my amendment is to provide that a lease or a sale of chattels or unwanted articles may take place, subject to a proviso as follows:—

> Provided that none of such properties shall be sold without the approval of Parliament to the sale and terms and conditions thereof if, as the result of the sale, the Minister would be unable to maintain and carry on works, plant and undertakings for the purpose of producing products.

The word "products" is used here as interpreted in the parent Act; that is to say, products derived from the processing of alunite. Therefore the proviso means that, without the approval of Parliament, the Government could not dispose of the works so that they would be unable to produce products within the meaning of the Act, the principal product being potash. Investigations are being conducted by the Commonwealth, and in no circumstances would the Government wish to dispose of the undertaking as a going concern or render it impossible for production to take place unless the Commonwealth decided that, in the national interest, there was nothing to be gained by maintaining the works

If and when the time comes, the Government will be prepared to submit that question to Parliament. If the Commonwealth decides to co-operate in finding the expenditure necessary to maintain the industry—as I have always believed it should do—there will be no suggestion of disposing of the concern. If, on the contrary, the Commonwealth decides otherwise, Parliament may discuss the matter in the light of the then circumstances. Meanwhile it is essential that the Government's position with regard to the lease be placed beyond any doubt. I have explained that a majority of the legal advisers consulted are of opinion that it is valid, but there is some doubt, and the only way to remove the doubt and ensure that the concern cannot be disposed of without the consent of Parliament is to approve of some such amendment as I have indicated. The second part of my amendment to delete the words "or otherwise dispose of" is suggested as a result of a conversation with the member for Northam.

Hon. A. R. G. HAWKE: When I spoke to my amendment, I suggested that the Minister should consider introducing two Bills to deal with the subject matters contained in the paragraph because those matters differ in a most important way. In the first place, the Bill seeks to give the Minister power to sell any or all of the assets at Chandler, now owned by the Government. The paragraph also aims at giving to the Minister power to lease the assets, or to let them on hire. I am still of the opinion that these different subjects justify separate legislative treatment. In other words, I think we ought to have a Bill dealing with the question of the sale of assets in the future, and another dealing entirely with the question of leasing or letting on hire the whole or any portion of them. It is difficult, therefore, for me to deal with the two matters in the one Bill; and more difficult still to deal with them in one paragraph.

I agree with what the Minister has said regarding his suggested amendment. It is much more acceptable with respect to the possible sale of the assets than is the relevant portion of the Bill. However, I am up against the same difficulty in regard to the Minister's amendment as I was originally in connection with paragraph (b) of Subclause (1). I do not know whether the Minister has given close consideration to having a second Bill brought down, but I still think it should be introduced. If that were done, or the questions of sale and lease were divided in this Bill, I believe we could make faster progress. I think the Minister and I, and possibly all members of the Committee, could agree to the question of sale on the basis of the Minister's suggested amendment.

The question of the leasing or letting on hire of the assets still, however, presents a considerable amount of difficulty, because the views of any one member on the safeguards contained in the suggested amendment regarding sale might be quite different with respect to the subclause dealing with the leasing or letting on hire, even if the Minister's amendment were accepted, as it could be if I agreed to withdraw mine for the time being. My difficulty in regard to procedure is fairly acute, and before finally making a decision I would like to hear other members discuss the matter in order that some solution might be put forward.

Hon. J. T. TONKIN: The Bill as originally presented to us provided that the works could be sold, let on hire or leased without further reference to Parliament. The amendment moved by the member for Northam was to ensure that such sale, hiring or leasing could not take place without reference to Parliament. The Minister has

gone some distance along the road of democratic belief by bringing forward an amendment to provide that, where it is proposed to sell these works, the matter shall be referred to Parliament, but he still wants to retain the right to lease or let them on hire without reference to Parliament. The Government has shown that it is prepared to bind future Governments. If we provide that these works could be leased without reference to Parliament, there would be nothing to prevent the leasing for 50 years, which would tie them up for that period without Parliament having a say. I believe that, when it is proposed to do anything—that is, anything different from the original intention—with undertakings established by the decision of Parliament, Parliament should be consulted. That is done in most cases.

We recently had a Bill before us to enable the Government to dispose of the Boya quarries on the principle that, Parliament having agreed to their establishment, Parliament should be consulted with regard to their discontinuance and disposal. We do the same thing with regard to railways. Parliament definitely should not say to any Government, "You can, without further reference to Parliament, do what you like with works, the establishment of which Parliament has authorised. You can sell them at any figure, or lease or hire them under any conditions." That would be the power we would give the Government if we passed the Bill. If we agreed to it, with the Minister's amendment, we would provide that only where it was proposed to sell the works must the matter come back to Parliament, but that in all other cases the Government could please itself. That is highly dangerous. A Government that was opposed to the works could effectively alienate them under a long-term lease, and Parliament would not be able to say anything. It could let them, at a peppercorn rental or under conditions which would mean their virtual closure, and we would have no say. That would be all right in a dictatorship, but not here.

We should retain what little power is left to us, and exercise it in the interests of the State. I think the Minister should have introduced a Bill to give legality to the agreement already made with Australian Plaster Industries. We could have given authority for the agreement, it having proceeded so far. If the Minister has another proposition to lease or hire the works at the end of the two or three-year period, he should bring it here and let us exercise our authority with respect to it. We should not be asked at this stage to divest ourselves of authority which is properly ours, and hand it over to the Government. I remind members that the previous Government spent a lot of money in building up bulkhandling installations at Fremantle as the first part of a complete scheme for the handling of wheat at the port.

As soon as this Government came into office, it made an agreement with Co-operative Bulk Handling Ltd. under which the State assets were handed over for a period of five or seven years—I am not sure which. That agreement would bind succeeding Governments, even though it might be contrary to their policy. Before such agreements are entered into they should be referred to Parliament. I will never vote so that the power and authority of members will be taken from them and handed over to the Government. Where the Constitution confers on us certain powers and rights, we should cling to them in the interests of the people generally. The same danger of secret commissions and the like, which was responsible in the initial stages for matters of this kind being referred to Parliament, exists today. As a matter of fact, it is greater because the possibilities are greater, and money is more powerful.

Some years ago, "The West Australian" stated that it was astonishing that Governments should ask members of Parliament to hand over to them the authority to sell, lease or let on hire without reference to Parliament, and it is just as astonishing now as it was when that article was written. This matter, in common with so many others, will be decided on the votes of two Independent members who owe allegiance to no party but who, if their existence is to be justified, must take steps to ensure the upholding of the authority of Parliament and reference to Parliament. I suggest to the Committee and to the two Independent members that when there is to be any sale of State assets, or the leasing or letting on hire of any State assets set up by authority of Parliament, our decision should be such as to allow no party to dispose of those assets as it might think fit, but to ensure that when the Government proposes to take action regarding such assets that action must be referred back to Parliament. The Independent members must follow that line if they are to honour the statements they made while on the hustings.

Why should members be asked to tell the Government in advance that it can do what it likes in this matter and lease these assets for any term of years? The present Government will not always be there, and when a change takes place the precedent that the Government is now attempting to establish might be used in a way that would not find favour with members on that side of the House. The precedent could cut both ways. In these times, when the tendency in many countries is towards dictatorship, we should do nothing to take away from Parliament the authority that rightly belongs to it. The Minister has indicated agreement with that attitude insofar as he agrees that the Chandler works should not be sold without the matter being referred to Parliament, but if the Government is allowed

to have its way it will be able to tie up these works, perhaps by leases, for 50 years—if the Minister is so disposed—and Parliament will be able to do nothing about it.

The Minister should bring in a special Bill validating what has been done with regard to the Chandler works, and leaving the other part of the subject strictly alone. If in two or three years' time he wishes still to sell or lease the works he should then bring the proposal before Parliament so that it might grant or withhold its authority. I cannot deviate from this attitude. The Minister may have legitimate grounds for objecting to the amendment of the member for Northam which might, on a legal interpretation, prevent the disposal of machinery or articles no longer required at the works. I would not oppose that, as it would not interfere with the carrying on of the works, but I am as adamant with regard to leasing or hiring the works as I am about selling them. Parliament should have the right, in every instance, to grant or withhold authority in matters of that kind.

The MINISTER FOR INDUSTRIAL DEVELOPMENT: I was interested in the appeal by the member for Melville to the two Independent members, but I do not think they have to concern themselves with the matters he raised in relation to sale—if this Committee is prepared to accept my new amendment, which provides for approval of Parliament in regard to sale as a going concern—because my amendment has within it all the requirements from that aspect that have recently been discussed. I referred the observations of the member for Northam and myself on the questions of leasing and hiring during the recent debate on this measure to the Assistant Crown Solicitor, who is of the opinion that to introduce two separate measures in relation to this matter is unnecessary and would be unprecedented.

Before legal doubt was raised as to the validity of the lease of these premises, and in good faith, negotiations had been entered into with Australian Plaster Industries. They are at present in occupation of the premises under an agreement with regard to which there has been more debate in this House than on any other subject that I have known of in the last four years. It consequently cannot be said that this House of Parliament has not already subscribed to the good faith of that transaction by its rejection of the motion moved by the hon. member some days ago. I do not think that aspect requires more submission to Parliament than it has already had. I admit—and my proposed amendment admits—that there was not implied in that proposal any sale of the works so that they could not in future produce potash. Recognising that point of view and believing that the manufacture of potash was based on national necessity, I thought there should be an amendment submitted on the lines of that which I have on the notice paper.

That is the position of the Government in this matter and I think it will be subscribed to by the majority of members of this Committee. The arrangements so far made have been made in good faith and the doubt that has been expressed arose subsequent to the arrangement having been negotiated. I therefore think it desirable that the doubt should be removed, as the company is bona fide in occupation of the premises.

Hon. J. T. Tonkin: Has the agreement yet been signed?

The MINISTER FOR INDUSTRIAL DEVELOPMENT: Not by the Government, but the company is in occupation under the draft to which I have referred. I think they are now entitled to an assurance that there will be no further argument in this matter, which has been fully debated in this Chamber. I return now to the amendment of the member for Northam. I could leave the matter, hoping that his amendment would be defeated and then proceed to add my proviso—if it were defeated—and then recommit the measure to put the earlier portions of the clause into condition to match the proviso, but that seems cumbersome and unnecessary.

It would not be the first time in this Chamber that an amendment has been temporarily withdrawn with right to reintroduce it if the decision of the Committee permits, it being clearly understood by the Committee that by dealing with an earlier amendment in the clause the Committee is deciding a conflict between two opinions. So if the hon. member prefers that his amendment should be dealt with—I hope he will not insist—I will offer no further objection and my only course will then be to move my proviso, if his amendment is defeated, and seek to recommit the Bill at a later date in order to tidy up the clause.

Hon. A. R. G. HAWKE: I am surprised that an officer of the Crown Law Department should say it would be unprecedented to introduce two Bills to deal with the two problems contained in this Bill with which we are now grappling. I grant that officer the perfect right to hold that opinion but think he has overlooked the fact that the Government has made what purports to be a legal agreement with the company to take over the property at Chandler. Not only would it, therefore, be not unprecedented but it would also be in every way justifiable for the Government, instead of introducing one Bill to deal with two or more problems, to introduce one Bill to deal with the question of possible sale in future and another containing word by word the agreement between the Government and the company and seeking parliamentary approval of the agreement, and providing, further, for the possible leasing and letting

on hire of the property or industry in the future. I do not think that would have been unprecedented even if no precedent had existed in this State for such action, and I am sure such procedure would have had a great deal to commend it because it would have put into two separate pieces of legislation two separate problems as to which there might be different points of view, even in the mind of each individual of the Committee.

I doubt if the Minister has any justification for the conclusion he drew, as to the refusal of the majority of members of the Legislative Assembly to approve of a motion moved in the House a few weeks ago for the appointment of a Select Committee to investigate the negotiations carried on between the Government and the company, to which I have already referred. The fact that a majority of members in this House voted against that motion does not necessarily prove that a majority of members of the House would vote for the agreement. It certainly does not prove that they would vote for every part of the agreement. Therefore, the Minister, in my opinion, was arguing upon an extremely weak basis when he suggested that a rejection of the motion for a Select Committee was, ipso facto, an endorsement of the agreement and everything contained in it.

To meet the existing difficulty I would be prepared to withdraw my amendment provided the Minister would move to delete all words after the word "sell" down to and including the word "of" in the 15th line, in other words, if he would agree to delete the words "lease, let on hire or otherwise dispose of." The subparagraph would then read, "To sell upon such terms and conditions as the Minister shall think fit, any property vested in or acquired by the Minister or by the board;". Then with the Minister's amendment, the words "provided that none of such property shall be sold without the approval of Parliament" and so on will be added. If that were done, it would then be necessary for the Minister to insert in paragraph (e) similar wording to that which exists in paragraph (d) to cover "leasing and letting on hire."

The Committee would thereby be placed in a position of being able to decide the question of any possible selling of the property or industry in the future, and could come to a quick decision upon it. Then we could have whatever discussion is considered necessary and have a vote taken on my suggested paragraph (e) on the question of leasing, letting on hire all the industry or any part of the industry in the future. That would meet my difficulty and I think it would meet the difficulty of most other members of the Committee. I think the Committee would be unanimous on the question of the future sale with the suggested proviso of the Minister; then, with a new paragraph moved to deal with letting on hire or leasing, the Committee could have what further argument it required on that principle and vote upon it. That could overcome the difficulty to a large extent and allow the Committee to make the progress which we all desire to have made. I hope the Minister will be able to see his way clear to accept my suggestion.

Progress reported.

BILLS (2)—RETURNED.

1, Agriculture Protection Board.
With amendments.

2, Parliamentary Superannuation Act Amendment.
Without amendment.

BILL—COMMONWEALTH JUBILEE OBSERVANCE.

Received from the Council and read a first time.

BILL—PHYSIOTHERAPISTS.

Second Reading.

Debate resumed from the 14th November.

HON. E. NULSEN (Eyre) [5.38]: This is a most important Bill and should have been brought down many years ago. I have no objection to it whatsoever. When I was Minister I gave a great deal of thought to the provisions contained in the measure and to many similar provisions but they were not so extensive as those now before us. Physiotherapy is really a most important ancillary medical service. It is a profession which has been practised internationally most extensively and especially in the British Empire. Physiotherapists are employed in every other State in the Commonwealth and also in England. Those practising in the other States must qualify by examination and are, therefore, highly educated and trained individuals. People of that calibre are always extremely important and essential to a community. Some may think they must only have a knowledge of massage but, in fact, they deal with many complaints and diseases and also play a great part in the treatment of broken and injured bones. Poliomyelitis, the treatment of spastic children, and surgical cases—not only of the ordinary type, but also those relating to the brain—come within their sphere.

When the Minister was introducing the Bill I asked her whether there were any physiotherapists practising in the country, but I have since noticed from a Press report that there is only one, at Collie. Kalgoorlie and other large country centres could do with physiotherapists. I have noticed from letters from doctors that we should have up to 20 and 25, and probably more people now practising. If the Bill becomes an Act it will mean that they will have to qualify by examination

and a registration board will have to be formed. After they obtain, in this State, their leaving certificate or, in the Eastern States, their matriculation certificate, they then must do three years' training.

The only thing that worries me is that there will be numbers of physiotherapists who have not had such scientific training and will automatically come under the provisions of this measure but, if they conform to the provisions of the Bill, they should then be eligible for registration without passing the examination. Nevertheless, they should be carefully scrutinised and every care taken to ensure that they are qualified according to their practice. Physiotherapists generally come under the direction of doctors. If they have the qualifications and initiative to carry out their duties, and also have the proper psychological approach to deal with their patients, they should comprise a most important adjunct to the medical profession.

I think the Minister said that at the Children's Hospital either 60 cases a day or a year—I am not sure which—are treated by physiotherapists. At the Fremantle hospital 25 cases are being treated and at the Royal Perth Hospital 66 cases, and the services of physiotherapists are used to advantage at various other hospitals. In this State we have, according to the Minister, 200 spastic children who are also treated by physiotherapists. Before people practising physiotherapy are allowed to qualify for their profession, they must be 21 years of age. That serves to indicate that they commence their studies when they are quite young. If the Bill is passed it will mean that chiropractic and osteopathy will not be covered. I would like to see those practising the professions I mention required to have certain qualifications gained by examination.

Chiropody plays a great part with respect to one's feet. Unless we have good feet, we cannot stand on them. I have the highest regard for chiropodists. Those who have gained qualifications by practice or examination should be protected by laws enacted for that purpose, and I would like consideration extended to them in that direction. I have suffered from my feet and on one occasion I went to a male chiropodist for treatment. On the front window of his premises high qualifications were set out and other inducements were offered to would-be patients. I submitted myself to his treatment, and I could hardly walk for a fortnight afterwards. That man was without qualification. I then consulted Dr. Rowe and he advised me to go to Miss Watts. I did so and I experienced admirable treatment at her hands.

Mr. Marshall: The doctor knew your weakness.

Hon. E. NULSEN: She dealt with me in an excellent way.

Hon. J. B. Sleeman: The lady put you on your feet, all right.

Hon. E. NULSEN: She did.

Hon. F. J. S. Wise: You admit that.

Hon. E. NULSEN: I give credit where it is due, irrespective of sex. Miss Watts did a wonderful job.

Mr. Graham: What did her sex have to do with it?

Hon. E. NULSEN: I do not know.

Hon. A. R. G. Hawke: Can you give members her phone number?

Hon. E. NULSEN: I would like to, but I cannot think of it. She is deserving of all credit for her great efficiency. There are other methods of treatment in use, especially in America. There is what is known as naturopathy. Quite a number of persons do not know the meaning of these various terms. I did not know them myself. I feel it is time that some consideration was given to the protection of people practising in these various avenues, provided they are efficient in their work. They are a necessary adjunct to the medical profession. I have gone to the trouble of getting the meaning of the various terms I have referred to, and I shall give the information to the House for the benefit of members and the public generally. For instance, what is naturopathy? Here is the meaning of that term—

> Naturopathy is a constructive method of treatment which aims to remove the basic cause of disease. It is a complete revolution in the art and science of living. It is the practical realisation and application of all that is good in natural science philosophy. Treatments such as osteopathy, chiropractic and dietetics are used and, when used intelligently and in accordance with the laws of our being, will speedily bring about that harmonious condition of the body which we call health.

Next, what is osteopathy? Here is the explanation of that term—

> Osteopathy is a mechanical method of treatment which aims to correct muscular contractions, relaxed muscles, abnormal conditions of ligaments and misplaced bony structures —hence the hands are used for this purpose. It was discovered by Dr. Still, of America, and was announced as far back as 1874. Osteopathy has grown considerably since then and, with the addition of new technique and improved treatment tables, many cures stand to its credit.

Here are other definitions of osteopathy—

> A method of therapeutic treatment which is based on the belief that there is a close association between the structure and functions of the body; therefore abnormal states are treated by manipulation of the joints, muscles, etc.—Medical Dictionary.

Mr. SPEAKER: Order! Is the hon. member urging that the scope of the Bill should be extended in these directions?

Hon. E. NULSEN: I think these matters relate to physiotherapy and have a direct bearing on it. Another definition of osteopathy is—

> Osteopathy is veritably a commonsense method of treating diseased conditions of the body, either structural or functional, by means of strictly scientific manipulations. It makes no demands upon the vitality of the patient, but enlists the curative powers contained within the body, which readily respond when properly appealed to. Its method is purely mechanical and its cardinal principles might be classified as follows:—skeleton adjustment, glandular activity, free circulation of blood and co-ordination of nerve force. —Osteopathy Complete.

All these things have a bearing upon the work of the physiotherapists.

Hon. F. J. S. Wise: Does dietetics come into it, too.

Hon. E. NULSEN: Yes, it is all a matter of the health of the people and all these methods have a direct bearing on the subject. If we took more heed of the dietitians, we would be in a much better condition than we are—especially after a night out.

Hon. A. R. G. Hawke: You should not have nights out!

Hon. E. NULSEN: I shall not make any accusations against any hon. member.

Hon. F. J. S. Wise: He was only trying to be helpful.

Hon. E. NULSEN: The definition of osteopathy according to the American Medical Dictionary (Dorland) is as follows:—

> That system of the healing art which places the chief emphasis on the structural integrity of the body mechanism as being the most important single factor to maintain the well being of the organism in health or disease.

What is chiropractic? It is—

> The practice of chiropractic consists of the palpation and adjustment, with the hands, of the movable segments of the spinal column. Those of the vertebrae which are found to be misplaced are adjusted to normal position so that the nerve impulses can once again flow normally to the organs or tissues which that particular nerve supplies. Chiropractic itself is not a cure-all, but, nevertheless many cures are accomplished by this method alone.

The definition of chiropractic, as contained in the American Medical Dictionary (Dorland) is—

> A system of adjustment consisting of palpation of the spinal column to ascertain vertebral subluxations, followed by the adjustment of them by hand, in order to relieve pressure upon nerves at the inter-vertebral foramina, so that the nerve force may flow freely from the brain to the rest of the body.

The reason I have outlined the meanings of these various methods of treatment is to help the community to a better understanding of them. While physiotherapists play such an important part in medical work, those additional branches that I have referred to are also embraced in that category. Whether some of them were adopted before physiotherapy was recognised as an adjunct to medical science I do not know. I urge the Minister that for the sake of a few thousand pounds she should see to it that the job is done properly. If we are to have a number of half-baked physiotherapists operating in various parts of the State, no great advantage will accrue. Then again there should be reciprocity between the States of the Commonwealth and, for that matter, with other parts of the British Empire regarding the qualifications required by these practitioners. Those who are practising now no doubt have gained their qualifications but they must have a knowledge of psychology, anatomy, histology, pathology and therapeutics. Thus members will see that these people require to be highly qualified. Then again the personal equation must be taken into consideration. A practitioner requires to have the proper psychological outlook when handling the sick or the severely injured. They must be very knowledgeable, too, because they are required to have an understanding of the mechanism of the electrical apparatus they are called upon to handle. It would be a great mistake to allow a number of half-baked psysiotherapists to practise, all for the sake of the expenditure of a few thousand pounds.

As to the attitude of the medical profession to this question, I have read a few letters that the Minister was kind enough to allow me to peruse. These show that in every instance the medical men have been 100 per cent. behind the Minister in her introduction of this legislation. As to the attitude of the British Medical Association, the then President, Dr. Bruce Hunt, had this to say regarding the matter—

> I am directed to assure you that the medical profession of Western Australia will do its utmost to support you in your endeavours to have established at the University of Western Australia a properly staffed and a properly equipped training school for physiotherapists. The profession deems that

this is the only plan likely to secure a satisfactory supply of physiotherapists to serve the State's needs.

It seems therefore that the doctors regard this as a great advance to the advantage of the medical profession seeing that they so wholeheartedly support the establishment of what might be regarded as a properly trained auxiliary to the profession in relation to the services to be rendered by physiotherapists. I hope the Bill will become law and be proclaimed at an early stage.

MR. YATES (South Perth) [5.59]: I believe that a very important step has been undertaken by the Government in establishing a physiotherapy wing at the University. The average person has a very vague idea about physiotherapy and very few understand the meaning of the term. They are dimly aware of the fact that some people are trading in the State who deal with various ailments of the body by means of chiropody and chiropractic. They are supposed to be specialists in dealing with ailments of the feet and portions of the body. We have quite a number of such practitioners, not only in the city, but in other parts of the State, practising what they believe to be a profession, but what to us is nothing short of something they have learnt without having undergone training. It is something to which a name cannot be given. But at last this State proposes to give a name to something which will be of a concrete nature, by the introduction of this Bill to provide for the training, qualifying and registration of physiotherapists in Western Australia. This will supply a long-felt need.

Physiotherapy is not new to Australia. It has been practised in the other States for many years and, in a lesser degree, it has been practised here by those who learnt their profession in other States or in other parts of the world. One leading chiropractor in Perth went through the University of California, and at the conclusion of his course came to Western Australia and has been in business here ever since. He could easily have remained oversea or gone to another part of the Commonwealth. The same could be said of those engaged in physiotherapy. In most cases the few who are here came from the Eastern States and have had a hard battle to carry on without definite Government regulations. But now they will be catered for, because a board will be set up not only to register those who are already engaged in the profession, but to see that the future of physiotherapy in Western Australia is safeguarded.

In New South Wales many years ago, when the young people undertook a course of training to enable them to become physiotherapists they were, in most instances, instructed by doctors who had very little training in physiotherapy. At the time, they had to undergo training for three years before being authorised to practise. It was found that at the end of that three years, although they had plenty of technical knowledge and their heads were full of wisdom imparted to them by the doctors, when they went out on their own they had very little practical knowledge and in lots of cases gave up the profession. It was proved that they were unable to carry on as physiotherapists; it was not in their make-up, although they could absorb the instruction given to them by the doctors. In later years, while the system has not changed radically, provision has been made for physiotherapists with plenty of practical experience to assist in the training of students so that they will receive instruction not only from the medical side but also from the practical aspect.

There is one point upon which I would like some clarification, and that is as to why there has not been included in the Bill a section from the New South Wales legislation which could easily have been inserted and which deals with the registration of physiotherapists. Admittedly the Minister is going to set up a board for this purpose, but I am not happy about regulations being made after a measure is passed. I would prefer to see the whole business tied up in the legislation itself. The New South Wales measure is entitled the "Physiotherapists Registration Act, 1945-1947." Section 20 of that Act provides—

> (1) The Board shall keep a register, to be called the "Register of Physiotherapists for New South Wales."
>
> (2) A person shall be registered by the entering in the register of—
>
> (a) his full name and address;
>
> (b) the date upon which he is registered;
>
> (c) particulars of the qualification or qualifications in respect of which his registration is granted.

There are quite a number of other items which come under Section 20. I take it that that system of registration will be adopted in Western Australia but I would have liked to see it included in the Act. If not, I suggest that it be included in regulations when they are framed.

It is also intended to set up a board of five members, as against seven in New South Wales. I notice that the Minister is not including on the board a person with a knowledge of electricity; but it is essential that we should have on such a board a highly qualified electrical engineer, because those who become physiotherapists will be required to manipulate and look after very expensive electrical machinery. Some of it is highly technical and it will need an expert to instruct students in the method of using and repairing such plant. Provision has been made in New South Wales for there to

be on the board such an individual who ensures that students are adequately catered for in respect of the purchase of necessary electrical apparatus at the university, and whose advice at board meetings is very valuable. Such a man would know what is likely to happen in regard to expansion in the electrical world whereby physiotherapists will be enabled to secure newer and more up-to-date apparatus. We shall require an electrical expert of that kind to be on our board to assist its members to carry out their work successfully.

In New South Wales there is what is known as the Society of Massage and Electrotherapy. Those interested formed themselves into a band, under the Companies Act of 1936, and established a set of rules for their association. There is no such organisation at present in Western Australia, mainly because possible members are so few. But that situation will be altered in view of the numbers of people requiring the attention of physiotherapists. I believe the Minister mentioned that last year the outpatients attending the physiotherapy clinic totalled 12,500. The indications are that there will be large numbers of physiotherapists operating in Western Australia in the future.

Look at the work they could do in country centres! There must be a number attached to regional hospitals when they are established. Again, what of the need for them on the Goldfields—at places like Kalgoorlie and Norseman, where their work would be most valuable if they were available? I can foresee a great advancement in the establishment of qualified physiotherapists in all our hospitals and institutions. Therefore it is most necessary that at the start we should cater adequately for them; that we spare no expense to see that the whole business is commenced on right lines in order to give pupils a good start in the profession.

In the other States a charge is made for each student, averaging £170 for the three years. An individual who is prepared to pay £170 for such a course must be enthusiastic and have some belief in his ability to pass the necessary examinations. I take it that in this State instruction will be free.

The Minister for Health: I have not said so.

Mr. YATES: The Minister has not said so, but there is nothing in the Bill to say that a charge will be made. If the instruction is to be given at the University the students will have to bear the cost of text-books only; tuition will be free. There will thus be a greater number of folk wishing to try themselves out in this profession, and the board will have to be particularly careful in selecting the right type and seeing that those who apply have a high degree of mental absorption and the capacity to engage in the profession, before they are permitted to undergo the course. It is no good their trying for six or eight months and then deciding they do not like the work, and pulling out. The course is quite a long one and we want those who ask to be admitted to remain for the full three years.

Mr. Styants: Has the board to approve of the students?

Mr. YATES: I do not know. There is nothing in the Bill to say it will.

Mr. Styants: That is something that will be arranged by regulation.

Mr. YATES: Yes. There is nothing concrete regarding the powers of the board in the selection of students. Who will nominate them and who will be appointed to conduct examinations? I would ask the Minister to consider those aspects. The number of subjects taken by students in New South Wales makes extraordinary reading. I have a copy of the curriculum used by the Australian Physiotherapy Association in the training of students. I will quote from this paper what students have to go through.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. YATES: I was about to quote from the curriculum of the Australian Physiotherapy Association, which is responsible for making up details of the training courses as adopted by the association in New South Wales. I will give a list of the subjects that students have to take when going through the three-year course. First of all, they start with elementary science, which is the introductory to physiology. They touch generally on elementary physics, with short discussions on mathematics. There is a total of 20 lectures dealing with these subjects, touching especially on elementary science. Included also is a brief outline of elementary chemistry. Then follows a course of approximately 30 lectures on physiology.

All these lectures are given by members of the medical profession. They are doctors specially qualified to instruct students in these subjects. Physiology covers the cell, the blood, the circulation, respiration, digestion and the various organs of the body, the nervous system, etc., and it is necessary that the physiotherapist should know these parts of the human body if he is to practise in the profession. They then go on to a course of 20 lectures in anatomy, dealing with detailed lectures on the limbs, the body, various diseases of the bones and joints, dislocations, diseases of the joints, etc. Quite a number of items come under this heading.

They then have a course of 20 lectures in physics dealing with introductory mechanics, heat, electrostatics, electrodynamics and electrolysis. They are now coming to the stage where the appointment of an electrical expert to the board is most necessary. As these students are

now coming to the electrical stage of their studies, members will see why a man such as I have suggested is important. They then go on to medical electricity. Training includes 20 lectures, embracing the construction, physics and medical application of galvanic low-frequency and high-frequency currents, actinotherapy—including ultra violet, visible light and infra-ray radiation—hydrotherapy—including medical baths, under-water exercises and whirlpool baths—a short outline of the diseases in which physical measures are used, and a practical demonstration of the construction and application of various machines used in cases of disease and injury. All these machines are of an electrical nature, and if members care to go to the Royal Perth Hospital, therapy section, they can see some of these modern electrical contrivances. If they did that, members could see for themselves that it takes a lot of training for an indivdual to become expert in their use.

From there, students go on to a course of at least 45 lectures on re-education, including theoretical and practical instruction. They comprise—definition of terms; origin and psychology of conscious movement; classification of movements, normal movements, their gradations, examination of muscles, test positions and movements. Members will see from these various groups of lectures and exercises, which are taken throughout the three-year course, that the students would have to be above the average. They then go on to the manipulations and theory of massage, which covers a course of at least 20 lectures. Finally, students do hospital practice, which covers two years' work in a hospital—approximately three hours daily—in the wards and the out-patients' department. This is done in a general hospital, and two months are spent at a children's hospital. A short course of approximately 12 lectures on theoretical and practical work in plaster technique, and a course of three or four lectures is given on the use and application of splints. There is one lecture on asepsis. This lecture is given by a hospital sister, and a short course of about 12 lectures is given in bandaging.

The final training is a series of at least 25 lectures on Swedish remedial exercises. That completes a summary of the three-year course made out by the Australian Physiotherapy Association in New South Wales. The charge for that course was, and it is subject to revision, £164 1s. 6d. The closing date for receiving applications is the 31st December in the year preceding the opening of the course to which admission is desired. The course commences in March of each year, and I take it that a similar state of affairs will exist in our own State, and within our own University when it is decided to commence training physiotherapists.

In Victoria, they have a Masseurs Registration Board. On the board are two medical men who have a number of degrees after their names. Also on the board are four masseurs, making a total of six. The qualifications for candidates in Victoria are as follows:—

> No person shall be eligible to undertake the prescribed course of training unless he—
>
> (a) will have attained the age of 18 years not later than 31st December of the first year of his course;
>
> (b) has passed in physics and either chemistry or biology, the school Leaving Examination of the University of Melbourne, or some other examination in the opinion of the board equivalent in standard thereto;
>
> (c) has passed the matriculation examination of the University of Melbourne, or has, in the opinion of the board, satisfactorily completed the curriculum prescribed for matriculation;
>
> (d) is certified by a medical practitioner specially or generally appointed by the board to be physically fit to satisfactorily carry out the professional duties of a masseur;
>
> (e) has produced evidence satisfactory to the board that he is of good character.

These are the qualifications required of candidates in Victoria before they are admitted to a course. So members will see that in both New South Wales and Victoria a high standard has been set for the training of physiotherapists. I am heartily in agreement with the Bill as presented, and trust that we shall get off to a good start in Western Australia, but I would like to see, when the board is selected, that all the facts are taken into consideration, especially the pitfalls suffered by the other States, not only in the selection of members of the board but also in the system of training in the universities. The Minister should have all that information in her possession before this training scheme is commenced.

The man whom we select as the director of physiotherapy—that should be his title—should be a man with the highest possible qualifications. He should have absolute power in the control of the training of physiotherapists at the University, and clinics should be established at the public hospitals to enable students to train and practise under expert guidance. There is one other most important point that should not be overlooked—we should not lean towards the selection of female students to train as physiotherapists. If we do that, we are likely to lose them. This has been

proved both in New South Wales and Victoria. Although the female students in those States paid for their own courses, they did not stay in the profession for very long before they left to be married.

If a man undergoes a course, and he likes the work, passes his examinations and makes a success of it, he will remain in the profession for life. Usually, if a female undertakes a course, she either becomes engaged after three or four years or leaves to get married. I suggest, therefore, that we do not select too many females in this State for this most important work. It is not because they are not suitable—probably a number of them would be better than men—but we have to look to the future and to the fact that it takes three years to train these people. We should not have to train them and then, after three years' training, run the risk of losing them at the end of another two years' practical work. These physiotherapists should go on for many years and be of use to the community. Finally, I suggest that when students have passed their three years' course at the University they should, like medical men, do a course at one of our public hospitals before being permitted to go out and practise. They should be placed on the staff of one of our main hospitals for at least six months after finishing their courses. At the end of that time, if their work is satisfactory, certificates should be granted to enable them to practise in civil life.

MR. STYANTS (Kalgoorlie) [7.43]: I support the Bill, and will not take very long in making my support evident. Like the member for Eyre, I believe it is remarkable that a Bill of this nature was not brought before the House many years ago. But when one realises that it is only within probably the last 12 years that we have made it necessary, by legislation, for such important professions as dentistry and optometry to be registered, we can possibly understand why we have been dilatory in making it obligatory for people engaged in this important profession to be registered.

The real object of the Bill is to ensure that when people pay a physiotherapist, they are getting a qualified person to do the job. I have no doubt that among those who practise physiotherapy in this State there are some who may find it difficult to pass the necessary examinations when called upon to do so. Although many people have come from oversea and the other States to practise physiotherapy in this State, and are qualified, I doubt whether all who are practising physiotherapy in Western Australia have the necessary qualifications. But this Bill will do away with that state of affairs, and a person who is unfortunate enough to have to call upon the services of a physiotherapist will do so with the full knowledge that that physiotherapist is qualified. It also deals with the appointment of a board. In my estimation, the board will be overloaded with medical men. The proposal in the Bill is to have the Commissioner of Public Health, who, of course, is a medical man of high standing, as chairman of the board.

Hon. F. J. S. Wise: Do not you think it is strange that the Minister for Health should introduce a Bill for a board of any kind?

Mr. STYANTS: I know when in Opposition the Minister had a decided objection to boards.

Hon. F. J. S. Wise: It was made a feature of the policy speech.

The Premier: Not this sort of board.

Hon. F. J. S. Wise: All boards.

Mr. STYANTS: The Commissioner for Public Health shall be the chairman of the board; a medical practitioner is to be appointed by the Governor; and there will be two physiotherapists and a representative of the University of Western Australia. As we already have a highly qualified medical man as chairman, I see no reason why we should overload the board. It has to be remembered that each member of the board can draw fees and travelling expenses if required. I very seriously doubt, with the very limited number of physiotherapists who will be registered—unless they make it a very high fee for registration, which I hope will not be done by regulation—that there will be sufficient funds at the disposal of the board to pay all these expenses.

I know it is provided that the Government may make a grant, but there is nothing mandatory in that respect. Seeing that we shall have a highly qualified man in the Commissioner of Public Health, two physiotherapists and a representative of the University of Western Australia, I think that will be sufficient to constitute the board. I do not know whether there is a medical man on the Optometrists Board, and I do not think it is necessary to have an additional medical man on the physiotherapists' board.

The Attorney General: Somebody should represent the British Medical Association.

Mr. STYANTS: As with most of the Bills that come before us, there is just the framework of the proposal contained in this one, and it is left for Government officials to fill in by regulation what is really to be the meat and the substance of the proposition. What I am anxious about is who is to conduct the examination of those who claim to have the qualifications, because provision is made in the Bill for those who claim to have them, but have not practised for two out of the previous three years in this State, to establish their suitability. I have no objection to that. But who is to conduct the examination? Will it be conducted by the Board, the University of Western Australia or by somebody else? I would like the Minister to make that quite clear. Who is going to

conduct the examination to prove the qualifications of those who claim to have them, but who have not practised physiotherapy for two out of the previous three years in Western Australia?

Although the member for South Perth took it for granted that the period of training would be three years, I cannot see anything in the Bill to indicate that that will be so. The only reference to three years is that anyone who has served or practised as a physiotherapist for two of the previous three years in this State shall be deemed to have the qualifications and will not have to sit for examination. But there is nothing to show it will be three years. It may be three years, or five years, and we are in the dark as far as that is concerned. Most of the physiotherapists do their work not under the direction of a doctor at all. The usual practice by physiotherapists of repute is that when a patient goes to them they demand that it shall be on a doctor's recommendation, and they will usually ask for x-rays to be taken before they will undertake any remedies for the patient. So it is not done under the direction of a doctor.

I hazard the opinion that many of these physiotherapists know more about that particular class of work than possibly 75 per cent. of the doctors do, and that has been admitted to me by two or three medical men. They have told me that a highly-qualified physiotherapist knows more of the human structure and its functions than possibly 75 per cent. of medical men. If the prescribed course of training is to be for three years I think we can start them at an earlier age than 21. When we realise that for a very important position, such as a general nurse, the training commences at 18, in this case, too, we could safely start the training period at that age. The great disadvantage of waiting until a person turns 21 before permitting him to start to qualify for a profession is that usually the able ones have decided upon their course or career long before they reach that age, and it is more or less as an afterthought—when they have failed to get into the avocation that they would prefer or had chosen—that they decide to take on physiotherapy at 21 years of age.

The doctors, the medical authorities and the Nurses' Association will substantiate that this is one of the great disadvantages in getting the most suitable type of girl for the position of a trainee for general nursing. They say that in the interval between the years of 15 when they leave school and that of 18 years of age, when they commence their training, those who have decided opinions already known what they are going to take up and it is only those who are undecided who will wait until 18 years of age. Therefore I suggest to the Minister that he take into consideration the opinion of the experts with a view to starting the training age at 18 years. I assume it will not be a lesser period than three years for the term of training, but that would make the person at least of adult age before he could become a fully-fledged physiotherapist.

I would like the Minister in her reply to give the House an assurance on an important matter in connection with this Bill. I know of at least two people who have come from oversea and possess a diploma of efficiency in physiotherapy in their native country. Would they be permitted to demonstrate their qualifications to whoever is to conduct these examinations and, having demonstrated to the examiners that they do possess the qualifications would regions be declared for them as in the case of the refugee doctors? I have in mind the case of a lady who is giving very valuable service in this State to spastic children, and who possesses the qualifications of a doctor in addition to those of physiotherapy.

I know of another person who came from a Scandinavian State and is now practising as assistant to a physiotherapist in St. George's-terrace. Both of these people claim to hold diplomas from their own countries. Will they be permitted immediately to sit for an examination and demonstrate their qualifications and, having done that, will they be allowed to practise wherever necessity arises for their services, or will the same thing apply as does with refugee doctors who are to be sent to the outback, possibly to Leonora, Coolgardie or somewhere else in Woop-woop? I hope no discrimination will be meted out to these people. If they have the qualifications and make it quite evident that they have, then I hope they will be treated as any other person who has been in Western Australia, and will be permitted to practise in any portion of the State as physiotherapists.

THE MINISTER FOR HEALTH (Hon. A. F. G. Cardell-Oliver—Subiaco—in reply) [7.56]: I thank members for the way they have received this Bill, and particularly the member for Eyre for his explicit remarks. Hs asked to be assured that the training would be the same as that given in the Eastern States. I assure him, although the board is not yet functioning, that when this Bill is passed the training will be as it is there, and I am sure reciprocity will be given. I think that is what he was worried about. The member for South Perth asked why a section was not included that is in the New South Wales Act and deals with registering. I would like to explain that all the Acts in the various States were examined very carefully and the result was that this method was decided on because we felt it was better than any other. To prove my point, a fortnight ago I was speaking to the director of physiotherapists in New South Wales, who was on a visit here. When I showed her the Bill she said we had done a wonderful thing in

framing it as we have, because we would not be continually making amendments such as they had to do in New South Wales. I think she thought it was a really wonderful Bill. The next thing was that the hon. member was anxious to know about the electrical equipment and whether students would be sufficiently trained.

Mr. Yates: I want an electrical expert on the board.

The MINISTER FOR HEALTH: The students will get training by experts at the hospital and I assure the hon. member on that point. One member spoke about male and female students. Here we have rather anticipated that the Bill will be passed, because already I have been in touch with all the secondary schools, and asked headmasters and headmistresses to see that their students are trained in the courses that would be likely to get them through their leaving examination and the subjects necessary for the university afterwards in regard to physiotherapy. I assure the House I have had many replies from headmasters and others who are anxious to become physiotherapists, and there are two or three males among them. Therefore that has not been overlooked.

The member for Kalgoorlie seemed worried because he feared that the board would be overloaded with doctors. The chairman will be the Commissioner of Public Health, and it would be wise, where the training of the students will be partly that of a medical course, to have on the board a doctor representing the world outside the Civil Service. The next two members of the board will be physiotherapists and they will be well-trained men. They have already helped in the framing of the Bill. There will also be a person nominated by the Senate of the University. Possibly he will not be a doctor, and so I cannot see that the board will be overloaded with doctors. The hon. member also asked who would examine the students. The board has not yet been constituted.

Mr. Styants: Those who do the training will have the qualifications?

The MINISTER FOR HEALTH: The Bill shows that those people are already provided for, and those who have the qualifications can be registered. There will be no difficulty at all about the people who have been trained so long as they can show that they are qualified as physiotherapists. I assure the hon. member also that, if people belonging to other countries come here and are naturalised, they will be able to practise so long as they are qualified. One of our most noted physiotherapists is from a foreign country.

Mr. Styants: A man I have in mind have not been here the necessary five years.

The MINISTER FOR HEALTH: If they can show that they are qualified physiotherapists, we shall have reciprocity with England and some other countries and I do not think there will be any difficulty.

Mr. Styants: A man I have in mind holds a diploma.

The MINISTER FOR HEALTH: If those people have diplomas, they will be able to register here. All of that is provided for. The introduction of legislation along these lines has been mooted for a year or 18 months, and every avenue has been explored in the endeavour to get the best possible measure for this State. Each time I have been in the Eastern States, I have investigated the matter and have brought back information. After the Bill has been passed and we get the board, we shall definitely have in this State some of the best physiotherapists.

A question asked by the member for South Perth and also, I think, by the member for Kalgoorlie, was whether students, after completing their three years' course, would receive any further training. In Victoria, provision is made for further hospital training, but it is not compulsory. Neither is it compulsory in New South Wales. Here, we shall endeavour to get students to undergo further training. It will be better for them to have further hospital experience after they have taken their degrees. In Victoria, the board pays these people a certain amount and gives them six months at various hospitals so that they may continue their training; that is, after they have qualified.

Mr. Yates: Shall we have the right to see the rules and disallow them if necessary?

The MINISTER FOR HEALTH: I hardly think so. The hon. member made a very good speech and I think he can rest assured that everything he desires will be provided for.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Perkins in the Chair; the Minister for Health in charge of the Bill.

Clauses 1 to 7—agreed to.

Clause 8—Rules:

Mr. MARSHALL: Will the Minister explain Subclause (2) which provides that, where there is conflict or inconsistency between the provisions of the rules and those of the regulations, the regulations shall prevail and the rules shall be void?

The ATTORNEY GENERAL: This is a technical matter.

Mr. Marshall: I asked the question of the Minister for Health.

The ATTORNEY GENERAL: I have a right to speak. The board is authorised to make by-laws, but they must not be

inconsistent with any regulation. That is common procedure. The boards dealing with optometrists, barristers and dentists have their rules, but those rules must not be inconsistent with any regulation.

Mr. MARSHALL: Surely every departmental officer knows that a rule must not be inconsistent with the law of the land, which is what a regulation is! Would anyone argue that the rules of racing could be inconsistent with the regulations under the Act? The subclause is redundant.

Mr. NEEDHAM: There appears to be an important omission. Clauses are included providing for the appointment and constitution of the board and the application of the funds, but there is no mention of meetings of the board, who shall be the chairman, who shall act in the absence of the chairman and what number shall constitute a quorum. All measures of this nature have provisions of that sort.

The MINISTER FOR HEALTH: Provision for those matters will be made by regulation. Obviously, much will be done by regulation, and I ask members to accept the Bill because the people who framed it know what they are about. Those matters have not been omitted through any oversight.

Clause put and passed.

Clause 9—agreed to.

Clause 10—Qualifications:

Mr. STYANTS: A person may be registered as a physiotherapist at the age of 21. Will the Minister indicate at what age it is proposed to start training students? If it is to be a three years' course, apparently the student would start at 18. Is that what happens in the Eastern States or what is the minimum age there?

The MINISTER FOR HEALTH: I communicated with the various schools so that young students could take such subjects for the Leaving Certificate as would assist them when they took up the study of physiotherapy. In the Eastern States, for the most part there is no actual age, but 18 is more or less the recognised age. If a youth got his Leaving Certificate earlier, he could go on with his training, but he would not be entitled to be registered as a physiotherapist until he attained the age of 21.

Hon. E. Nulsen: The training, then, would be for three years or more.

The MINISTER FOR HEALTH: Yes.

Mr. MARSHALL: This is a peculiar piece of legislation. It enables the Minister to avoid giving any information we desire by saying it will be prescribed by regulation. That was not done when we were dealing with legislation affecting doctors from foreign countries. Here, however, everything is to be done by regulation and we are left in the dark as to what will happen to physiotherapists who may migrate to this State. They might be highly-qualified persons, but we do not know what will happen to them until we see the regulations. That is not the right procedure to adopt. When dealing with legislation governing medical or legal practitioners, we set out in the measure what their qualifications shall be and all other requisite details.

How are we to know what will happen to these people? If Australians from other States have not been practising for two years out of the three immediately prior to the commencement of the Act, they will not be qualified for registration, but will have to undergo an examination. The Minister would be well advised to give further consideration to the measure.

The MINISTER FOR HEALTH: All the regulations will be subject to the Minister, which is really the Government. I assure the hon. member that he is anxious over something about which he need not worry. These people can be registered if they are qualified and I give my word they will be.

Mr. YATES: It might be most difficult for a migrant to produce evidence of his qualifications. Will the Minister give the assurance that such a person will be granted the right to practise, without production of the necessary documents, provided he can prove himself to be capable of being a physiotherapist?

The Minister for Health: Yes. If such a person can pass the examination he definitely will be registered.

Mr. NEEDHAM: The Minister would be well advised to report progress. Clause 16 deals with regulations. I was pleased to see the Bill introduced, but I have not, for many years, seen a measure here which gives so much power to the Minister, by regulations, as this one does.

Clause put and passed.

Clauses 11 to 16—agreed to.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading—Ruled Out.

Order of the Day read for the resumption from the 8th November of the debate on the second reading.

Speaker's Ruling.

Mr. SPEAKER: I have had a look at the Bill, and I am sorry to say I have to make a statement on it which is not favourable to the measure, although on the merits it is a good one. The Constitution Act Amendment Act, 1899, Section 46, Subsection (8), states—

> A vote, resolution or Bill for the appropriation of revenue or moneys shall not be passed unless the purpose

of the appropriation has in the same session been recommended by Message of the Governor to the Legislative Assembly.

That provision governs the position in regard to private Bill such as this one. I have looked to where the money is to come from to provide the compensation under the measure, and have made the following note:—

> Each year Government departments are required to submit returns to the State Government Insurance Office showing the number of employees and salaries or wages paid thereto for the purpose of ascertaining the required cover for workers' compensation. From these returns the State Government Insurance Office determines the rates which are to be paid by way of workers' compensation by the various departments. These rates are paid by the Treasury or the department concerned out of Consolidated Revenue or General Loan Fund and appear on the annual Estimates as Votes to be approved by Parliament. The State Government Insurance Office has established a Government workers' compensation fund to which these amounts are paid, and from which all compensation claims as affecting Government workers are paid.

Although the Workers' Compensation Act covers all workers, whether in private industry or as employees of the Crown, the fact that Government workers are involved can affect Crown revenue or moneys. The Government workers' compensation fund is in the custody of the Crown, and any increased payments therefrom as provided by this Bill, must, as affecting Government employees, be paid from this fund administered by the State Government Insurance Office. Since the Bill involves appropriation of revenue or moneys, and has not been recommended to the Legislative Assembly by Message of the Governor, I must follow the precedents laid down on many former occasions in this House and rule that the Bill is out of order and cannot be further proceeded with.

Dissent from Speaker's Ruling.

Mr. W. Hegney: I move—

> That the House dissent from the Speaker's ruling.

My amazement at your ruling, Sir, is only exceeded by my disappointment. It appears that you rule the Bill out on the ground that it is likely to impose a charge on the Crown. I am reluctantly obliged to disagree with your ruling, because the interests of workers who might be injured warrant my taking this course. Since you, Mr. Speaker, have been appointed to your present exalted position, you have given many rulings and I have been very impressed with some of them, and with respect to all of them it has been my firm conviction that you have not sought to rule in favour of the Government, although at times you have voted in divisions with the Government and saved it from ignominious defeat. But that does not imply that your rulings are partial; your impartiality is beyond question even though, as I have said, you have at times supported the Government. I feel I would be neglectful of my duty if I allowed your ruling to pass unchallenged. I shall not quote extensively from the authorities because I have not had an opportunity to peruse them, but I hope before the debate concludes other members will quote from them, as I submit they are in favour of the Bill being considered to be a good one from all points of view.

I maintain that the measure does not impinge on the Constitution. Nowhere in the Bill do I seek to impose a charge on the Crown. No specific amounts are mentioned, and, if anyone peruses the Bill, he will know that my motion to disagree with your ruling, Sir, is sound. Even assuming that there is a charge, this is not a new Bill. The preceding measure was introduced by the Minister for Education some two or three years ago, and this is only something to amend the parent Act. The Bill certainly contains no definite fixed charges. I notice that in your ruling, Mr. Speaker, mention is made of certain details being set out in the Consolidated Revenue Estimates. I propose to mention a few of these matters before I conclude. I am not seeking to increase the salaries of the members of the board, or to increase the number of public servants, but am trying to follow the provisions of the Act as it is now. Section 25 of the Act establishes the Workers' Compensation Board and sets out its powers and duties. That section provides—

> (1) For the purposes of this Act there shall be constituted a Board to be called the Workers' Compensation Board.
>
> (2) The Board shall consist of three members who shall be appointed by the Governor.
>
> (3) Of the three members—
>
> (a) one shall be chairman;
>
> (b) two shall be nominee members.

That is the authority for the board to function. Section 26 provides for the salaries to be paid to the members of the board, and Subsection (1) states—

> For the purpose of carrying out the powers, duties and obligations conferred or imposed upon the Board by this Act or any other Act, the Board, with the approval of the Public Service Commissioner appointed under the provisions of the Public Service Act, 1904-1947, may make use of the services of any of the officers and employees of the Public Service.

I do not propose to alter that section.

The Attorney General: What about the compensation fund?

Mr. W. Hegney: I will come to that in due course.

> The Registrar and other members of the staff of the board shall be appointed under and be subject to the provisions of the Public Service Act, 1914-1947.

I am not seeking to increase the salary of any member of the public service. I come next to the workers' compensation fund and in Section 27 appears the following:—

> A fund, to be called the Workers' Compensation Board Fund, shall be established and kept in the Treasury and from the Fund shall be paid—
>
> (a) all moneys required for the salaries of the members of Board and its staff;
>
> (b) compensation in accordance with the provisions of the Act to any worker (other than a worker in respect of whom refusal of insurance is permitted by the Board pursuant to the provisions of this Act) whose employer has not effected insurance against his liability to pay compensation under the provisions of this Act and is unable to pay that compensation;
>
> (c) costs of prosecutions instituted by the Board under the provisions of this Act;
>
> (d) all other moneys required by the Board for carrying out the provisions of this Act.

There is no provision in the Bill to make an alteration there. Section 27 (d) is as follows:—

> (d) (i) in any one year the Board may levy contributions to the Fund of an amount equal to—
>
> the amount of compensation estimated as hereinafter provided as payable in that year pursuant to the provisions of paragraph (b) of subsection (i) of section 27 of this Act plus—
>
> a sum of eight thousand pounds—
>
> but shall not levy contributions in excess of that amount unless authorised by resolutions of both Houses of Parliament.

This Bill does not seek to alter that provision or to raise the £8,000 to £15,000. In the previous amending Bill there was provision for further money for the payment of inspectors. I come now to the section dealing with the Premium Rates Committee. Section 30, Subsection (1), states—

> Maximum premium rates to be charged for insurance in respect of all insurable risks under the provisions of this Act shall be determined from time to time—
>
> (a) by a committee to be called the Premium Rates Committee, consisting of the Auditor General as Chairman, the three members of the Board, the Manager of the State Government Insurance Office, a person who shall be nominated by all other insurers approved by the Minister under the provisions of section thirteen of this Act, other than that section of such insurers known as the non-tariff companies, and also a person who shall be nominated by the non-tariff companies as aforesaid, both of whom shall be appointed by the Governor and entitled while acting on the Committee to such remuneration and allowances as shall be prescribed.

I do not seek to alter that provision. No matter how you, Sir, may look at it, it will be found that the Premium Rates Committee is the body that will determine from year to year what premiums are to be paid. You, Mr. Speaker, have said the Bill would involve a charge on the Crown and I think it advisable to give members the opportunity of seeing how sound is my argument that the Bill is a good one. On the 11th November last a report on the Premium Rates Committee appeared in "The West Australian." It is of more than passing interest and reads—

> Reduction in Workers' Insurance Rates.
>
> The rate for each classification of workers' compensation insurance is to be reduced by 25 per cent. Announcing this yesterday, the chairman of the Workers' Compensation Board (Mr. Newton Mews) said that further reductions were expected in the future.
>
> "This substantial reduction of 25 per cent. will effect a considerable saving to employers directly and indirectly to the community in general," Mr. Mews said after a meeting of the premium rates committee yesterday. "The saving in the ensuing year is expected to amount to about £200,000.
>
> "All reductions are retrospective to 1st July, 1950, and apply to all policies taken out or renewed on and from that date, with the exception of such policies as have expired by today.
>
> "This does not necessarily mean a reduction of 25 per cent. in all rates quoted to employers since 1st July, however, as a number of insurance offices have already operated below

maximum rates, but few employers will fail to obtain at least part of that reduction."

Mr. Mews said that the Workers' Compensation Act, 1912-1948, which was proclaimed to come into operation on 8th April, 1949, provided for the creation of a board to administer the Act and to settle all disputes arising out of it.

The Act also provided for a premium rates committee, the duty of which was to fix maximum premium rates for workers' compensation insurance. Such fixation was to be paid on a basis laid down for the Workers' Compensation Board. The premium rates committee consisted originally of three insurers with the Auditor General as chairman.

In 1949, although the board was of the opinion that premium rates should be reduced by at least 12½ per cent. the committee refused to make any reduction for the reason that in so far as the benefits under the Act had been increased, it was not possible to foretell the impact of such increased benefits on the loss ratio of insurers.

Persistent efforts of the board having failed to persuade the committee, the Government agreed at the instigation of the board to include its members on the premium rates committee and the Act was amended accordingly.

At the first meeting of the enlarged committee on 16th February this year, Mr. Mews said, no immediate reduction was achieved because a majority of the members desired to await receipt of the year's experience figures before deciding on a reduction. A satisfactory compromise was, however, arrived at. It was decided that, although no adjustment would be made until the desired data was in hand, such an adjustment would, when made, be retrospective to 1st July, 1950.

"A meeting was next held today," Mr. Mews said, "when after considerable discussion it was agreed that the previously existing scale of rates for workers' compensation insurance should be amended by reducing the rate for each classification by 25 per cent."

There is a comprehensive statement by the chairman of the board, in which he has indicated that from the 1st July, 1950, premium rates will be reduced by 25 per cent. This may not have occurred to you, Sir, or to your advisers, when you were considering the pros and cons of the measure. I think it will be generally agreed that, unless this country is to be thrown into industrial chaos, the State basic wage will have to be increased within the next week or two by approximately £1 per week. Premium rates are fixed on the pay-rolls of the employers, and the insurance companies are going to get a great rake-off without any increase in risk or liability. The Bill would not impose a definite charge on the Crown. With regard to the Estimates that have been mentioned, I refer you, Mr. Speaker, to Message No. 8, on the front page of the Estimates of Revenue and Expenditure. There we find the following:—

> In accordance with the provisions of Section 46 of the Constitution Acts Amendment Act, 1899, the Governor recommends that appropriations be made from the Consolidated Revenue Fund, in accordance with the Estimates of Revenue and Expenditure for the Financial Year ending on the thirtieth day of June, in the Year One thousand nine hundred and fifty-one.

Item 59 on page 42 deals with the contribution in respect of Government workers under the Workers' Compensation Act, and Item 87 deals with the contribution to the Workers' Compensation Fund Board in regard to Government workers. At page 86, under the heading "State Insurance Office," provision is made for salaries and so on for the carrying on of the State Insurance Office. I would here indicate that when a Bill dealing with salaries and allowances adjustments was being discussed recently, a private member sought to limit the area that would be regarded, for the purposes of the measure, as the metropolitan area. I think it was the member for Darling Range who wanted to reduce the distance from 50 miles to 20 miles, and the Premier, being concerned as Treasurer, asked a ruling from the Chairman as to whether such a reduction would impose a charge on the Crown. The Chairman of Committees quoted a previously given ruling to the effect that as there was no specific aggregate sum mentioned in the Bill, the member was quite in order in moving as he did. That was within the last two or three weeks. You, Sir, have made your decision and, although I have not been able to look up many previous decisions, I hope that the Leader of the Opposition will quote several when speaking at a later stage.

This motion should be supported by the majority of members of this House. The Government has known for a long time that the cost of living and the basic wage have both been rising and will in all probability continue to rise. It had ample opportunity of introducing an appropriate amending Bill, but did not do so. I am actuated only by a desire to see that the workers of this State are given a measure of social justice in the coming 12 months. If nothing is done in this regard in the next month or so, in spite of the rising cost of living, the compensation payable to insured workers will not be commensurate with modern economic trends; in other words, it will not be in line with basic wage and cost of living increases generally. I invite you, Sir, or the Attorney General, to point out where there is any specific charge made on the Crown under this Bill.

If tomorrow this Government, which has shown some socialistic tendencies, decided to create for the State Insurance Office a monopoly of workers' compensation business, thereby doing away with a great amount of overhead expense which is due to the multiplicity of insurance offices, the premium rates would be reduced more considerably than they have been up to date. Even if there were a certain measure of absorption, and by amalgamation, the number of insurance companies was reduced, the premiums could be further lowered. It would be in the interests of the State and of many injured workers if the Speaker's ruling were disagreed with and the Bill allowed to proceed. After all is said and done, let us assume that the Speaker's ruling is disagreed with. This Bill would not become law immediately, because it has to pass the second reading and Committee stages, and will then be subject to the majority decision in this Chamber and in another place. In the final analysis, if there is to be a charge against the Crown, it will be by resolution passed by both Houses of Parliament. Much as I dislike to disagree with the Speaker's ruling, I feel that I must do so in this case if justice is to be done to the workers of the State.

The Premier: I feel that I must say something on this matter. I hope that members calling for your ruling to be disagreed with, Sir, will not be influenced by their feelings on the provisions contained in the Bill, because I am fully aware that there are many members who agree with some of the clauses in the Bill as outlined by the member for Mt. Hawthorn. I am extremely perturbed by the attempts being made to impose charges on the Crown, and during the evening I went to some considerable trouble to peruse the rulings of a number of Speakers on similar questions to that on which you, Sir, have given a ruling tonight. I find that they are on the same lines as you, Sir, have indicated to us this evening. Under "Part III.—Miscellaneous" of the Constitution Act Amendment Act, Section 46 (8) clearly sets out the following:—

> A vote, resolution or Bill for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by message of the Governor to the Legislative Assembly.

We know that it is the established practice in Western Australia that a Governor's Message is necessary for all measures requiring the expenditure of Government funds. For the life of me, I cannot follow the hon. member's argument that this is not a charge on Government funds. The provisions of his Bill require additional compensation to be paid and, of course, those moneys are Government funds. As one Speaker pointed out in his ruling, it does not matter which funds are in the charge of a Government, whether revenue, loan, trust or any other funds which the Government controls, they are all regarded as Government funds. I understand that this is also the practice in every Parliament in Australia. I ask members to bear in mind that if they, by private Bills or motions, were permitted to impose charges on the Crown, very often amounting to large sums of money, it would make the position of Governments impossible. That has been the consistent argument of all Governments, irrespective of party, ever since we have had responsible government in Western Australia. The whole purpose of obtaining a Message from the Governor is to ensure that the money appropriated by the Bill is to be made available as Government funds and, if that procedure were departed from, the position would become chaotic. There is no doubt of the principles upon which the Constitution Act is based and, according to the established practice in this and other States, this Bill must be ruled out of order.

Making further reference to the rulings of previous Speakers, I find that back in 1925, when you, Sir, introduced a Bill dealing with the Cottesloe Municipal Beach Trust Fund, it was ruled out of order by Hon. T. Walker, who was then Speaker. I think your Bill provided that certain moneys should be allocated for expenditure on class "A" reserves. They were Government reserves, and the Speaker at that time said that the Bill meant an appropriation of Government funds, and he ruled it out of order on that account. In 1935, we had a similar ruling to your own given by the then Speaker, Hon. A. H. Panton. It related to the Workers' Homes Act, and he said that the Bill brought down by a private member imposed a charge upon the Crown, and he ruled it out of order. In 1936, an amendment was brought down to what was then the Agricultural Bank Act, and Hon. A. H. Panton, as Speaker, again said that it was an appropriation of Government money and on that account the Bill must be ruled out of order.

Mr. Oliver: That was probably equally wrong.

The Premier: No, I will quote another ruling given by the then Speaker, Hon. A. H. Panton. In 1936, the Rural Relief Fund Bill was introduced by the then member for Katanning. The Speaker at that time was still Hon. A. H. Panton, and he ruled that the Bill constituted a charge against the Crown. His decision was argued at considerable length, but the Speaker was strongly supported by Government members, and a fair sprinkling of Opposition members.

Mr. Fox: You have not yet told us how this Bill appropriates money.

The Premier: But I will. In 1941, another amendment was brought down to the Agricultural Bank Act, and the member for Fremantle was then Speaker. He said the Bill was an appropriation of Government funds, and had no hesitation in ruling it out of order. In 1941, a private member brought down a Bill to amend the Industries Assistance Act. The member for Fremantle, then in your position, Sir, at considerable length gave a ruling, and pointed out that the Bill was out of order because it appropriated Government funds. I could read these rulings, which are of considerable length, to the House, but I have quoted the years and have marked the "Hansards" in which they appear, and they are available to any member should he care to peruse them.

The member for South Fremantle interjected that I had not yet given any indication of how this Bill appropriates Government funds. When I began speaking, I said a previous Speaker had ruled that all funds in the charge of the Government came under his ruling. The workers' compensation fund is in charge of the Government, and the hon. member's Bill proposes to take increased amounts from that fund; there is no question about that. That being so, Mr. Speaker, I do not see how any member can logically argue that it is not a charge against the Crown or an appropriation of public funds. The member for Pilbara—I mean, the member for Mt. Hawthorn—read certain extracts—

Hon. F. J. S. Wise: You wiped out Pilbara—remember?

The Premier: Members should not take me off the beaten track! The member for Mt. Hawthorn read extracts from a daily newspaper stating that there had been a reduction in premiums which would have to be paid in future. I cannot see that that has any bearing on the case whatsoever. The fact still remains that an increased amount is proposed to be taken from the fund. I think we should be extremely careful before we disagree with your ruling, Sir. If we did, it would open up a tremendously wide field. This Government, and Governments of the future, would be placed in a most embarrassing position; they would not have control of their funds and would not know where they stood from month to month with their finances. If this proposal were agreed to, I believe we would have many private members bringing forward Bills which would appropriate money from the Crown, and the task of government would become impossible. So, before members vote against your ruling, Mr. Speaker, I would ask them to think very seriously.

Let me again remind members that every Government has resisted this class of Bill. I served an extremely long term on the opposite side of the House, and I can remember several disagreements with Speakers' rulings. When the Leader of the Opposition was in my position, he stood for this principle and so did his predecessors, the late Hon. P. Collier and Hon. J. C. Willcock, who often put forward this point of view. Therefore, I am taking the same line tonight, because a dangerous principle is involved and I hope that your ruling, Sir, which is the correct one, will be upheld by the House.

Hon. F. J. S. Wise: Mr. Speaker, I oppose your ruling, which is based on those given by former Speakers, plus Section 46 of the Constitution Acts Amendment Act, and your reference to the rules of the House of Commons. I would submit, to you, Sir, that this Bill, or any other Bill, must effectively be a charge on the revenue before it can be ruled out of order. I further submit that the section of the Constitution Act which you have quoted has nothing whatever to do with this matter, as I will endeavour subsequently to prove. It has nothing whatever to do with the State Government Insurance Office created by statute to undertake insurance, which office has unlimited power to meet the claims and demands made upon it. The appropriation, if any, of money as effected by this Bill has, in any case, been predetermined. This is an office entitled to carry on insurances of all kinds just as in the case of a private office. I submit to you, Mr. Speaker, that it has not had appropriated anything from revenue at any stage of its existence. Extra payments, which are fixed and come within the ambit of this Bill, will not come from moneys appropriated by Parliament nor yet direct from revenue. I submit there must be effective appropriation before the Constitution Act can be made to apply. Insofar as the point made by the Premier regarding rulings by previous Speakers is concerned, they have not always been right.

The Premier: We have upheld them.

Hon. F. J. S. Wise: The Premier has voted against them in support of the Deputy Premier when he introduced a Bill and they have not always been right—because they have been decided by might.

Mr. Oliver: Not by justice.

Hon. F. J. S. Wise: They have been decided by weight of numbers. Pious motions have been ruled out even if there has been an oblique charge. Such motions have been disallowed by former Speakers but I submit that that does not make it right. Let me again read the section which you, Mr. Speaker, and the Premier have quoted. Section 46 of the Constitution Acts Amendment Act includes the following:—

> (8) A vote, resolution, or Bill for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by message of the Governor to the Legislative Assembly.

Is this a vote or a Bill imposing a charge upon the Crown? I shall analyse that phase and prove that it is not. It is very interesting to note, too, that our authority in this connection is by statute and the House of Commons ruling is by Commons ruling or Standing Order. The Commons ruling or Standing Order to which you, Mr. Speaker, referred will be found in the Fourteenth Edition of May's Parliamentary Practice at page 1010. In the Commons ruling it clearly states that Rules 63 and 65 apply. I draw your attention to them, Mr. Speaker, because in the case of the Commons by their Standing Order they have a complete shut-out in matters of this kind as distinct from our statute, which is differently expressed. The Commons ruling with regard to "public money" states—

> This House will receive no petition for any sum relating to public service or proceed upon any motion for a grant or charge upon the public revenue, whether payable out of the consolidated fund or out of money to be provided by Parliament, unless recommended from the Crown.

That will be found in Ruling No. 63. Commons Ruling No. 65 has a further reference to it. Let me trace that complete shut-out from private members' privileges under the House of Commons ruling and trace the effect and its application through all the references to be found in May and contrast them with our position, which is much less rigid. Firstly, a pious resolution including a principle involving a recommendation for the spending of money cannot be challenged and that is clearly set out in May and perhaps would not be raised by you, Mr. Speaker. But I refer you and ask you closely to follow these further references. There is on page 647 of the 14th Edition of May which deals with expenditure involving charges the following reference to which I desire to draw your attention. Regarding charges on public revenue, these words appear—

> A charge "upon the public revenue" or "upon public funds" now means an obligation to make a payment out of the Exchequer, i.e., an item of national expenditure. In relation to expenditure, financial procedure is, with two exceptions mentioned below, exclusively concerned with charges payable out of the Exchequer. Charges upon the public revenue are divided into charges payable out of moneys to be provided by Parliament, i.e., moneys voted year by year (a) in response to demands presented in the form of estimates; and charges upon the consolidated fund, i.e., moneys payable (for the most part annually) out of the Exchequer under statute without further parliamentary authority.

On page 648 of the same edition will be found references to the limitation of the scope of financial procedure, and under that heading these words are to be found:

> The rules of financial procedure are not applied to funds or levies which, though they may be public in the sense that they are regulated by statute or publicly administered, exist for sectional rather than national purposes.

So that the rules of financial procedure are not applied if the purposes exist for sectional purposes. In regard to abstract motions, there is to be found on page 728 of the same edition a complete and incisive explanation of the charges that may not be directly effected and there can be no objection at all regarding resolutions advocating the outlay of public money. One of the most important references in May in the 14th Edition is something to which I particularly draw your attention, Sir. The references are to be found on pages 716 and 722. On page 716 will be found the tests to be applied to determine whether expenditure involves a charge, which is the very aspect we are now considering. It is stated—

> It is not always easy to determine whether a particular proposal for expenditure actually imposes a charge and therefore requires the King's recommendation. The practice of the House has evolved certain tests for deciding this question, which may be summed up as follows. In order to constitute a charge upon public funds, expenditure must be (1) new and distinct; (2) payable out of the Exchequer; (3) effectively imposed.

In connection with whether the charge must be new and distinct it says—

> The question often arises whether a proposal for expenditure or of increased expenditure is not already covered by some general authorisation. The test for determining this question in the case of a substantive proposal, i.e., a provision in a Bill, as introduced, is a comparison with existing law.
>
> (a) Provisions in Bills.—The comparison of provisions in a Bill with the law on the subject, as it exists, may show that, while such provisions undoubtedly involve expenditure, the power to impose such expenditure is covered by general powers conferred by statute.

That applies in this case. To continue—

> This standard of reference is readily applicable in the case of the large and increasing number of Bills which are, in terms, amendments of previous statutes on the same subject. But in other cases considerable research is necessary to determine whether a provision which obviously involves expenditure is a "new and distinct" charge.

> The application of this test has given a somewhat uncertain answer to one difficult question—whether a provision for expenditure which proposes to finance that expenditure out of funds provided by statute for another purpose is or is not a "new and distinct" charge.

In connection with expenditure to be imposed and to be payable out of the Exchequer, on page 717 of May will be found these very important and appropriate words—

> (2) Expenditure, to be a charge, must be payable out of the Exchequer. This rule depends upon the provision of S.O. No. 63, which defines a charge upon the public revenue as either "payable out of the consolidated fund" or "out of money to be provided by Parliament." It excludes not only payments out of funds for public purposes which receive no grants from the Exchequer, such as Queen Anne's Bounty but also payments out of funds which are fed by grants from the Exchequer, such as the Unemployment Insurance Fund, unless payments out of the Exchequer may be thereby attracted. Apart from any such result the imposition of burdens upon such funds, even to the point of reducing them to insolvency, involves no charge and may be initiated without the recommendation of the Crown.

I ask you, Mr. Speaker, how you will get over that one? I repeat the reference—page 717: Expenditure, to be a charge, must be payable out of the Exchequer. With regard to matters not involving expenditure, which are not charges, there are ample references to be found in May giving particulars of specific items which are not considered as charges. You will find, Sir, in those matters involving expenditure which are not charges, expenditure covered by existing statutory authority. You will find it covers liability to pay damages covered by existing laws and you will find it covers provision for the payment of costs by the Crown in particular cases, which do not require the King's recommendation. So these which are charges on funds other than Consolidated Revenue are specifically exempted by the determination of the House of Commons. I say this particularly to the Premier, who stated that trust funds and other funds were involved or were covered by Section 46 of the Constitution Acts Amendment Act, that it had nothing whatever to do with it.

The Premier: That was the ruling of a previous Speaker.

Hon. F. J. S. Wise: I care not. When I have finished this summary and should this motion be defeated, I ask, Mr. Speaker, that the arguments I have placed before you be sent to the Clerk of the House of Commons and his opinion sought as to whether my contentions are right, based upon the 14th Edition of May. In paragraph 2, which deals with expenditure not involving a charge, we find the reference that the imposition of charges on funds, other than the Consolidated Revenue Fund itself, does not require any royal recommendation unless it involves increased payments out of the Consolidated Revenue Fund or increased liability upon that fund or automatically direct calls upon moneys provided by Parliament. In this case, I repeat, the State Government Insurance Office has not at any stage had a grant from the Consolidated Revenue Fund. Quite the reverse. It has been a contributor. It is certainly no charge on the revenues of the State.

In addition to that, there will be found under the heading of "Question whether the main purpose of a Bill is the imposition of a charge" a very clear case of how a Bill such as this should not only not be challenged, but should be accepted because of the two or three or more principles that are in it. On that point it becomes a question as to whether the main purpose of the Bill is the imposition of a charge. I submit that if this Bill is analysed it will be found that there are very many more principles in it than the clauses dealing with the addition to the payments as total compensation or the payment of a higher weekly rate. On this question as to whether the main purpose of the Bill is the imposition of a charge, "May" says that—

> In relation to the bill authorising it, a charge varies from being the sole purpose of a "money" bill to covering minor provisions of a bill which only incidentally involve expenditure.

It will be found that right through that reference there is support for the contention that the matter must be decided on the point as to whether the main purpose of a Bill is the imposition of a charge. "May" goes on to say in paragraph (2) that—

> Although the principal purpose of a bill clearly involves a charge, yet it may require machinery to establish and administer it—for instance, the creation of a new board or department—which is relatively so important as to be considered substantive. The "main purpose" of such a bill is held not to involve a charge. Thus the National Insurance Bill, 1911, the Unemployment Insurance Bill, 1920, and the Widows', Orphans and Old-age Contributory Pensions Bill of 1925 were not introduced on money resolutions, because their objects required the creation of new administrative bodies and were financed by individual contributions as well as by the State, although in each case the scheme was unworkable without the State contribution.

So that although insurance Bills and pension Bills were introduced in the House of Commons that imposed a charge on revenue, those Bills were admitted and not

questioned by the Speaker as Bills imposing a burden on the Crown. Thus, we have several angles which give a complete examination of this Bill from the points which you, Sir, raised in objection to it. In addition to that, if you will refer to page 748 of the same edition of "May," you will find that—

> Levies upon employers in a particular industry for the purpose of forming a fund used to finance activities beneficial to the industry are not regarded as charges.

And on page 749 you will find that—

> Payments which are intended to cover the expenses of government departments in performing services for the public or sections of the public are not regarded as charges.

And—

> Just as it has been ruled that provision for a charge upon public funds does not require the King's recommendation if it is a variant for and in substitution of a provision authorised by a previous statute—

which this is—

> —so it has been ruled that a scheme for raising a loan did not require to be preceded by a ways and means resolution, since it was covered by powers of borrowing conferred by a previous Act and in substitution of the particular scheme authorised by that Act.

I would like to ask the Attorney General to analyse that one in favour of the Speaker's ruling, just as I would like him to analyse the others I have submitted. There not only have we striking evidence from the interpretation by "May" of what may or may not be done, in accordance with the House of Commons rule, rigid though it is—more rigid than our Constitution Acts Amendment Act—but there is within the province of the House of Commons the right to define and decide upon Bills introduced by private members which not obliquely but directly impose a burden on the Crown. But in this case it cannot be said that in any way there is a charge upon the Crown or an appropriation of revenue.

As I have pointed out, in the case of the State Insurance Office, the experience is quite the reverse. It has never had payments from revenue; so any member, surely, can introduce a Bill to change a principle by altering X to X plus Y without any challenge whatever. I submit to you, Mr. Speaker, that the whole subject is covered and answered by the tests I have quoted from that eminent authority, Sir Erskine May: "Tests to be used to determine whether expenditure involves a charge; and matters involving expenditure which are not charges; and levies upon industry for its own purposes. To be ruled out, it must be a Bill for the appropriation of revenues. I care not how many former Speakers' rulings the Premier and the Attorney General can trot out. I have dealt with that point because I know that I have moved at no time to disagree with the Speaker's ruling on that side of the House. I challenge the Premier to find one instance. But I do remember a Minister for Lands sitting on that side, an ex-Speaker, who challenged the right of members in many particulars in regard to matters such as this. I do not claim that he was necessarily right. My argument is based on the points I have submitted. If this motion is defeated, I am not prepared to be satisfied unless the references I have quoted have been transmitted to the House of Commons for an opinion.

The Attorney General: The Leader of the Opposition has based his argument almost entirely on the English rules or Standing Orders. Our difficulty is that our provisions are statuory under our Constitution. I would like to comment on one or two of the matters raised by the hon. member. One point I wish to make is that where moneys are to be paid out of sums provided by Parliament, that is definitely a charge on the Exchequer. I quote from the same source as the hon. member—"May"—at page 717—

> (2) Expenditure, to be a charge, must be payable out of the Exchequer. —This rule depends upon the provision of S.O. No. 63, which defines a charge upon the public revenue as either "payable out of the consolidated fund" or "out of money to be provided by Parliament."

That can only be a guide so far as we are concerned, because that is the actual definition in their Standing Orders. But I think that they have accepted what would ordinarily be thought of as a charge on the Exchequer.

Hon. F. J. S. Wise: Take it as a guide or as statutory, whichever you like.

The Attorney General: Let us give some thought to the facts in this case. The Government does not insure with the State Insurance Office.

Mr. W. Hegney: Then how does the State Insurance Office arrive at the amount of contribution to be paid to the Workers' Compensation Board?

The Attorney General: The State Office, for the sake of convenience, makes the necessary inquiries and pays out money belonging to the Crown—not from the State Insurance Office and from the funds of the State Office, but from Consolidated Revenue; and that money is paid out by the State Office as an agent for the Crown. The Crown is not an insurer at all. It does not pay any insurance premiums.

Mr. W. Hegney: It has to pay into the Workers' Compensation Fund.

The Attorney General: Yes. I admit it pays into the fund, but it does not insure.

Mr. W. Hegney: How is the amount of contribution arrived at? On what basis?

The Attorney General: The amount of contribution is arrived at under the provisions of the Act, because the Act stipulates the Crown shall pay a like compensation to any employee such as he would be entitled to receive from a private employer.

Mr. W. Hegney: But there must be some specific amount of premium income.

Attorney General: No, there is none at all. The Crown does not worry about premium income because the Crown is bound, irrespective of insurance policies, to pay the amount of compensation. I am not too sure that it makes any contribution to this fund in any case.

Hon. F. J. S. Wise: Are you supporting the Speaker's ruling?

The Attorney General: Yes: I am not supporting the hon. member's argument. I do not think the Crown is bound to or does contribute to that fund, because it is directly responsible to pay the amount. It does not insure at all. An amount is set aside in the Estimates for this to be done, but there is no insurance. Let us see what the duty of the Crown is under the Act. I quote from Section 6 of the Act—

> This Act does not apply to persons in the naval or military service of the Crown, but other wise applies to workers employed by or under the Crown to whom this Act would apply if the employer were a private person.

So the Crown is bound to pay the compensation provided for under the Act in respect to its employees. Where is that money to come from?

Mr. Oliver: From premiums.

The Attorney General: No. It is specifically stated where it is to come from.

Mr. Oliver: What are they "slugging" the employers for then?

The Attorney General: It comes, so far as the Crown employees are concerned, in this way—

> All moneys payable under this Act or on behalf of the Crown shall be paid out of moneys to be provided for by Parliament.

Mr. Kelly: Where does its credit balance come from?

The Attorney General: There is none so far as the Crown is concerned. The Crown pays out the money as and when it is bound to do under this provision, and each year it appropriates the necessary money. There is an appropriation for it every year and members will find such an appropriation in this year's Estimates. It is ridiculous to say that when this compensation that is payable under the Act is materially increased—and there is no doubt that this Bill means an increase—we would not be increasing moneys payable by the Crown.

Mr. Kelly: It still comes out of the contributors' pockets.

The Attorney General: The additional money will be payable by the Crown. It is ridiculous to say that it will not. It is to be provided for by Parliament and when it is provided for by Parliament it is, as "May" says, a charge on the Exchequer.

Mr. Oliver: I cannot talk with the fund of Parliamentary knowledge available to some of the previous speakers, but it appears, from what I have heard, that the Leader of the Opposition, at least, has not been very impressed with previous rulings given by other Speakers. So, I think I am in good company when I rise to oppose your ruling, Mr. Speaker. Probably most rulings given in this House, including your own, Sir, have been given on the grounds of political expediency. In this case it is to relieve the Government of some embarrassment because, if the proposition put forward by the member for Mt. Hawthorn, is supported by the House it will probably mean that injured workers will get some benefits to which they are undoubtedly entitled. If your ruling, Mr. Speaker, is upheld workers will be denied the opportunity of having their case debated in this House.

In his speech the Premier said he did not agree with the proposals put forward by the member for Mt. Hawthorn, and he deplored the proposition of any private member suggesting anything of this nature. I do not know why private members sit in this House. Apparently when they are elected they are supposed to sit as dummies and take any crumbs that are thrown to them.

Mr. Graham: And there are not many crumbs.

Mr. Oliver: No, there are few crumbs thrown to us. But, I am not impressed by the proposition put up by the Premier.

Mr. W. Hegney: No-one is.

Mr. Oliver: I have the Auditor General's report and balance sheet for the year ended the 30th June, 1949, for the State Government Insurance Office. I am concerned with the State Government Insurance Office because that office is in the insurance business. There is a note on the file addressed to the Minister for State Insurance which reads as follows:—

> After a careful perusal of the Auditor General's report, it is again gratifying to see that it calls for very little comment.
>
> With reference to the note at page three concerning the omission to include an industrial disease section surplus in the tax calculation, it may be as well to point out that this is considered to be the correct procedure.

> In the face of a mounting potential liability for industrial disease claims, the balance is not a true surplus and consequently should not be taxed as such. It is indeed unfortunate that the change was made after five consecutive years of deficits in this section, particularly as the deficits had been brought into the tax calculations. Going further back, however, one finds that since the passing of the State Government Insurance Office Act, 1938, which inaugurated tax payments as such, tax has been paid on £343,099 of Industrial Disease Section surpluses and the rebates claimed on only £189,917. No unfair benefit could be said to accrue to this office, therefore, as a result of the amended tax calculation.

Members will see, therefore, that the State Insurance Office is no different from any other insurance office. It is subject to the law the same as all other companies. If members examine these accounts from end to end they will not find anywhere that the Government appropriates money to meet any of these liabilities against the State Office.

Hon. F. J. S. Wise: Of course you cannot.

Mr. Oliver: It operates exactly the same as any other insurance company. It provides a service and levies premiums; it is permitted to do that under the provisions of the Act and it is subject to the maximum rates fixed by the premiums committee.

The Attorney General: It does not levy any premiums against the Government and you will see that the Government funds are kept entirely separate.

Mr. Oliver: Allow me to mention this to the Attorney General. It states in these accounts, that the assets in this connection, with the Government Workers' Compensation Fund, amount to £8,677.

The Attorney General: That is Government money.

Mr. Oliver: Exactly. It is paid for the service given by this insurance office. If the State Government Insurance Office was not in existence—as it would not have been if Labour had not made tremendous efforts to have the office established—we would have to go to private companies to insure.

The Attorney General: The Government never has insured.

Mr. Oliver: How would the Attorney General do the insurance business?

The Attorney General: You would not insure. The Government does not insure any Government insurance.

Mr. Styants: The railways have carried their own insurance for years.

Mr. Oliver: This amount is paid into the office funds. It is stated in the assets and whatever the Attorney General says he cannot get over that. It is an amount in the calculations of the total fund. We all know that the State Insurance Office charges a flat rate premium of 23s. per cent. for Government insurance. Will the Attorney General deny that?

The Attorney General: I do, definitely.

Mr. Oliver: Then why does the State Government Insurance Office quote 23s. per cent. for all Government insurance?

The Attorney General: It does not.

Mr. Oliver: It does. It is in the "Gazette."

Mr. Hoar: Do you not admit it?

The Attorney General: No.

Mr. Oliver: The State Government Insurance Office provides its own funds for the superannuation of its workers and for the payments of its long service leave; they are not appropriations. It is provided in the accounts. Does the Attorney General deny that? It is provided from the premiums and it is all part of the administration of that office. It is not the only insurance office paying superannuation and I would say that it is not the only insurance office paying long service leave. I cannot speak with authority on that, but possibly other insurance companies provide their employees with this benefit which comes out of the premiums paid by employers. For the life of me I cannot see where the Government has to appropriate one farthing to meet the business with which we are dealing. It certainly has not had to do it yet, and I do not know how the Attorney General can envisage doing it in the future because it has never been necessary.

When these premiums have had to be adjusted because of increased benefits paid to injured workers the premiums have had to go up to meet the extra cost. That has been the practice in the past and it must be the practice in the future. So, how can the Premier say that this will make an additional charge on the Crown? We may just as well say that every time the Arbitration Court pronounces an increase in wages that is wrong because it will be a charge, in some way, on the Crown. That happens three or four times a year and it has never been questioned and could not be questioned. This is a similar proposition and I cannot see how members can possibly uphold the Speaker's ruling on the point.

Hon. A. R. G. Hawke: If your ruling, Mr. Speaker, is upheld it will be laid down that no private member of the Legislative Assembly will ever be permitted to initiate, by way of legislation in this House, a move to amend the Workers' Compensation Act. In other words, if your ruling is agreed to it will lay down that only a Government has the right, or will in the future have the right, to improve the provisions of the Act.

The Premier: Does not that apply to many other Acts where a Speaker's ruling has been given? I can name you five or six.

The Attorney General: Only where it alters the schedule and imposes an increased liability.

Hon. A. R. G. Hawke: In other words, if a Government for some reason, or no reason at all, believes that no improvement should be made in the Workers' Compensation Act in respect of benefits which it confers upon injured workers, the dependants of injured workers and the dependants of deceased workers killed in industry, then no improvements of any kind will be possible in respect of those benefits. Therefore, your ruling, Sir, could have the effect of not only preventing a private member from moving by way of legislation to improve the benefits to injured workers and their dependants under the provisions of the Act but could also easily have the effect of preventing any improvement in those benefits being made for many years to come. Evidently, the members of the Government consider that no improvement should be made in the benefits now available under the Act to injured workers and their dependants.

The Premier: You are not justified in saying that.

Hon. A. R. G. Hawke: I certainly am justified in saying that.

The Premier: It is not true.

Hon. A. R. G. Hawke: It is true. If it were not true the Government would have introduced a Bill during the present session to improve the benefits.

The Attorney General: It introduced in 1948, the biggest increases that have ever been granted.

The Premier: It did.

Hon. A. R. G. Hawke: What has that to do with the point I am making?

The Attorney General: This Government did what you are saying it will not do and the Government intends to introduce a Bill next year when things settle down.

Hon. A. R. G. Hawke: Here is our delightful friend the Attorney General mixing up two entirely different questions and trying to assert, and indeed asserting in his own pugnacious fashion, that these two entirely separate questions are one and the same thing. You, Mr. Speaker, will know very well that I did not say that the Government, during the three and a half years it has been in office, has not improved the benefits available to injured workers and their dependants.

Mr. Oliver: That is questionable, too.

Hon. A. R. G. Hawke: I did not say that at all. I said the Government had no intention of introducing a Bill during the current session to improve the benefits available under the Act.

The Attorney General: That is quite correct.

Hon. A. R. G. Hawke: I am sure even the Attorney General will agree with me now.

The Attorney General: I quite agree.

Hon. A. R. G. Hawke: It is unfortunate that I should have to go to such trouble and explain in such meticulous detail what I mean before the Attorney General agrees with what I put forward. As I was saying, the members of the Government do not consider that any improvement to the benefits is required or justified at the present time. The Government might easily be of the same opinion next year, and the following year if it is still in office. There can be no doubt, therefore, that your ruling, Mr. Speaker, could easily put a stranglehold around the existing Workers' Compensation Act, and prevent its being improved, because your ruling will lay it down that only a member of the Government is entitled to introduce into this House a Bill to improve the benefits available under the provisions of the Act.

Now, what is the purpose of the Workers' Compensation Act? Its main purpose is to ensure that there shall be available monetary compensation to workers when they are injured in industry, and to their dependants as well, if those dependants are entitled to monetary assistance under the Act. The Government comes into the picture equally with all private employers of labour, because the Government happens itself to employ labour; because the insurance provisions of the Act are compulsory and apply alike to the Government and to private employers. The Government is compelled to provide insurance cover for its workers in the same way as private companies and private individuals are compelled to do for their emloyees.

The Attorney General: They do not all have to insure.

Hon. A. R. G. Hawke: Yes, they do all have to insure. It is true there is a provision in the Act which allows guarantees or bonds to be accepted from those organisations within the community who are strong enough financially to provide them. For instance, there are several large private companies in Western Australia which do not insure under the Act through any existing insurance company. They enter into a legal agreement and deposit a bond of some substantial amount with the Treasury, and the Minister by whom the Act is administered is able to issue them with a certificate which makes it unnecessary for them to insure under the Act in the ordinary way.

The Attorney General: You would not suggest that the Government is compelled to insure?

Hon. A. R. G. Hawke: I would say very clearly that the Government is compelled by the law to make requisite payments—

The Attorney General: Oh, yes! That is a different matter.

Hon. A. R. G. Hawke: —to workers who are injured during the course of Government employment—

The Attorney General: But it does not have to insure.

Hon. A. R. G. Hawke: —and also to make appropriate payments to dependants of such workers. I think that point is a very important one in the consideration of your ruling, Mr. Speaker. The Government only meets its liabilities under the Compensation Act when payments are due to any injured worker or due to his dependants. Therefore the Government cannot be aware from day to day, or week to week, or month to month, of the amount which will be required by it to meet payments due to its employees under the provisions of the Act.

The Attorney General: But it has to get authority from Parliament from time to time to get funds to do it.

Hon. A. R. G. Hawke: That is a further point I am anxious to make, and I should think that the Attorney General, in view of his opinions, should undoubtedly vote against your ruling, Mr. Speaker. He holds all the opinions necessary to justify him in abundantly disagreeing with your ruling. The Government seeks from Parliament at appropriate periods the approval of this House for the expenditure which it estimates it will require during a period of 12 months to meet such payments.

The Attorney General: Payments already existing by law.

Hon. A. R. G. Hawke: Payments which the Government would be compelled to meet under the law if the necessity arose.

The Attorney General: Yes.

Hon. A. R. G. Hawke: Make no mistake about that.

The Attorney General: That is so.

Hon. A. R. G. Hawke: The financial obligation of the Government in this matter is no certainty—there cannot be any certainty; there could not even be a reasonably accurate approximation of the amount the Government will require during the period of 12 months. It can only be a guess. Therefore Parliament does in each financial year vote to the Government a certain amount to enable it to meet its anticipated financial liabilities under the provisions of the Workers' Compensation Act. In the circumstances, it seems to me that it requires a very great stretch of imagination for anyone to argue, or rule, that the Bill introduced by the member for Mt. Hawthorn is a charge upon the Crown, and therefore out of order insofar as its introduction by that hon. member is concerned. The Bill introduced by the hon. member is not necessarily a charge upon the Crown.

The Attorney General: It provides that the amount shall be increased under certain contingencies.

Hon. A. R. G. Hawke: The Bill in question does not provide anything of the sort.

The Attorney General: It does.

Hon. A. R. G. Hawke: It does not. It provides that certain benefits now available under the Act shall be increased to those workers who would become injured after the Bill had become law. How can the Attorney General or I, or you, Mr. Speaker, say that the expenditure by the Government during the next six months, nine months or 12 months, in the event of the Bill becoming law, will be greater than the amount of money that Parliament would have voted to the Government to meet this expenditure under this particular heading?

The Attorney General: It increases expenditure available to any individual under certain contingencies.

Hon. A. R. G. Hawke: By way of an increased amount payable to the individual who might be injured after the Bill becomes law, but it does not necessarily increase the total amount which Parliament will have voted to the Government for this purpose prior to the Bill in question becoming law. Therefore the Government will have voted to it, to meet its liabilities under the Workers' Compensation Act, more than it will require, probably much more than it will require, in the total amount to meet the expenditure which will arise to the Government under the provisions during the remainder of the present financial year. The Treasurer told us that it would not be possible in any Parliament in Australia for a private member to introduce a Bill similar to the one introduced by the member for Mt. Hawthorn. I am not sure, but I think at the time the Treasurer might have been quoting from a Crown Law memorandum. Whether he was or not, does not really matter, because he expressed what he said as being his own opinion and belief.

I was very surprised he said that because I recollected a Bill having been introduced into the South Australian Legislative Assembly two or three years ago by the then Leader of the Opposition. As far as I can remember, there had been no challenge to that Bill by the Premier or by any of his Ministers. I have since had the opportunity of looking up the debate on the matter, and have found that the Bill to amend the South Australian Workers' Compensation Act was in fact introduced into the Legislative Assembly in that State by the then Leader of the Opposition on the 24th August, 1949. The Bill was a fairly comprehensive one and aimed at increasing very substantially the amount of monetary benefits available to

injured workers and their dependants. The Speaker of the South Australian Assembly in no way questioned the right of the Leader of the Opposition to introduce the Bill; he certainly made no attempt to declare it out of order on any ground.

Neither the Premier nor any of his Ministers questioned the right of the Leader of the Opposition, or challenged it. In fact, upon the contents of the Bill there was a very full debate, in which the Premier of South Australia, the Hon. Mr. Playford, participated. As a matter of fact, he led the Opposition to the Bill on behalf of his Government and the supporters of his Government. The Bill went through to the second reading stage when it was defeated by a majority of two votes. Therefore it would seem quite clear that in the South Australian Parliament with the interpretation of the law, the Standing Orders and the procedure under which they operate, there has not been any objection in respect to this question. It is a surprising ruling which you, Mr. Speaker, have given tonight, and in view of all the circumstances, I do not think it is justified. Therefore, members should, in the interests of injured workers and their dependants and in the interests of retaining as a right to private members the privilege to make improvements to the Act from time to time, vote against your ruling.

Hon. J. T. Tonkin: I have followed most carefully the arguments brought forward from both sides of the House and am impressed with the very great importance of the point to be decided. I am supporting the motion to disagree with your ruling, Mr. Speaker, because I think it is incorrect and, if allowed to stand, would be a dangerous precedent. In my view, an unanswerable case has been put up from this side of the House. The Leader of the Opposition dealt very comprehensively with the various aspects of the question and backed up his opinion with reliable authority and, I felt, presented to the House a case that could not be successfully combated.

I wish to elaborate a little on one of the arguments used by the member for Northam—one which emphasises the importance of your decision to the House. The hon. member said—and I agree with him—that if your ruling is allowed to stand, it will mean that no private member will in future be able to effect amendments to the Workers' Compensation Act, and it struck me that that would apply also to amendments to many other Acts, for instance to one like the Timber Industry Regulation Act.

It seems that this Bill is out of order in your view because it so happens that there is a State Government Insurance Office. If there were no State Insurance Office and we were amending the Workers' Compensation Act to provide for the payment of benefits by private companies, you would have no objection, but because there happens to be a State Insurance Office, we cannot amend the Act in this way. Likewise, if that is sound logic, because there are State Saw Mills, we cannot amend the Timber Industry Regulation Act to provide for amenities to employees, because, if we did, it would cause the State Saw Mills to increase their expenditure to provide those amenities and that would be a charge on the Crown.

I submit that that is just too stupid to be accepted. Simply because in these various fields of industry there happens to be a State office or a State instrumentality, we, as private members, are to be prevented from effecting alterations to Acts to improve conditions for workers generally. I made it my business to find out whether, when the Timber Industry Regulation Act was first introduced in 1926, providing for certain things to be done in the interests of the men engaged in the industry, there was any Message from the Governor recommending appropriation for the purposes of the Bill.

It must definitely have brought about expenditure because it entailed the appointment of inspectors whose wages would have to be paid by the Crown. It meant that certain things would have to be done by the State Saw Mills which would cost money to effect, but there was no Message. As the Bill was introduced without Message, surely it could never be insisted now that we cannot amend that Act unless we have a Message! That case is on all fours with the one we are now discussing. I was interested to hear the Premier read the section of the Constitution Act which deals with this matter and I should like to quote it again—

> A vote, resolution or Bill for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by Message of the Governor to the Legislative Assembly.

The Premier based most of his argument upon that section. That applies to Ministers as well as to private members. It does not refer to votes or resolutions introduced by private members; there is no qualification, so it includes Ministers as well as private members.

Not such a long time ago, we had before us the State Housing Act Amendment Bill, one of the purposes of which was to provide that the State Housing Commission should pay rates on land where it hitherto had not paid any. That meant a charge on the Crown, because the Commission cannot pay rates unless it uses revenue. It was proposed that the Commission should pay rates after it had held the land for a certain period. When the Bill was before the Legislative Council, it was amended to

make the burden on the Crown greater than the Minister originally intended. Did you, Mr. Speaker, on your own initiative, point out that this was being done without a Message, because it was done without a Message? What was the Attorney General thinking about in allowing it to be done without a Message?

Hon. F. J. S. Wise: He knew that it was permissible.

Hon. J. T. Tonkin: If this is appropriating revenue, I should like to know how you can argue against the State Housing Act Amendment Bill, which said in effect that the Commission had to use State revenue to pay rates on land to local authorities, and the Commission could not pay those rates unless the money used was appropriated for the purpose. You, Mr. Speaker, appear to have taken the initiative in connection with the Workers' Compensation Act Amendment Bill. Why did not you do something about that Bill, which has passed all stages? If ever a Bill required an appropriation of revenue, that one did. We have heard it argued over the years that another place may not impose a burden on the Crown.

Hon. F. J. S. Wise: And may not amend a money Bill.

Hon. J. T. Tonkin: Yet, to a Bill introduced without a Message, the Legislative Council has made an amendment which subsequently was the matter of a conference between managers of both Houses. That amendment by the Legislative Council, upon which the conference was held, was for the purpose of making the Crown pay more money than the Minister originally intended. We must have some consistency in these matters. We cannot argue in the one instance that we need a Message and then in the other instance that we do not. So what is to happen in connection with that matter? Not only has that Bill passed through all stages, but a conference of managers has been held and their decision has been agreed to. That was a Bill introduced without a Message. Just where are we getting? Is the ruling to be one way one day and another way another day because it happens to suit the particular circumstances?

The Attorney General: I think that is rather an unnecessary remark.

Hon. J. T. Tonkin: But it is true, is it not?

The Attorney General: No, but go on.

Hon. J. T. Tonkin: Here we have a situation that has cropped up within recent weeks. I shall put it in this way to the Attorney General: Does he or does he not believe that the State Housing Act Amendment Bill required a Message for its introduction?

The Attorney General: I have not looked into that question.

Hon. A. R. G. Hawke: He has looked into this one.

Hon. J. T. Tonkin: Yes, he has looked into this one all right! Does not that emphasise what I said when the Attorney General raised some objection? When that Bill was up here, it was patent to everybody that it meant revenue would have to be paid out. The Premier was so concerned about it that he made a remark to me when we were crossing the floor for a division, because I voted in support of the amendment which would increase the amount of rates the State Housing Commission would have to pay. The Premier, as Treasurer, was concerned about the extra burden which that would impose. But there was no Message for its introduction, although there was an amendment by another place to make the burden still greater. But no Message, and no objection from the Speaker or the President about its validity!

Hon. F. J. S. Wise: Or from a Minister.

Hon. J. T. Tonkin: We want some consistency in these matters. We cannot be out of order one day and in order the next. As in all cases, these arguments are decided on votes, not logic.

The Premier: Has that been the case in the past?

Hon. J. T. Tonkin: Yes, especially on the alunite matter.

The Premier: Yes, but in the past; in connection with past Governments?

Hon. J. T. Tonkin: I want to get some assurance in this connection if I can. I will assume the best but prepare for the worst. Should this vote go against us—

Hon. F. J. S. Wise: The Independents have gone home, so it must.

Hon. J. T. Tonkin: Should the vote go against us on this side and the Bill be disallowed, so that we are prevented from going on with it, I would like to put this to the Premier: During his argument he expressed approbation of a number of provisions in the Bill and did not want to have the judgment of members swayed, because of the merits of the Bill. So he must have felt the Bill contained considerable merit; otherwise it it could have no influence in swaying the judgment of members. As the Premier saw a good deal of merit in the Bill, and as it is desirable that Bills of merit should be passed if possible, if your ruling is to stand and we cannot proceed with the debate, will the Premier pick up this Bill as a Government measure and get a Message, so that we can debate it?

Hon. F. J. S. Wise: That is a fair question.

Hon. J. T. Tonkin: That is what I would like to know, if the Premier would vouchsafe an answer.

Hon. A. R. G. Hawke: The silence is terrific!

The Minister for Education: He wants notice of the question.

Hon. J. T. Tonkin: I think it is a perfectly fair question. Otherwise I would have to say that the Premier was speaking with his tongue in his cheek.

Hon. A. R. G. Hawke: Both cheeks!

Hon. J. T. Tonkin: I do not desire to delay the decision in any way, but I point out that immediately the decision is made in this matter, I am bound to raise with you, Sir, the point I have already dealt with concerning the State Housing Act Amendment Bill.

Mr. Needham: I agree with the motion moved by the member for Mt. Hawthorn that your ruling be disagreed with, Sir. I would not have taken part in the debate but for some references made by the Premier to the practice in various parts of the Commonwealth. I remember that on one occasion in the Commonwealth Parliament I brought down a Bill to amend the Commonwealth Workmen's Compensation Act. That Bill had for its object the inclusion of an item in the Schedule providing for occupational diseases that might be contracted by Commonwealth employees. That Bill was debated up to the second reading and then defeated. The point I want to make is that neither the President of the Senate nor the Leader of that House—a very astute and experienced parliamentarian, Senator Sir George Foster Pearce—raised any objection on any ground whatever to myself, as a private member, introducing that measure. Yet, had it become law, it would have imposed a heavier burden on the taxpayer because it would have brought under the Act a number of employees hitherto unprovided for. At that time, I was Leader of the Opposition in the Senate, and the President of that day was well versed in Standing Orders and the traditional practice of the House of Commons in matters of this kind. But I was allowed to introduce a debate on that measure, just as was done in South Australia on the occasion mentioned by the member for Northam. In neither case was the Bill ruled out of order. Had you, Sir, looked back a bit further than you have done so far as reliable authorities are concerned, you would have found that precedents have been established by private members introducing measures similar to this one without objection being raised.

Question (dissent) put and a division taken with the following result:—

Ayes	22
Noes	23
Majority against	1

Ayes.

Mr. Brady	Mr. McCulloch
Mr. Coverley	Mr. Needham
Mr. Fox	Mr. Nulsen
Mr. Graham	Mr. Oliver
Mr. Guthrie	Mr. Rodoreda
Mr. Hawke	Mr. Sewell
Mr. J. Hegney	Mr. Sleeman
Mr. W. Hegney	Mr. Styants
Mr. Hoar	Mr. Tonkin
Mr. Marshall	Mr. Wise
Mr. May	Mr. Kelly

(Teller.)

Noes.

Mr. Abbott	Mr. Manning
Mr. Ackland	Mr. McLarty
Mr. Brand	Mr. Nalder
Mrs. Cardell-Oliver	Mr. Owen
Mr. Cornell	Mr. Perkins
Mr. Doney	Mr. Thorn
Mr. Grayden	Mr. Totterdell
Mr. Griffith	Mr. Watts
Mr. Hearman	Mr. Wild
Mr. Hill	Mr. Yates
Mr. Hutchinson	Mr. Nimmo
Mr. Mann	

(Teller.)

Pair.

Aye.	No.
Mr. Panton	Mr. Bovell

Question thus negatived.
Bill ruled out.

Point of Order.

Hon. J. T. Tonkin: In view of your ruling, Mr. Speaker, it seems to me that the State Housing Act Amendment Bill was definitely one imposing a charge upon the Crown inasmuch as it provided that on certain lands acquired by the Commission, the Commission was to pay rates to local authorities where previously none had been payable. That meant that the State revenues had to provide money for the purpose.

The Premier: Is this the time to raise this point?

Hon. J. T. Tonkin: According to the Speaker, yes.

The Premier: But the Bill is finished with.

Hon. J. T. Tonkin: The Premier has just shown that he is prepared to abide by the Speaker's ruling, and that is what I am doing. I am raising the point now because if I cannot, I do not know what other time will be available to me for the purpose. It would seem to me that His Excellency will have difficulty in giving his assent to the Bill in view of the fact that Parliament has passed it without a Message, if one is required. If, Mr. Speaker, you have no definite opinion on the matter, and I think you should in view of your previous decision, I consider the question should be referred to the Crown Law Department for opinion as the Bill might be found to have been passed by Parliament, beyond its authority, because no Message from His Excellency was placed before it prior to the Bill being passed.

Mr. Speaker: Standing Order No. 145 provides—

> If any objection is taken to the ruling or decision of the Speaker, such objection must be taken at once.

The time for this point to be raised was when the Bill was before the House. It is too late now.

Hon. J. T. Tonkin: You gave no ruling or decision, Mr. Speaker, to which I could take exception, so how does that Standing Order apply?

Mr. Speaker: I decided the Bill should go on at the time.

Hon. J. T. Tonkin: No, you forgot about it.

BILL—RURAL AND INDUSTRIES BANK ACT AMENDMENT.

Second Reading.

Debate resumed from the 9th November.

HON. F. J. S. WISE (Gascoyne) [10.25]: The Bill deals particularly with the provision of leave, under certain circumstances, to the employees of the Rural and Industries Bank. As the one who sponsored the law under which the bank operates I am interested not only in the bank, but in the conditions under which its officers work. In this connection only meagre information was given to the House by the Minister when he introduced the Bill. There was much more to be said, I feel, than the Minister told us in the two or three minutes that he devoted to the measure. When the parent Act was introduced, provision was made for the bank's employees to come within the provisions of the Public Service Act, which was appropriate at the time because the bank took over a lot of Crown servants who were officers of the Public Service directly and indirectly associated with the Agricultural Bank. At that time no members of the institution had any alliance with the Bank Officers' Association which takes in all the employees of the Associated Banks.

The matter was subsequently discussed by the Public Service Commissioner and Mr. President Dunphy of the Arbitration Court, in an endeavour to decide fairly what part of the Public Service Act and regulations should apply should the officers leave the Public Service and join the association attached to the private banks. I happen to know that Mr. President Dunphy, who met the employees concerned, made them be specific in their requests for the privileges and rights attaching to their employment. The Minister gave us, I repeat, meagre details of what the Bill means, but he did make clear that what was being suggested for long service leave was being proposed as a privilege and not a right. When these officers were under the Public Service Act they had long service leave as a right, but the proposal in the Bill is that long service leave may be granted at the discretion of the Commissioners.

When the Bill is in Committee, I would like to test the feelings of members on the point as to whether long service leave shall be granted. I have a clear recollection of the difficulties associated with getting, for the Public Service, long service leave as a right. It is only in recent years that members of that service have had it as a right.

The Minister for Lands: Do you think these people should have it now?

Hon. F. J. S. WISE: Yes.

The Minister for Lands: They agreed to waive that right.

Hon. F. J. S. WISE: The Minister did not tell us that.

The Minister for Lands: I told you last session.

Hon. F. J. S. WISE: I am referring to the Bill which the Minister introduced, in three and a half minutes, this session. He gave no explanation of the background of the Bill. Let us examine the parent Act for a moment. I would ask the Minister whether the section I am about to quote is in conflict with the Bill. The Rural and Industries Bank Act No. 14 of 1949, is one to amend the Rural and Industries Bank Act, 1944-1947, and it provides for the amending of Section 36 of the principal Act. Paragraph (b) of Subsection 4 states—

> Where on the appointed day any permanent officer of the bank has continued in the employ of the Commissioners for a period of at least three years, including any period of probation, he shall be entitled—

Note the words —

> —subject to the provisions of the next succeeding paragraph, at the election of the Commissioners, to—
>
> (i) long service leave; or
>
> (ii) payment instead of long service leave.

In this amending Bill, which seeks to amend Section 36 by adding certain interpretations with regard to continuous service, the qualifying period and the like, there is provision that the commissioners may, subject to the officer serving the period of entitlement to long service leave, grant to the officer periods of long service leave on full pay, and so on. I suggest to the Minister that this needs some attention on his part. We have in the Act of 1949 the provision that the officer shall be entitled to long service leave, and on page 4 of the Bill it is stated that the Commissioners may grant such leave to officers.

I require further information as to whether the arrangement made with the officers of the Rural and Industries Bank, now that they are members or are entitled to be members of the Associated Banks Organisation, is such that they are receiving the same privileges and rights as are other officers in the organisation they have joined in lieu of the Public Service. Can the Minister answer that question? I have information that shows clearly the disadvantages that these officers suffer by compari-

son with employees of the Commonwealth Bank or with State civil servants. Over a long period the disadvantage amounts to many weeks in their full term of employment—especially supposing they serve for a period of 40 years—and so I am not satisfied with the explanation of the Bill, and unless the Minister can satisfy me I will strongly object to the passing of the second reading and to the Bill being dealt with in Committee.

Some explanation must be given members as to whether under the present control there is a fair basis of comparison between these officers and other people who belong to the Associated Banks Organisation. I am prepared to support the Bill for the time being but will go to the length of making it mandatory, when the Bill is in Committee, that the commissioners shall regard these officers as being entitled to leave. Indeed, I suggest that they should be entitled to more leave than is provided in the Bill. To make their conditions consistent with those of the Public Service, the words "ten years" in the qualifying period should read "seven years" and for each succeeding qualifying period the provision should be for seven years.

The Premier: Is not that in conformity with the Associated Banks Organisation?

Hon. F. J. S. WISE: I do not know. I know only what the Minister said and, although I want to know, we have not been given the information. Unless further explanation is made there will be many amendments necessary if and when the Bill gets into Committee.

MR. BOVELL (Vasse) [9.35]: I listened carefully to the comments of the Leader of the Opposition and to the best of my knowledge and belief, when I was a bank officer, the conditions in the private banks were identical with those provided by the Bill with the exception that there was no long service leave—in my experience—granted to employees by the Associated Banks. It was the custom, as I believe it still is, that an officer on joining one of the Associated Banks, served for a period of 10 years with an annual leave period of two weeks.

Hon. F. J. S. Wise: But in addition to that there were provident funds, retiring allowances and so on.

Mr. BOVELL: I will deal with that in a minute. Following that period the annual leave was three weeks, but there was no mention of long service leave. I commend the Government for having introduced a measure to provide long service leave for employees of the Rural and Industries Bank. I believe that the Associated Banks should provide long service leave for their employees, but in all fairness to those banks I must say that when I had the opportunity of going oversea the bank that employed me had no hesitation in granting me a period of leave, not altogether with pay, sufficient to enable me to accomplish a trip encircling the globe. The Associated Banks have encouraged their officers to take leave in order that they may visit other parts of the world, but there is no provision for bank officers employed by private banks to have long service leave.

I believe the Bill provides even better leave conditions than those applying to employees of private banks. I wish to make it clear to the House, with regard to pension and other rights, that the pension fund is contributed to mainly by the employees themselves. They pay in a certain percentage of their salaries, and the bank from time to time makes grants to the fund to enable it to pay pensions to retired employees. If an officer ceases through his own will to be employed by a private bank before the age of retirement he has no claim on the pension fund, but usually the bank, in its generosity, pays a bonus to the employee who is leaving the service. I understand that is done out of the bank's own funds, so that it does not interfere with the bank officers' pension fund. The privileges under which private bank employees work are good and I think the House will agree that the Bill as submitted by the Minister—while it may not go as far as the Leader of the Opposition desires—is a move in the right direction for employees of the Rural and Industries Bank.

It is the custom of banks, whether they be the Rural and Industries Bank, the Commonwealth Bank or the private banks to transfer members of their staffs from place to place within, and where necessary away from the State. Through circumstances outside the control of the employee he may be transferred from Perth, to Broome, to Geraldton, Kalgoorlie and so on. When his annual leave comes along, if he desires to visit the metropolitan area, his home, or his relatives in other parts of the State, he has to utilise, in some cases, quite a good deal of his leave in getting to his destination.

Therefore, when and if further privileges and concession are being considered, the matter of allowing certain days for travelling should be taken into account. When a young man joins a bank and has only a fortnight a year for holidays, he usually wishes to go home to his parents for his annual leave. But, to have three or four days taken out of that leave for travelling time is really unfair to that employee. So, I believe that the Bill could have gone further in providing certain travelling time to employees who are transferred some distance from their homes. It will be necessary, if some scheme is adopted, to have a basis on which to work out the times to be allowed. I suggest that the distance from the metropolitan area could be used as a basis and is worthy of consideration.

It is usually not the employee's own desire that he is domiciled in some of these outback towns, away from the metropolitan area, and some allowance should be made to an employee of the Rural and Industries Bank to cover him for travelling expenses when he has his annual leave. I support the measure because I believe it is a move in the right direction and I am assuming that the employees themselves are favourable to the Bill as presented.

Hon. F. J. S. Wise: That is not quite so.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay—in reply) [10.43]: Last year, when I introduced an amending Bill, I gave a fairly full explanation to the House and I did not think it necessary to repeat the conditions which I gave when introducing that measure.

Hon. F. J. S. Wise: This is a new Parliament.

The MINISTER FOR LANDS: I did not think it necessary to repeat the statements when introducing this Bill.

Hon. F. J. S. Wise: But this is a new Bill.

The MINISTER FOR LANDS: Yes, but it is just carrying out a promise that we made last session. The member for Leederville was going to introduce amendments to the Bill last year to make provision for long service leave. He was given an undertaking that it would be granted as a privilege and that the necessary legislation would be brought down this session. The Leader of the Opposition quoted a section of the Act, and said he was not sure that this Bill was not in conflict with the legislation introduced last session. That section, to which he referred, dealt with the winding up of the long service leave of the staff of the Rural Bank and it laid down the conditions on which their long service leave, as far as their connection with the public service was concerned, should terminate.

What actually happened was that all those members were paid their long service leave up to date. They received the full amount owing to them for long service leave up to the appointed date. From then on they came under the private bank conditions. The Government has been most generous to the staff of the Rural and Industries Bank. Under this Bill, the older members of the bank who received their long service pay right up to date, are being permitted to take in their past services in the computation of their long service leave under this measure.

Mr. Styants: You are letting them double up on it.

The MINISTER FOR LANDS: Yes, they are doubling up but we are permitting it because, after consultation with the Public Service Commissioner and the Under Treasurer, it was agreed that they should be allowed this privilege as they are old servants of the bank. So their service in the past, although these men have been paid for it, is being taken into consideration in computing their long service leave for the future. When the decision of the Arbitration Court was given, Mr. President Dunphy said that he had no power to grant these employees long service leave, but he expressed the opinion that he thought they were entitled to it and should have it as a privilege. In referring to the Associated Bank conditions, the staff of the Rural Bank, in that direction, are being treated most generously. If members could see the letters that come from the Commissioners asking me to approve of loans to the staff, members would agree that we are treating them generously, to the extreme.

Hon. J. B. Sleeman: What are the loans for?

The MINISTER FOR LANDS: The Associated Banks assist their employees to considerable lengths. They assist them even with dental bills, medical bills, the purchase of refrigerators and everything that they want. The banks require some security but it is very small.

Mr. Fox: Do they charge them interest?

The MINISTER FOR LANDS: I am not sure of that point, but I daresay they are charged ordinary bank interest or they conform to the ordinary bank practice. The staff of the Rural and Industries Bank are enjoying all the privileges of the Associated Banks, so I do not think the Leader of the Opposition need have any doubts as far as his interest in the bank is concerned. I can prove that we are most generous to the employees of the bank. The Leader of the Opposition spoke of his interest in the bank, but as a private individual I am banking with the Rural and Industries Bank and as a director of a co-operative company I have given the bank the entire business which amounts to £120,000 a year. So, I can claim that I am doing my little bit in assisting the Rural and Industries Bank.

Hon. F. J. S. Wise: I created it; you will admit that.

The MINISTER FOR LANDS: The hon. member may have created it, but I am supporting it.

Hon. F. J. S. Wise: It is to your benefit to support it; look at the service it gives you!

The MINISTER FOR LANDS: I feel that I could get the same service from the other banks.

Hon. F. J. S. Wise: I doubt that.

The MINISTER FOR LANDS: I think I could.

Hon. F. J. S. Wise: I doubt if I could get an overdraft from another bank.

The MINISTER FOR LANDS: I feel that I could get just as good service from the other banks. But being a State rural bank it assists the primary producer and as I was connected with a co-operative company, the interests of which are solely in line with those of the primary producer, I agreed that the Rural and Industries Bank should have its account.

Hon. E. Nulsen: It is doing an excellent job.

The MINISTER FOR LANDS: Yes. I admit that the Rural Bank is having quite a struggle with its business as a result of greatly increased costs.

Hon. F. J. S. Wise: You could not get some of the Totterdell millions into it, could you?

The MINISTER FOR LANDS: I could try. It is having a struggle because of increased costs and the establishment of branches throughout the State, but nevertheless it is pushing ahead and providing a great service to the public. As to its staff, I repeat that the House need have no fears because they are being treated extremely generously.

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—JUDGES' SALARIES AND PENSIONS.

Message.

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

Debate resumed from the 16th November.

HON. E. NULSEN (Eyre) [10.53]: The Bill is quite justified and I do not think the recommendation of Sir Ross McDonald and Mr. Taylor, the Public Service Commissioner, has been over-generous because when I work the matter out on a percentage basis I find that the Chief Justice, since 1939, has only been receiving 20 10/23rds per cent. and a Puisne judge 20 per cent. of their salaries as pensions. So there has not been a great wastage there. As to the pension scheme, the Bill will be of great assistance to those who will be appointed after it is made an Act and becomes operative. At present a retiring judge receives half his salary as a pension. If this Bill becomes law, the Chief Justice will receive, as salary, £3,000 a year and if he received a pension under the old scheme he would get £1,500 a year on retirement. However, those who come under the provisions of this Bill will only receive 40 per cent. of their £3,000 salary, which means a pension of £1,200 a year. Therefore, the Chief Justice will be down £300.

Although I agree completely with the provisions in the Bill, I think that some consideration should be given to an increase in the number of judges in Western Australia. At present we have provision for four and all of that number are appointed, but it must be remembered that one of them is President of the Arbitration Court and his work is principally confined to that office; his services as a judge being used only on rare occasions. The work at the moment is too much for three judges, especially if their services are used on Royal Commissions and other appointments. I also believe in circuit courts and that judges should visit the principal towns of the State to hold courts at least once a year in such centres. The people in the outback are entitled to that privilege but, with only three judges available, and especially if one of them is allotted to an extremely onerous task, it is not fair on them. Therefore I ask the Minister to bring legislation to provide for the appointment of five judges at least and this should bring the number of judges into line with those appointed in other States of Australia.

I hope that magistrates will be given more consideration than they have received up to last year, at least. As far as their salaries are concerned, they have been neglected compared with those paid to people in other walks of life. A coroner, too, has a special duty to perform apart from assisting in the court, and he is definitely underpaid. Whether his salary or allowance is due for an increase this year I do not know, but I hope it is. I am in accord with the explanation given by the Minister when introducing the Bill and I support the second reading.

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—LEGAL PRACTITIONERS ACT AMENDMENT.

Second Reading.

Debate resumed from the 14th November.

HON. J. B. SLEEMAN (Fremantle) [11.0]: The first portion of the Bill deals with the £500 a year which is paid to the University of Western Australia as a contribution towards the establishment

of a Chair of Law. In the past, legal practitioners were apparently very loyal, but evidently their loyalty has now failed them, and they do not wish to continue, nor do they think there is any need for, a Chair of Law. As you know, Mr. Speaker, different Attorney Generals in the past have thrown out their chests and said that their profession provides £500 a year for a Chair of Law, and they wondered why other professions did not do the same. Now their ardour seems to have cooled, as that £500 a year seems to be hitting their pockets. As a result, they propose to repeal that portion of the Act which provides £500 a year for the establishment of a Chair of Law at the University. I notice legal practitioners smiling at that provision. The University will be £500 a year poorer than it has been in the past. The then Attorney General, Mr. Davy, brought down that portion of the Act, of which he was very proud, but his successors do not seem to be quite so proud of it.

The second portion of the Bill deals with the Barristers Board, and the power of the board over legal practitioners. In 1932, I had a few words to say on this and mentioned then that, seeing the public provided the wherewithal for the practice of the legal profession here, there certainly ought to be a layman on the board as a representative of the public. I shall hold those views. The consumers of law should have a representative on the board, so that the public, or the consumers of law, would be able to put their point of view when the board was dealing with its business. The members of the Barristers' Board are all legal men, and we should have a layman on it. I wonder what would be said if I suggested that three representatives of the waterside workers should be present when their business was being conducted in the Arbitration Court. The members of this board are all legal men, and they now tell us they have not the power to deal with certain things. In 1932, the then Attorney General said—

> When I asked the member for Fremantle whether this particular case had been reported to the Barristers' Board, he replied that he did not know. I do not think it right to condemn the Barristers' Board, charge them as being a failure and not fulfilling their duty, and suggesting reformation, simply because a particular case of a wrongful act is quoted and the board have taken no action.

He also indicated that there were quite a number of people getting into the legal profession that were not a credit to it, as is the case with all other professions. With this I quite agree. It has been suggested that I have a personal animosity against all lawyers. That is not so. There are good lawyers and bad lawyers. There are some lawyers I would like to call friends, but there are others whom I would like to see dealt with. I would say now that the Barristers' Board has the power but has refused to use it. In 1948, the present Attorney General said the board did not have the power it needed. Parliament said, "We will give you power to deal with legal practitioners," and this is what we gave the present Attorney General in order that solicitors guilty of unprofessional conduct could be dealt with. We said, in Section 6 of the Legal Practitioners Act—

> Section twenty of the principal Act is repealed and the following section is inserted in lieu thereof:—
>
> 20. Any person feeling aggrieved by reason of—
>
> (a) any alleged illegal or unprofessional conduct of any practitioner, whether committed or suffered before or after the coming into operation of this section, or
>
> (b) any neglect or undue delay in the conduct of the business of such person by any practitioner—
>
> may, by himself or agent, make complaint thereof in writing to the Board.

Sections 7 and 8 of the principal Act state—

> 7. Section twenty-one of the principal Act is amended by inserting the words "neglect or undue delay" after the word "conduct" wherever it occurs in the section.
>
> 8. Section twenty-four of the principal Act is repealed and the following section is inserted in lieu:—
>
> 24. (1) If upon such inquiry the Board shall be of opinion that the practitioner is guilty of any unprofessional conduct—

I would like you to remember that, Mr. Speaker. It says "of any unprofessional conduct"—

> that the practitioner is guilty of any neglect or undue delay—

It will be noted that it also says "or undue delay"—

> in the conduct of the business of the complaint, the Board may—
>
> (a) make and transmit a report thereon to the Full Court, with a copy of the evidence taken on the inquiry, or
>
> (b) inflict a fine not exceeding one hundred pounds, or
>
> (c) suspend the practitioner from practising for a period not exceeding two years, or
>
> (d) reprimand the practitioner; and

(e) in any case may make such order as to payment of costs by him as the Board may think fit. The Board may order that any costs be taxed by the Master of the Supreme Court, for which costs the Master shall give his allocatur.

(2) Any order made by the Board under the foregoing provisions may be enforced in the same manner as an order of the Court made under the Act.

It will be remembered that the Attorney General in 1948, told us that was necessary because the Barristers Board at present did not have the requisite power to deal with practitioners. That power was accordingly given to him. Now we find that the board is not prepared to use it. As the song says, "I Have a Very Sad Story to Tell You of the Conduct of a Practitioner to His Client."

For some years a client was very dissatisfied with the conduct of a practitioner from whom he could not get a fair deal. When he sought to interview the practitioner, he was wiped aside with the remark, "See me later; I am very busy." If the client met him in the street, he had no time to speak to the client. If the client went to his office, he had some excuse to offer for not seeing him. Then the client in despair consulted another solicitor and asked him to take up the case with the first solicitor and see whether he could obtain the money that was being held for him by the defaulting solicitor, who in turn claimed that the client owed him some money. After some time the client found that the second solicitor could do no good, so he went to another solicitor, but he could not accomplish anything.

Then the client in desperation sent a registered letter demanding the return of the moneys in question, but the letter was ignored. I have a number of letters here but I shall not read them all. The first is a letter sent to a firm of solicitors authorising it on behalf of the client to receive moneys and stating that its receipt would be a sufficient discharge for all deeds and papers handed over, but nothing came of that.

A letter was then sent to the secretary of the Barristers' Board, and the reply was that the board considered the client should go to another firm and make a civil case of it. The client wrote back asking whether the board was not prepared to take up the case with the solicitor. At last things got moving and the board communicated with the solicitor and requested him to appear before it on a certain day in order that the tangle might be straightened out. The board spent the best part of three days with the solicitor who was trying to defend himself and then made this decision.

> The board found that no bill of costs had been rendered, in spite of numerous requests for a bill and for the payment of the balance of moneys, no bill had been rendered up to the date of hearing.

That was the first portion of the decision of the Barristers' Board. If you were a practising solicitor, Mr. Speaker, and a client owed you money and pressed you for a bill of costs, I think one of the first things you would do would be to make out a bill of costs and send it to the client. Yet the board found that in spite of numerous requests for a bill, no bill had been rendered up to the date of the hearing. Nevertheless, the solicitor, before the end of 1945, transferred the whole of the client's money from the trust account to his own account and had since retained it. In the opinion of the board the conduct of the solicitor in this matter was reprehensible. The board, however, decided that it could not take accounts between a practitioner and his client and, as the solicitor had undertaken forthwith to deliver a detailed bill of costs, the board considered that in this case the complainant's appropriate remedy was in a civil court. So the client was pushed to one side.

The board found that the conduct of the solicitor in this matter was reprehensible. On looking up the dictionary, I find that reprehensible means blameable, culpable, censurable and deserving of reproof. That is the conduct of which the solicitor was found guilty on the first charge, but the client was told that the appropriate remedy for him was in a civil court. Then there was another amount of £52 10s. about which complaint was made. The decision of the board on that complaint was—

> On these facts the board is of opinion that the solicitor was guilty of unprofessional conduct and resolved—
>
> (a) That the solicitor be adjudged guilty of unprofessional conduct.
>
> (b) That as the board has no previous record against the solicitor, he be reprimanded.

Adjudged guilty of unprofessional conduct and he was reprimanded! I point out that, under the Act, had the client failed in his complaint, the solicitor would have been awarded fairly substantial expenses. The case lasted the best part of three days, but the client got no expenses from the board. I suppose that had the decision gone the other way, the solicitor would have been awarded 10 guineas per day. Yet, when the solicitor had been

found guilty of reprehensible conduct on one charge and unprofessional conduct on the second charge, the client received nothing by way of expenses.

The client then went to another solicitor who appeared before a judge in chambers and the judge referred him to the Master of the Supreme Court. This had to do with the amount of £52 10s. and the solicitor's bill of costs which, by this time, had been sent in. It was a fairly lengthy bill made up of quite a lot of items. The client accompanied the solicitor to the Master of the Supreme Court when he investigated the case and after nearly three days, the Master found as follows:—

> I report that the disbursement of £52 10s. paid by the solicitor to ———— was not an authorised or proper disbursement and should be disallowed.

The Master found that more than one-sixth of the bill of costs should be disallowed. If more than one-sixth of a bill of costs is disallowed, expenses should be awarded to the client. Although the time occupied before the Master was one and a half days, he allowed only seven guineas including £2 out-of-pocket expenses against the solicitor, because he contended that a lot of time had been wasted, due to issues raised and decided against the client. The fact remains that the client had more than one-sixth of the bill of costs disallowed, and the £52 10s. was disallowed, and yet he received only seven guineas including £2 out-of-pocket expenses. So it will be seen that the position is loaded against the client all the time. With regard to trust moneys, the Act provides that—

> Every practitioner shall, so long as he carries on the practice of his profession in Western Australia, keep a trust account in a bank in Western Australia to be used exclusively for trust moneys from time to time paid to him or held by him as a practitioner or as a trustee. All moneys received for or on behalf of any person by such practitioner acting professionally or as a trustee shall be trust moneys for the purpose of this Act, and shall be held by him in trust for such person to be paid or applied as he directs and until so paid or applied all such moneys shall be paid into and retained in such trust account.

It is also provided in Section 36 that—

> Any practitioner who fails to comply with the provisions of Section thirty-four or Section thirty-five may be dealt with under the provisions of Section eighty-one of this Act and the matter shall be subject to inquiry by the Board under the provisions of this Act if the Board shall think necessary.

A man is found guilty of reprehensible conduct, and then we find it set out in Section 69 that—

> The costs of and incidental to such taxation shall be taxed and ascertained by the said taxing master, and shall be paid and borne as follows:— If one-sixth in amount of the items objected to are disallowed, the practitioner, his executors, administrators or assignees, shall pay the costs, but in every other case the same shall be paid by the party requiring taxation, his executors or administrators.

I venture to say that if the solicitor in this case had been successful against the client when they went for taxation the solicitor would have received considerably more than seven guineas in costs. But the client got only seven guineas. Consequently I think the time has arrived when we should have a layman on the board so that citizens receive a fair deal. I have pointed out that these folk have to go to the Barristers' Board, which says they must go to the civil court, and the civil court sends them to the Master, and so the game goes on. The time has arrived when the Attorney General should liven things up and see that somebody is put on the board to protect the interests of laymen. It is no good at present, because people are not receiving a fair deal. The Attorney General knows what is going on in the Barristers' Board. We had the spectacle in 1932 of Mr. Davy, the then Attorney General, telling us what the Barristers' Board would do to a practitioner found guilty of unprofessional conduct. He said the board had power to take action.

But then we had the present Attorney General telling us in 1947 that the board did not have sufficient power and asking us to give it more. We did so; and now, in 1950, he tells us the board still has not enough power and asks for more. What is the use of having power if it is not used? Does anybody mean to tell me that the board could not have done anything in the case I have mentioned? Under powers originally given to the board, it was able to—

> (b) inflict a fine not exceeding one hundred pounds; or
> (c) suspend the practitioner from practising for a period not exceeding two years; or
> (d) reprimand the practitioner; and
> (e) in any case may make such order as to payment of costs by him as the Board may think fit. The Board may order that any costs be taxed by the Master of the Supreme Court.

The Barristers' Board could have said, "We find that you have been guilty of reprehensible conduct in one case and of unprofessional conduct in the other. We will suspend a decision for seven days, and if you are not prepared to do the right thing

for your client we will take the matter in hand." The least the board could have done was to say that; and if the man had not stood up to his job it could have said, "You are out for six months at least, because you are not prepared to do the right thing by your client, after we have gone fully into the case and found you guilty of unprofessional and reprehensible conduct." I am hoping that the Attorney General will do something in this matter.

I wonder whether it is open to me to move later on that a layman be placed on the board to protect the interests of the general public. I hope the Attorney General will see that something is done and not come along to the House every year with the complaint that the board is not allowed to do things. He must realise there is need for an improvement or he would not have come to us in 1947 and again in 1950 seeking extra powers. What is he going to do? Is he going to liven up the board and do the job without a layman, or is he going to have a layman appointed to the board? I certainly hope something will be done.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—Mt. Lawley—in reply) [11.25]: The hon. member has informed the House of a particular case in respect of which there is not the slightest doubt that the solicitor concerned was extremely unprofessional in his conduct. The hon. member read the finding of the board. In one case the man was reprimanded and in the other he was found guilty of unprofessional conduct. This Bill seeks increased powers for the board and those powers are required to meet, to some extent, cases such as that mentioned. The proposal is that when the board has made an inquiry and considers that money is due to a client, it will be able to order payment to the board immediately, the board then paying the money to the client.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Perkins in the Chair; the Attorney General in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Section 24 amended:

Hon. J. B. SLEEMAN: We may as well have things made definite this time. We do not want the Attorney General to come back next year and say the wording of this measure is bad. I would like to know the meaning of the word "certain" in this clause.

The ATTORNEY GENERAL: The word is used in its technical sense. There is such a thing as damages. The board would not have power to award damages because it would be a certain amount that would have to be decided either by a judge or a jury. A certain amount is a fixed amount.

Hon. J. B. Sleeman: Is it necessary to have the word "certain" included?

The ATTORNEY GENERAL: I think it is advisable.

Hon. J. B. SLEEMAN: Will the Attorney General assure us that anyone who in the future is found guilty of owing money to a client will be dealt with by the Barristers' Board? A client was told on one occasion to go before the Taxing Master. The barrister who appeared for him said he did so only because the Barristers' Board decided against the solicitor. I mentioned this to another lawyer and he said to me, "You will never get one doctor appearing against another." A lot was said about Dr. Evatt appearing the other day for the communists, but the secretary of the Barristers' Board, who is a strong Liberal, said that the doctor was quite within his rights. How then is it so hard to get one solicitor to appear against another?

The Attorney General: I do not think it is. They are only too willing to appear so long as they are paid.

Hon. J. B. SLEEMAN: Is the Attorney General quite satisfied that if in future a verdict is given by the Barristers' Board something will be done?

The Attorney General: I cannot go further than the clause.

Hon. J. B. SLEEMAN: Does the Attorney General think the board will order the sum to be paid?

The Attorney General: I would be surprised if it did not.

Clause put and passed.

Title—agreed to.

Bill reported without amendment, and the report adopted.

House adjourned at 11.34 p.m.