Basic-wage increases in the future will increase the amount, commencing, of course, from the new basic figures provided for by this amendment.

The Bill will also remedy an injustice which occurs from time to time chiefly with partially incapacitated workers who would, but for the accident, have been earning considerably more than they were doing at the time they were injured. The difference is due to both basic wage and marginal increases. At present the compensation is calculated on the basis of the wages they were formerly earning, and an amendment is proposed so that it can be calculated on what they would now be earning.

On motion by Mr. W. Hegney, debate adjourned until Tuesday, the 15th November.

Message: Appropriation

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

FISHERIES ACT AMENDMENT BILL

Council's Amendments

Schedule of two amendments made by the Council now considered.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Ross Hutchinson (Minister for Fisheries) in charge of the Bill.

The CHAIRMAN: The Council's amendments are as follows:—

No. 1.

Clause 2, page 2, line 1—insert after the word "amended" the passage "—(a)."

No. 2.

Clause 2, page 2, line 5—Add after the word "carapace" the following paragraph—

(b) by adding after the interpretation "Regulations" the following interpretation:—

"Vehicle" includes any vehicle included in that term within the meaning of the Traffic Act, 1919, and includes also any railway locomotive and any railway carriage or wagon."

Mr. ROSS HUTCHINSON: I propose to agree to the amendments submitted to this Chamber by another place. The one amendment is consequential upon the other and I think it appropriate that both be dealt with together. The amendments arise out of an assurance I gave the member for Toodyay that I would have a look at whether the definition "vehicle" included the term "train". Crown Law Department officers felt that it probably did satisfactorily cover the position, but in order to put the issue beyond doubt it was thought wise to include the amendment. It is to ensure that the carriage of crayfish by a train is covered by the Bill. I move—

That the amendments be agreed to.

Question put and passed; the Council's amendments agreed to.

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

House adjourned at 11.12 p.m.

Legislative Council

Thursday, the 10th November, 1960

CONTENTS

The PRESIDENT took the Chair at 2.30 p.m., and read prayers.

QUESTIONS ON NOTICE

FREMANTLE RAILWAY BRIDGE

Passenger and Goods Traffic

1. The Hon. A. L. LOTON asked the Minister for Mines:

(1) What average number of passenger trains have used the Fremantle railway bridge per day for the two months ended the 31st October, 1960?

(2) What is the average number of passengers carried by such trains per day?

(3) What tonnage of goods was railed direct from Victoria Wharf over the bridge for the years ended—
(a) the 30th June, 1959;
(b) the 30th June, 1960?

(4) What tonnage of goods was railed over the bridge direct to Victoria Wharf for the years ended—
(a) the 30th June, 1959;
(b) the 30th June, 1960?

(5) Is Kwinana refined fuel pumped north of the Swan River per medium of pipe line and railed south over the bridge?

(6) If so, what tonnage of Kwinana fuel is railed south over the bridge?

The Hon. A. F. GRIFFITH replied:

(1) Weekdays, 114; Saturdays, 87; Sundays, 61.

(2) As advised in reply to a similar question asked by the honourable member on the 17th August, 1960, this information is not available and can only be obtained by a physical count of the number of passengers.

(3) Year ended the 30th June, 1959, 8,437 tons; year ended the 30th June, 1960, 5,404 tons.

(4) Year ended the 30th June, 1959, 23,053 tons; year ended the 30th June, 1960, 24,178 tons.

Note: In respect to the answers to questions (3) and (4) it should be appreciated that these figures represent only a portion of the total quantity of freights hauled over the bridge. During the year ended the 30th June, 1959, a total of 255,438 net tons of freight was transported over the bridge.

(5) Yes.

(6) The tonnage of Kwinana fuel railed south from North Fremantle is not known but for the months of September and October, 1960, a total of 229 tons of fuel, from all sources, was railed south from North Fremantle.

2. *This question was postponed.*

BELLEVUE SCHOOL

Additional Accommodation and Repairs

3. The Hon. G. E. JEFFERY asked the Minister for Mines:

In view of the unsatisfactory conditions existing at the Bellevue State School, will the Minister inform the House—

(a) Is it the intention of the Government to provide further accommodation at this school?

(b) Will urgent consideration be given to extensive renovations and repair?

(c) Will the Government consider the provision of new windows similar to renovations recently effected at the Thomas Street School?

The Hon. A. F. GRIFFITH replied:

(a) Bellevue has been listed for one additional classroom but funds are not available for this to be erected during this financial year.

(b) The school is listed for repairs and renovations in 1961.

(c) No. The special windows at the Thomas Street School were installed for the special classes for partially sighted children there.

MT. PLEASANT-ARDROSS SCHOOL

Opening Date, Accommodation, etc.

4. The Hon. E. M. DAVIES asked the Minister for Mines:

(1) When will the new Mt. Pleasant-Ardross School be opened?

(2) How many classrooms will be available?

(3) What grades will be accommodated?

(4) From what area will children be catered for ?

The Hon. A. F. GRIFFITH replied:

(1) The 13th February, 1961.

(2) Three classrooms.

(3) and (4) At present under consideration.

CROWN LAND

Burning-off in Metropolitan Area

5. The Hon. E. M. DAVIES asked the Minister for Local Government:

Will the Minister inform the House what arrangements are being made to burn off Crown land in the metropolitan area?

The Hon. L. A. LOGAN replied:

Crown land in the metropolitan area comprises mostly reserves which are vested in various authorities, which are responsible for care and maintenance.

FREMANTLE MUNICIPAL TRANSPORT BOARD (POSTPONEMENT OF 1960 ELECTIONS) BILL

Returned

Bill returned from the Assembly without amendment.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 9th November.

THE HON. C. H. SIMPSON (Midland) [2.38]: In asking for the adjournment of this Bill last night I had in mind the very important Government utility with which the Bill deals, and the legislation which it seeks to amend. This utility is, of course, far and away the biggest public utility in the State. It is responsible for the earning and disbursement of far larger sums than any other project in which this State is interested.

Anything appertaining to this particular utility, therefore, and the desire to amend the legislation governing it, deserves very careful consideration. I did not have an opportunity to study the Bill previously. In the brief period between last night and today I have gone through the measure and, on the whole, I regard it more or less as a piece of tidying-up legislation, rather than any attempt to introduce innovations. It does not ask the House to sanction anything new. For instance, the question of amending the Act to conform to altered values over the years is a very sensible idea, and a very necessary one; and it is typical of most of the requirements in the Bill.

I have mentioned in this House on more than one occasion that the question of railways is one that concerns the country intimately; and to a far greater degree than it does the metropolitan area. If the railways stopped running in the metropolitan area for the time being it would not be of great moment, because the service could be taken over by road vehicles. But it is different in the country as the function of a railway is first of all to form a link with the country and the metropolitan area as a means of transporting goods or supplies mostly from the metropolitan area to the country.

When we consider, Mr. President, the farming community and the extent to which railway tranport affects it, I think we will all agree we have every reason to look carefully at any legislation which is brought forward concerning the running of the railways. I am going to mention one or two figures in that regard which might perhaps interest and possibly surprise some of the members present.

If one takes the agricultural areas which are listed in the year book as having a population of 88,071 made up of southern agriculture 22,050, central agriculture 29,381 and northern agriculture 36,640—and by the way this total includes grazing as well—one finds an aggregation of individuals representing about 11 per cent. of the State's population; and this 11 per cent. is, to a very large degree, responsible for the bulk of railway traffic.

This section of the population produces 82 per cent. of the wool produced in Western Australia. I am talking about the agricultural areas as distinct from the pastoral areas. On a breakdown that I made from the commissioner's annual segregated tonnage return, this section accounts for 63 per cent. of the traffic tonnage and 56 per cent. of the railway earnings. So members can see that, by and large, the agricultural population of the State could deem itself to be the employer of the railways, and that the other industries contribute relatively little. It could be said that the agricultural areas provide, say, two-thirds of the traffic and two-thirds of the revenue. We also have revenue from mines and minerals which is higher than most people would realise. It amounts to about 6 per cent.; and coal is responsible for 14 per cent. of the tonnage, and the income is 9.1 per cent. In regard to ores and minerals it is only 6½ per cent., and the income is 4.78 per cent. Timber accounts for 8.42 per cent. of the tonnage, and 9.18 per cent. of the annual revenue. Those figures give some idea of the importance of the railways to agriculture.

Of the total population figure I mentioned, the number of people actually concerned in agricultural pursuits is 38,921. That figure includes agriculture and grazing; and the split up of the figure is 36,449 males and 2,472 females. I think one could take 10 per cent. off those figures because of the people engaged in purely pastoral pursuits as distinct from agriculture. That gives some idea of the importance of the railways to agriculture and of the importance of agriculture to the railways.

Looking over the last railway results it is interesting to note that for the first time in its history, the railways, during the year ended the 30th June last, achieved the figure of over 700,000,000 ton miles. That is about double what it was when I was Minister nine or 10 years ago. So there has been a substantial growth in the State's economy and, in particular, in the work that is done by the railways. It is interesting to note that our railway system still retains its proud position of being the cheapest railway in Australia regarding operation per train mile. It is practically the same as it was for last year, namely, 37s. 8d. The next lowest is in Queensland at 38s. per train mile; and according to the figures of the previous year, the train mile rates range from 38s. to about 45s., which is the figure for South Australia.

The number of persons actually employed by the railways is 11,592, according to the return as at the 30th June last. I suggest those figures show that this is a very important public utility, and that any legislation which deals with that instrumentality requires careful consideration. I have been through the Bill; and

I have had the privilege of perusing a copy of the Minister's second reading speech. I am of the opinion that there is very little in the measure about which anyone could cavil.

I was interested to hear the remarks of Mr. Strickland. He, too, is fully in agreement with most of the provisions of the Bill. The first amendment in the Bill deals with what might appear to be a minor point; that is whether consignors or consignees should be liable for demurrages. Apparently this has not been previously stated in the Act. Therefore, to make the position clear, the provision in this measure will give the commissioner the right to levy that charge against one or the other. In other words, they will be both liable.

The measure also empowers the commissioner to appoint special constables, as has been found necessary in Victoria where this arrangement has apparently worked out very well.

In regard to the other points, the question of flashing lights is something which is worthy of attention. Those of us who travel by car find ourselves hung up at crossings by flashing lights. It is necessary to wait while a very slow working goods train approaches from about a quarter of a mile away. The waiting time has been unnecessarily long. On a crossing which I frequently have occasion to traverse, I have seen lines of vehicles on both sides of the railway line waiting for a train to pass; and I would say these lines would be 300 yards long. The motorists have to wait while the train slowly puffs up to the crossing. Under this measure the waiting time will be only an estimated 20 seconds, which should be ample for most, and the change will save a good deal of unnecessary delay.

The provision in regard to tickets is obviously a sensible one. The old rule took into consideration the practice of manning all stations with ticket collectors, and the penalising of people not in possession of a ticket. A more sensible system similar to the system obtaining on buses has now been adopted of stopping at other points and allowing the conductor on the train to issue tickets.

I inquired into the question of punishment—a matter which has been criticised in this House—and sought examples of how the system would work out. One offender was a guard who was accused of neglecting his duties while under the influence of liquor. He sought to be transferred to the position of porter. It so happened that the station, on which he was employed, was a small one and there was no vacancy for a porter. It seemed hardly fair to transfer the existing porter, who was an excellent officer in every way, to make room for this particular man. The person concerned was therefore transferred to Kalgoorlie.

He could be said to have suffered three punishments—which, I think, is entirely wrong. Firstly, he was obviously guilty. Had he been in any other occupation, he would have been instantly sacked. But in this case he was not sacked, but was regressed. As he was unable to get a porter's job he was transferred to Kalgoorlie. His transfer could be termed punishment No. 2.

In the normal way, when a man is transferred by the railway authorities he is allowed certain concessions in the way of paid time to complete his packing and while travelling. But if a man is transferred by way of punishment, he is not allowed these concessions. The person I am referring to could be said to have suffered three punishments: Firstly, the punishment of being demoted; secondly, the punishment of being transferred; and thirdly the disallowance of any payment during the time he was being transferred.

I think it is fully realised that he only got what he deserved; and, if the truth were known, he fared far better than he would have fared had he been employed by an ordinary commercial concern. In any case, he was protected under the railway awards by right of appeal to a punishments appeal tribunal. Had there been any injustice—and I contend there was not—he could have put his case before that tribunal and his complaint would have received full consideration.

Referring to the compulsory membership of the endowment fund, as the Minister explained in his second reading speech, a certain amount of trouble has arisen in the past in checking with insurance companies to find out whether or not a man had insurance coverage. Rather than put the staff to all that trouble, it was decided to make it obligatory for employees to join the endowment fund. Railway officials would then have the satisfaction of knowing that an employee was protected and covered, and it would eliminate the trouble, delay, and possible expense of contacting insurance societies.

Taking the Bill as a whole, I think it is an honest attempt to clear up anomalies, and to effect certain improvements. I think it is in every way acceptable, and I shall certainly support the second reading.

On motion by The Hon. J. D. Teahan, debate adjourned.

OPTOMETRISTS ACT AMENDMENT BILL

In Committee

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 1 put and passed.

Clause 2—Section 3 amended:

The Hon. H. K. WATSON: The first amendment proposed by this clause appears to be a matter of English usage; namely, to substitute for the conjunctive "and" the disjunctive "or." In reading the amendment, and in reading the definition, which it proposes to amend, my great need at the moment is for a pair of spectacles which would enable me not only to read this clause and the section which it amends, but also to understand its practical consequences, and the consequences of the consequences. I have seriously studied the parent Act and tried to inform myself precisely what this amendment means.

It does seem to me that it will have far-reaching effects. The position at the moment, as I understand it, is that in the optical profession there are various classes: There is the eye doctor, who consults and examines and gives a prescription to the patient; and the patient takes that prescription to a person who is capable of dispensing oculists' prescriptions.

Such a person has been described as a spectacles-maker. I understand that a spectacles-maker is quite competent to dispense a prescription which has been prepared by an eye doctor or an oculist; in other words, he does not require to be an optometrist or one who is experienced and qualified in sight-testing. So far as sight-testing is concerned, I understand the position is that it may be done: (a) by an eye doctor; or (b) by an optometrist.

An optometrist, in addition to testing eyesight, also prepares spectacles for his patients or customers, and he makes the glasses although, perhaps, he sends them out to be ground or treated as required. On the other hand, there is the eye doctor who simply prescribes and then leaves it to the patient to have that prescription made up by an optometrist on the one hand, or a qualified spectacles-maker on the other.

It seems to me that this proposed alteration, which is a simple one, of substituting the word "or" for the word "and" could have the effect of confining spectacles-making to registered optometrists. If that is so, it certainly will have a far-reaching effect and could well put out of business persons engaged in spectacles-making or persons who are exclusively engaged in dispensing prescriptions prepared by eye doctors. For my part, I would hesitate to agree to such a proposition without much further knowledge, advice, and explanation as to why such a course is necessary.

This Act has been in operation for 20 years, and to me it seems to require a complete overhaul. I should like to quote a judgment of Mr. Justice Jackson—really it is a judgment of the Full Court of Western Australia—where, in regard to the definition which this clause proposes to amend, he refers to sections 36, 32, and 33; and then, with reference to section 3 of the Act he states—

> By section 3 "optometrist" and "optician" are deemed to be synonymous and mean "a person who practises optometry and dispenses the prescriptions for spectacles made or given by oculists." "Optometry" or "the practice of optometry" is defined to mean—
>
> (a) the employment of methods, other than methods which involve the use of drugs for the measurement of the powers of vision; and
>
> (b) the adaptation of lenses and prisms for the aid of the powers of vision.

The learned judge then goes on to say—

> Some confusion of thought or expression is apparent from a mere recital of these sections. It will be noted that "optometry" involves two elements, viz., the measurement of the powers of vision, and the adaptation of lenses and prisms. But the definition of "optometrist" includes not only these but a third element, viz., dispensing oculists' prescriptions. It was argued that we should read this definition as if the word "or" instead of "and" preceded the words "dispenses prescriptions etc.," but there seems no justification for doing so. It is more likely that the definition contemplates that one who practises optometry will also dispense oculists' prescriptions as a normal and usual adjunct to his practice. In fact, both here and in the other sections quoted, Parliament seems to have regarded the dispensing of prescriptions as something distinct from optometry itself.

Then he goes on to say—

> I think it must be concluded that "optometry" or "the practice of optometry" as defined and used in the Act, does not include the dispensing of oculists' prescriptions.

It would seem to me that the learned judges found themselves confused over this section; and I certainly find myself confused. But it seems to me to arise from the fact that whereas the English Act, as I understand it, definitely provides for the registration of optometrists—that is persons who test sight as well as make glasses —it also provides for a separate class of person who simply dispenses doctors' prescriptions—who simply makes spectacles according to a doctor's prescription.

That seems to be a weakness in our Act. It does not provide for the two classes, and the purpose of this amendment seems to me to be that no one shall make spectacles from a doctor's prescription unless he is a registered optometrist. If that is so, it appears to be far too stringent, and there

should be power on the one hand to register persons who test sight and, if we like, make glasses—in other words who do the whole operation themselves—and, on the other hand, to have a separate registration for persons who make spectacles on a doctor's prescription.

The Hon. G. Bennetts: If the Act were left as it is it would be all right.

The Hon. H. K. WATSON: That is difficult to say. The court has virtually said so in its judgment, although it expressed some doubt about the matter. The judgment reads—

> I think it must be concluded that "optometry" or "the practice of optometry" as defined and used in the Act does not include the dispensing of oculists' prescriptions.

It would appear that the amendment proposed in the Bill is designed to overcome the present situation; and to make the confusion greater. I would like a further explanation from the Minister before I am inclined to vote for this clause.

The Hon. L. A. LOGAN: The obvious reason for this amendment in the Bill was probably the judgment given by Mr. Justice Jackson. Under the Act the spectacles-maker is able to practise as an optometrist without being so qualified. The field can be divided into three classes. Firstly, there is the ophthalmologist or the oculist who treats diseases of the eye; secondly, there is the optometrist or optician who carries out the sight-testing and dispensing; and, thirdly, there is the optical mechanic or technician who manufactures lenses and spectacles, and repairs spectacles.

It is exactly the same set-up as in dentistry where there is the oral surgeon who treats diseases of the teeth; the dentist who performs the work of extracting teeth, minor surgery, and filling of teeth; and the dental mechanic or technician who manufactures the dentures.

The oculist, ophthalmologist, optometrist, and optician treat the patients. The third branch does not come into contact with the patients. The optometrist is generally the one who deals with the patient and the optical technician is the one who carries out the instructions of the optometrist, and he does not come into contact with the patient.

The optical mechanic has not the experience to treat patients; he has not had to pass any examinations or undergo a four-year course of university study. Why should he be given the right to treat the public?

The treatment of vision is a very important phase to the public. It is easy enough to grind lenses and to make spectacles from lenses, but this work is very different from the treatment of a person's vision. It was found that the spectacles-maker was in fact performing the work of the optometrist, without having the necessary qualifications; and that is the reason for the introduction of the provisions in the Bill.

The Hon. A. L. Loton: This Bill will be the means of stopping that practice.

The Hon. L. A. LOGAN: It is considered that the Bill will achieve that object. The spectacles-maker will not be prevented from continuing in his business. It is the desire of the Government, if possible, to stop him from performing the work of the optometrist.

The Hon. J. D. Teahan: Will he be able to carry on as he does today?

The Hon. L. A. LOGAN: Of course.

The Hon. G. Bennetts: He will have to be employed by an optician.

The Hon. L. A. LOGAN: Large organisations in this country carry out all the work and employ the required personnel. The O.P.S.M. is such a company with a capital of £500,000 and branches in every State. There is nothing to prevent such a company from carrying on business, provided it employs a registered optometrist.

The Hon. W. F. Willesee: How far short in qualifications is the optometrist compared with a doctor?

The Hon. L. A. LOGAN: I have here the syllabus of the four-year course which he has to undergo. It is as follows:—

First Year—
- Physics IC.
- Zoology I.
- Chemistry Organic (Theory) IA.
- Elementary Anatomy.
- Optical Dispensing I.

Second Year—
- Physics II.
- Physiology IIB.
- Anatomy of the Eye and Orbit.
- Ocular Embryology and Physiology of Vision.
- Optical Dispensing II.

Third Year—
- Ocular Physiology.
- Physiological Optics.
- Errors of Refraction and Anomalies of Accommodation.
- Instrumentation I and Ocular Movements I.
- Optical Dispensing III.

Fourth Year—
- Ocular Physiology II and Contact Lenses.
- Optometry and Ocular Movements II.
- Instrumentation II.
- Psychology, Ocular First Aid and Hygiene.
- History, Law and Ethics.
- Optical Dispensing IV.

The Hon. F. J. S. Wise: Could the Minister give us an idea of his reaction when he received the account for his spectacles from the oculist?

The Hon. L. A. LOGAN: It was not very high. I paid about £8 8s. for my spectacles. Without them I would not be able to read the document in front of me.

The Hon. G. C. MacKinnon: That is no argument. On that basis you could value your spectacles at £200.

The Hon. E. M. Davies: Did he not also tell you that the lenses had to be ground in Melbourne?

The Hon. L. A. LOGAN: No. I went to an optometrist and he carried out all the necessary work including examination of my eyes and prescription for the spectacles. That prescription probably was sent to the spectacles-maker. That is the way in which this work ought to be performed.

We should not give the spectacles-maker, who has only limited knowledge of the profession, the opportunity to set up in business in competition with the optometrist who has to pass an examination and undergo study at a university. We have to safeguard these people who have taken university courses.

The Hon. J. D. TEAHAN: It seems that the only result of this amendment will be more costly spectacles to the public. At present the optician tests the vision, and he charges a fee which he considers to be reasonable. It looks as if he wants something more—something out of the making of the spectacles and the grinding of the lenses. This provision in the Bill will almost cause the spectacles-maker to become tied to the optician.

Spectacles-makers at present prepare spectacles according to prescriptions given to them. This amendment requires that they shall have an optician on the premises, and he will have to be paid for. This additional expense will be passed on to the public because the glasses will be dearer. It is said that the spectacles-maker is not supposed to test the eyes; and we know that is so. If he does so, he is doing something outside the law for which he can be prosecuted.

The Hon. L. A. Logan: He cannot be prosecuted; that is the reason for this Bill.

The Hon. J. D. TEAHAN: He can be, but it might be more correct to say it is difficult to gain the evidence. Will the amendment stop the unqualified person from practising? I do not think it will. It will merely mean that the spectacles will be dearer. The situation is the same as exists with regard to dentists. The dentist does the extracting of teeth and the taking of impressions, but the dental mechanic does the really difficult work. He is not paid enough though; the dentist takes the cream. That will be the situation under this amendment.

The Hon. L. A. Logan: How is this going to make the glasses dearer?

The Hon. J. D. TEAHAN: Because it will be essential that an optician shall work in conjunction with a spectacles-maker.

The Hon. L. A. Logan: I said that the optician had to examine the eyes.

The Hon. J. D. TEAHAN: That is correct, and as it should be.

The Hon. L. A. Logan: That is what we want.

The Hon. H. K. Watson: No-one has quarrelled about that.

The Hon. J. D. TEAHAN: Persons should have to go to a doctor to have their eyes tested, or to an optician who is properly trained. I do not disagree with that at all. A prescription should then be sent to a spectacles-maker who would make the glasses.

The Hon. E. M. HEENAN: I have studied the Bill and the principal Act, and I am satisfied that this amendment is justified. It will improve the Act in a way which should redound to the better protection of the general public.

I know very well that over the years spectacles-makers have posed as optometrists, to use the modern word. There is no doubt whatever about that statement because most of my life I have lived on the goldfields and in Esperance, and I know that pedlars prescribed glasses after having put people through tests. These pedlars were not qualified to do this, and they caused irreparable harm to people who were very close to me.

The Hon. J. D. Teahan: That type of hawker was wiped out years ago.

The Hon. A. R. Jones: No; they are still going.

The Hon. E. M. HEENAN: I gather that there are spectacles-makers—and I am basing my remarks on this premise: and Mr. Teahan can correct me if I am wrong—who are carrying out, in addition to their work of spectacles-making, work which should be done by an optometrist. Just as there are people who are, under the lap, doing electrical, plumbing, and other work, although they are not qualified to do so, so there are with regard to spectacles. Surely our object is to protect the public.

By all means produce cheaper glasses if possible. After all, we can buy some from Coles and Woolworths; but eyesight is something which is very precious, and eyes should be treated by fully qualified people. In the long run it is a very expensive business to have work done by unqualified people, and sometimes even harmful.

In my profession as a lawyer I find that half my time is taken up in trying to unravel problems and difficulties into which people have got themselves by obtaining half-baked advice from people who were entirely unqualified to give it.

Let us do what we can to control charges. In every calling there are charlatans who are prepared to dishonour their profession or trade by imposing unfair charges; but the great majority of people do not stoop to this practice. If this provision will tie up any loose practices which are possibly causing harm to the general community, I am in favour of it. A course has been started at the University, and everyone should be encouraged to qualify.

I am quite sure, on looking back at the remarks made by Mr. Panton in another place when this legislation was first introduced, that the object of the legislation was the protection and welfare of the general community. If, as Mr. Teahan says, this legislation is going to make spectacles dearer, that will cause me some concern but not nearly as much concern as I would feel if people were imposed upon by untrained and unqualified people. I am therefore going to support the Minister.

The Hon. H. K. WATSON: Mr. Heenan mentioned certain persons travelling in the Esperance district—charlatans or spectacles-makers who did sight testing. The Bill will not alter the position one iota with regard to such people.

The Hon. G. Bennetts: That was 20 years ago.

The Hon. H. K. WATSON: It would not matter if it were yesterday. Such people are liable to be dealt with under the present Act. If an unauthorised person tests eyes, he breaches the Optometrists Act, and nothing in the Bill will alter that position.

On the other side of the story, a company known as O.P.S.M. seems to be the storm centre around which the Bill is centred. If one goes to that company and says, "I want a pair of spectacles," or "I want you to test my sight," the company replies, "We do not test sight or sell spectacles unless you have a doctor's prescription. We will be pleased to dispense a doctor's prescription if you return with one, but we do not test your sight."

If I go to a doctor and he gives me a prescription, I do not take that prescription to another doctor to have it dispensed, but to a chemist. Similarly, if an eye doctor prescribes spectacles for me, why should I have to take the prescription to a man of equal standing to the doctor who gave me the prescription? That is where our Act is weak. In England standards are prescribed and there is a registration board for sight-testers who may make spectacles when they so desire. Such people are in one group, and in the other group they have the registration of those who merely dispense the prescriptions of doctors. We want to get the position clear, so I rose at the outset in order that we may know what we are doing.

The Hon. R. F. HUTCHISON: I have to confess that I have the same feeling as Mr. Watson in connection with the Bill. The more I have studied the measure the more confused I have become. I feel that this is not good but bad legislation. A lot of interest has been taken in the Bill. I have come to the conclusion that there is a hidden meaning in it. I might be wrong, but I feel the Bill will contract or curtail certain powers. I would like to see the measure redrafted.

Take the position of the dental mechanics who make dental plates. They were not getting a fair go in regard to what they were paid. Yet the public has to pay a lot for dentures. I think there is something like that in connection with this measure.

What has been said about charlatans is perfectly true, but I do not think there is much charlatanry now.

The Hon. G. BENNETTS: Mr. Watson referred to the eye doctor. A few years ago one treated my wife in hospital, and he prescribed glasses. He obtained the glasses for her himself. I take it he would obtain them from a spectacles-maker. If the amendment is agreed to, it will mean there will be a third party.

The Hon. L. A. Logan: No.

The Hon. J. G. HISLOP: The measure simply attempts to provide that an optometrist shall be what is laid down in the definition; that he shall carry out the provisions of paragraphs (a) and (b).

Because of the court judgment, and in the knowledge that there is a loophole in the Act, it becomes clear that if a person carries out the provisions of either (a) or (b), he is infringing the Act. That is what the optometrists desire to alter by the amendment before us.

The Bill will not do many of the things that they have suggested. It will not make any alteration to the cost of glasses; and it will not put the affairs of the optometrists into the hands of a smaller group of people. There is no hidden meaning in the measure. The Act has continued for some 20 years and the difficulties experienced under it have only grown since, or just prior to, the court judgment.

Under the original Act of 1940, we have set up university training and a comprehensive curriculum covering four years; and we have virtually pledged as a result that the students of this profession will receive adequate opportunity to practise when they are qualified. All the amendment seeks to do is to maintain the profession of optometry as originally contemplated by the Act.

When the Act was introduced it did away with all the charlatans on the goldfields, but they were men of their day and times who, like many others, such as the original doctors and the dentists, performed their duties to their patients in an emergency when the time came; but their services have been superseded by the services of trained men.

There was a time in this State when dentists were not registered. We had registered mechanics, and they undertook dentistry without much training and some of them were not very good dentists. The Optometrists Act was passed in 1940 and it was open to those who had been selling spectacles at that time to become optometrists, but many of those men no longer practise. Sir Frank Gibson, who was once a member of this House, often laughingly made the comment that he made a big mistake by not registering as an optometrist because, before 1940, he was always doing something in regard to the measuring of sight and the prescribing of spectacles.

Those days passed with the placing of the Optometrists Act on the statute book, with the result that there has been a great uplift and improvement in the treatment and the measurement of sight, generally, by the medical profession and the optometrists. The optometrist's standard of efficiency has been raised to such an extent that he is now used extensively in the public hospitals where the oculist, instead of wasting his time on the more or less routine work of testing the eyes of patients, passes this work to the optometrist who then reports abnormalities of sight to the oculist. Those two men have been working together in clinics and hospitals for some time past, and anything that would endanger the future of that combination I am sure we would all regret.

What has happened in the present situation is that a firm of spectacles-makers or mechanics, with an optometrist at its head, has established itself in this State within the last 12 or 18 months because of the known gap there is in the present Optometrists Act. That firm has established itself as one which will fill optical prescriptions. There is no objection on the part of the optometrists to such a firm provided that the testing of the spectacles and the final decision regarding them is in the hands of a trained optometrist of that institution or one of its branches.

However, one has to realise that because some of these people came to this State to engage in this work within the provisions of the Act, some protection must be granted to these people. It is proposed, therefore, in the amendment which I will later move in Committee, to make effective the means by which these people can be protected. If this amendment is not passed, it will mean that we will have no safeguard, and optical mechanics can open businesses for the dispensing of prescriptions by oculists; and it is quite probable that individual mechanics could not be successful in that because they would not get the custom.

With an optometrist in charge, a firm such as O.P.S.M., however, would draw a large number of prescriptions from oculists. All that is desired is that when O.P.S.M. establishes its branches, each branch shall be in charge of a trained optometrist. There are certain people employed by O.P.S.M. whom the optometrist respects and would protect in a measure such as this. Nevertheless, we do not want this practice to become too widespread. The Minister has told the Committee that there are three classes. There is the oculist or opthalmologist, the optometrist, and the optician. There is also another class of individual who clothes himself with the title of dispensing optician.

Where did the dispensing opticians come from? They came into being as mechanics of experience. They hold a certain amount of prestige and, because of that, they claim that whilst there are 7,000 oculists in Great Britain there are only 900 dispensing opticians.

I have made a careful inquiry into the history of this matter and I believe that all of what I am about to relate to the Committee is correct. It would make too long a story to go into all the ramifications of the health scheme of Great Britain and all the things that have had to be done to make this service work successfully. One of the things that became necessary when free testing was permitted under the scheme was the provision of the required number of people who were able to test sight, as there was a limited number of optometrists registered as dispensing opticians who could make up the prescriptions of the oculist. That is how the dispensing opticians came into being.

There may still be a need in this community for dispensing opticians, but I look upon this Bill as only a temporary measure to call a halt to what is going on until a full inquiry can be made to ascertain whether it is necessary to do what England did; namely, establish a group of persons known as dispensing opticians.

Sitting suspended from 3.47 to 4.5 p.m.

The Hon. J. G. HISLOP: It is a pity the sitting was suspended for afternoon tea, because I have lost the thread of my remarks.

The Hon. F. D. Willmott: So have we.

The Hon. G. Bennetts: You were put off the scent.

The Hon. J. G. HISLOP: The first point I want to make clear is that there is a necessity to maintain the profession of optometry. We owe a duty to the students who are undergoing a university course.

We also need the services of the optometrist with his skill in sight-testing, and his skill in adjusting glasses, prisms, etc., in the main general hospitals; because the provision of these necessary services to the public has grown immensely to the benefit of the public in the last few years.

There might also be a place, if we had time to think the matter over, for the dispensing optician. At the moment we consider the dispensing optician should be under the control of the optometrist, rather than be allowed to act as a person providing spectacles; because there is no training yet established for dispensing opticians. If the Committee does not pass this clause we might just as well forget the whole Bill, because this is the essential portion of it.

It is designed to clear up the definition, and though there may be doubts in the minds of some of us, we must accept the Crown Law finding that the whole definition of optometry will be tightened by the substitution of the word "or" for the word "and." This means that if anybody practises within any section of that definition he will be infringing the Act.

I regard this as a temporary measure. If we pass it and accept the amendments I have suggested we will do justice to both sides, and then both sides can get together and decide what is to be the future of this field. By not passing this clause we must not allow the possibility of a large number of mechanics, of whose training we are not aware, and who have had no set tuition, making application under this Act. If we pass the Bill with the amendment we will close the door at this stage, and we will be able to think the matter over.

I think Parliament is at fault because it decided that this board could freely govern its affairs without any outside advice—that is, without the advice of a person who is not an optometrist. As is contemplated at the moment, I think with further changes the board will be given greater standing and ability to govern the affairs of the profession and the group of people who will become an ancillary service to it.

So I hope the Committee will pass the proposed amendment and the rest of the amendments. We will then have time to think the matter over and put the Act on a proper basis. There is plenty of room for a complete revision of the Act. It is outmoded, and some of its provisions are humorous in the light of modern requirements. I will make it my business to see that there is some move to produce a completely reorganised Bill for presentation next session.

The Hon. H. K. WATSON: In advocating our passing this clause Dr. Hislop has based his remarks on the assumption that his amendments on the notice paper to subsequent clauses will be carried. If there were the possibility of those amendments not being carried, I do not think Dr. Hislop would give this clause his blessing.

There is no doubt that the clause is drastic. This is made clear by clause 9 of the Bill. The amendment is so drastic that clause 9 of the Bill has been inserted to enable one spectacles-maker to carry on his business of spectacles-making. But for that clause the amendment we are asked to make to clause 3 would put that spectacles-maker out of business. It has dawned on someone that that would be a drastic action inasmuch as this man is a highly skilled spectacles-maker. He does not profess to be a sight-tester.

Clause 9 proposes the method of enabling the spectacles-maker to carry on business. It does not say that he shall carry on business as a spectacles-maker, but brings him in as a registered optometrist, permitting him to do eye testing and to carry out the entire gamut of the work performed by a man who has had a four-year university training. That seems to be an extraordinary position.

Dr. Hislop's amendment will overcome, to a substantial degree, the objections I have voiced; and in view of what he said I would be inclined not to pursue my opposition to the clause. I would however reserve full liberty of action to see what happens to the amendments which the honourable member has on the notice paper, and vote as I think fit on the third reading of the Bill.

The Hon. L. A. LOGAN: In plain language the amendment seeks to make the Act read exactly as it was in 1940. That, in essence, is what it does. I hope we are not going to carry one amendment on the possibility of getting others through. We should discuss each amendment on its merits. That is the only way of dealing with the matter. I will deal with the amendments as we come to them. We want to make sure that the Act will be as it was intended to be when it was introduced in 1940—nothing more, nothing less.

The Hon. G. BENNETTS: After hearing the remarks of Dr. Hislop, Mr. Watson, and the Minister, I think it would be as well to disregard this Bill and do as Dr. Hislop said, and go into the matter thoroughly and bring forward a better Bill.

The Hon. R. THOMPSON: When I was speaking on the second reading of this Bill I referred to a journal called the *Nation*. I wish to read portion of an article from this journal under the heading, "The Melbourne Spy is Pained to Shatter Your Optical Illusions." It reads as follows:—

> Two years ago, the British Medical Association in Victoria introduced a new rule of ethical conduct—rule Number 38q. It prohibits a doctor from holding any interest in any drug company or similar company, where he

> may be expected to prescribe or otherwise promote the sale of that company's products.
>
> Rule 38q was framed specifically to deal with the case of a so-called "ethical" drug company called Virax Ethicals Pty. Ltd., an organisation with a number of doctor-shareholders which prospered exceedingly until its management committed the gaucherie of sending these doctors an extraordinarily indiscreet circular. The letter said, in effect: Come on, chaps! You can prescribe more of our stuff than you're doing! We can't make profits if you don't pull your weight!

The firm of O.P.S.M. to which I referred several evenings ago, is doing the same thing. The report goes on—

> O.P.S.M. is not the sole receiver of the doctor's patronage. In Melbourne, for example, one eye doctor keeps a strict watch that the patient never gets his prescription in his hand, although a scrip would be conventionally regarded as the patient's property. The doctor phones the details through to his favoured dispenser.

I have looked at the original Act as introduced by Mr. Panton in 1940. This Act lays down a set of standards, and a registered optometrist is required to conform to those standards; and students intending to qualify for registration have to conform to the conditions laid down. They are required to undergo a course of training so that they will be fitted to carry out the eye-welfare of the public. Optometry is a career; and it is necessary that a person be trained.

As the Minister pointed out, the Bill does tidy up the intention of the parent Act; but we have reached the stage where, in order to retain a person in the profession, certain amendments are necessary. We have also reached the stage where, if we allow one in we keep half a dozen out. If all the amendments are included in the Bill, I will agree to it. That is necessary before I can give the Bill my support. As has been said this afternoon, we must have an ethical standard particularly when we are dealing with health and eyes. The higher a man is trained the better qualified he is so far as I am concerned.

We were reminded this afternoon that before the parent Act was passed people used to knock on doors and present a card to the householder. According to whether the householder raised or lowered the card to read it, the person who knocked on the door would say, "You need glasses." People of that type dispense glasses without any knowledge of the profession and in most cases they do untold damage.

The Hon. G. Bennetts: Even now some opticians would say you needed glasses even though you didn't.

[114]

The Hon. R. THOMPSON: No, I do not think so.

The Hon. G. Bennetts: I know one who did.

The Hon. R. THOMPSON: This legislation is to protect the public and to stop any possible misrepresentation such as went on in the past when people claimed to be oculists, optometrists, and so on. As I said previously, it is necessary that we accept the amendments to preserve the livelihood of those persons who are in the profession.

This matter has also been debated in the Federal House of of Parliament. I have a copy of the *A.O. Bulletin* which members can see if they care to. Dr. Cameron, in speaking about the anomalies in the National Health Scheme, criticised companies for the code of ethics they employed. This legislation is not a measure which we should pass lightly. I agree with both Mr. Bennetts and Dr. Hislop that we should have a completely new Act; and perhaps the best way of getting a new Act would be to hold a Select Committee into all phases of the profession.

The Hon. F. R. H. LAVERY: Like other members in this Chamber, I was confused when this Bill first came before us; and I have become more confused since, on account of the continued lobbying which I have seen going on in the House. There has been more lobbying on this occasion than there was when an important Bill was before Parliament two or three years ago. With Mrs. Hutchison, I became suspicious of so much lobbying.

Having listened to Mr. Watson and to Dr. Hislop, I am going to say here and now, I will support the amendment before us at the moment. However, like Mr. Watson, my support will be subject to what happens to the rest of the Bill as it passes through the Committee stage. I will not say at the moment that I will vote for the third reading.

The Hon. L. A. Logan: We might as well chuck the Bill out now.

The Hon. F. R. H. LAVERY: I would like to ask the Minister one or two questions. I am quite aware that a feud is in process between the two sections of this profession. My concern is for the people who have to do the paying. I heard the Minister say tonight that he obtained a pair of glasses for £8 8s. 0d. The pair I have cost £14 14s. 0d. I thought I required some more glasses and went to one optician who said I did not need them. To test if there were a difference between opticians, I went to another who said I needed new glasses. My own optician belongs to a reputable firm in Fremantle and I do not intend to name the other firm. That is what happened.

I would like to ask the Minister: If we pass this Bill, as he desires, will members of the public have taken away from them

their right to have their prescriptions dispensed by whom they choose? A person who was dear to me for a number of years had bad sight; and when I was cleaning up some drawers a few weeks ago I found 11 pairs of glasses which she had brought from many opticans over 35 years. The sight in her left eye was weak.

Towards the latter end of her life I spoke to a doctor who suggested she should see a very highly qualified specialist. He carried out treatment and tests for two and a half months; and at the end of three months he provided her with a prescription, which was responsible for her living in a new world for the last few years of her life. I am speaking of my wife. My wife asked the doctor to where she should take the prescription. He told her that she could take it to her own optician.

I should like to know whether that privilege is to be taken away from the public. In view of the article read by Mr. Ron Thompson, which had plenty to say about people being told where to go with their prescriptions, I will vote against the third reading of the Bill if that is to be the position.

There is another article in the paper produced by Mr. Ron Thompson; and it must be true; it was published by a leading paper and it has not been challenged. It says—

> One aspect of the strained relationship between oculists and optometrists has been that, under the National Health Scheme, fees charged by either profession for refraction (i.e., correction of vision) do not qualify for benefits, although they are both accepted as deductions by the Taxation Department. This has sometimes resulted in doctors marking their accounts "consultation" or "attendance," to enable the patient to claim medical benefits, though the treatment has been mainly refraction; a lurk which the doctor is able to exploit, but the optometrist is not.

This is a damning statement to be made public. I agree with Mr. Heenan that apart from the heart, the eyes are a person's most valuable possession. Subject to the answer I will receive from the Minister, I will support the amendment, reserving the right to reverse my decision at the third reading stage. I repeat my question: Will this take away from the general public the right to have their glasses made up wherever they wish?

The Hon. R. C. MATTISKE: I have listened intently to the debate on this clause. There were some interesting speeches earlier, but I think we have now departed somewhat and have got on to a lot of irrelevant matter. The whole thing in a nutshell is that the Act, when dealing with the question of interpretation, says that at the present time a person is an optometrist if he practises the testing of eyesight and the adaptation of glasses. If he does those two things he is an optometrist. Under section 32 of the Act he cannot practise as an optometrist if he does not fulfil those requirements.

I think there is no denying that the whole of this clause 2 is for the purpose of widening the scope of the present interpretation to enable a certain individual to be registered as an optometrist. I agree with Mr. Watson that that particular individual is, at the present time, practising illegally. However, apparently he is doing a very good job and it is desirable that he should continue to do it. To enable him to continue to do that job, the present amendment is necessary.

I feel that if this one individual is to be permitted to be registered as an optometrist, then other individuals, who are so closely behind this person, should also be admitted. In other words, if we are going to make one wrong, let us make two or three wrongs.

The Hon. G. Bennetts: I think you are on the wrong scent.

The Hon. R. C. MATTISKE: The honourable member will have an opportunity to discuss his point later. If we are going to open the way to admit one individual, we should be fair to others who are similarly placed. If two or three or four others are not to be admitted, I do not think anyone should be admitted. I feel that the right course for this Committee to adopt is to pass this clause as printed and to give favourable consideration to the amendments on the notice paper under the name of Dr. Hislop. I think that would give effect to what I have mentioned.

If we do not pass all of the amendments in conjunction with this Bill, I do not think it would be fair to admit just the one individual; and we should let the whole Bill go overboard, with a view to having the matter reviewed and with a view to having further legislation introduced next year in order to prepare the way for optometrists and spectacles-makers to be registered independently in the particular categories in which they are qualified.

The Hon. L. A. LOGAN: I think it is most unfortunate that this issue has been clouded by the lobbying that has gone on around the House. It is quite obvious that the lobbying has confused the issue. Mr. Mattiske has now gone against the purpose of the amendment because he also is confused. This amendment does not let anybody in; it keeps out persons who are not qualified opticians; who, because of a flaw in the law, have been acting as opticians when they should not have been. Such a person is a mechanic; he is not a trained optometrist. Because of a flaw in the Act, he has been operating as an optometrist; and we want to stop that situation.

There is a new clause which allows for one individual to come in at a later stage under different conditions altogether. But the clause in this Bill is to keep out the fellow who has been operating illegally. Surely it cannot be clearer. The person who has received four years of training; who has passed his examinations, and who sets himself up as an optometrist, is allowed to operate. However, we want to keep out the person who is not trained but who has been operating illegally. Surely that is simple enough.

The Hon. G. Bennetts: A spanner has been thrown into the wheel.

Clause put and passed.

Clause 3—Section 5 amended:

The Hon. J. G. HISLOP: The amendments that appear on the notice paper under my name are simply for the purpose of adding an independent chairman to the board. I believe that had this board had a legal adviser as its chairman over the years, we would not have been in anything like this difficulty. I think the board has been sadly lacking in advice of this nature. Whether the chairman is to be a legal man or a businessman, it is up to the Minister to decide.

I would instance the complete harmony which exists in the Cancer Institute since Mr. Burton has taken over the chairmanship. Everyone is delighted with the job he is doing. We have a sound institute there, which at no time is likely to get into difficulties. The same situation should apply to most of these boards. As a member of a profession, I would point out that a round-table committee of professional members is not always the most suitable type of committee to run their affairs.

The Hon. H. K. Watson: What about the medical board?

The Hon. J. G. HISLOP: The medical board has its own chairman.

I feel that my amendments would increase the status of optometrists, and optometrists with whom I have discussed the matter agree with me on this point. I move an amendment—

> Page 2—Insert after paragraph (a) in lines 16 to 18 the following to stand as paragraph (b):—
>
> (b) by substituting for the word "three" in line two of subsection (3) the word "two".

The Hon. L. A. LOGAN: This, one might say, is a radical departure from the usual procedure. I have taken the trouble to have a look at some of the boards that have been set up, and I find that the Medical Board consists of seven members, of whom six are doctors and one a lawyer. The President of the Medical Board is Dr. Ainslie, a medical man. The Dental Board consists of seven members, of whom six are dentists and one a doctor. The president is a dentist. The Physiotherapists Board consists of five members, and the chairman is a medical practitioner. The Optometrists Board, with which we are dealing, consists of seven members, and the chairman is an optometrist. The Nurses' Registration Board has twelve members, and the chairman is a medical practitioner.

On every one of those boards we have as chairman either a person practising under the Act, or a professional medical man. Under this amendment we are going to appoint a person who shall not be a registered optometrist or a registered medical practitioner. Are we to appoint, as chairman of the board, someone who has no knowledge of optometry or without any knowledge of medicine? I feel I must point out to the Chamber what the position might be. Perhaps it may not do any harm, but the fact remains that the Medical Board, which deals with Dr. Hislop's own profession, has a doctor as president.

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

Ayes—13.

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. J. Cunningham	Hon. R. C. Mattiske
Hon. E. M. Heenan	Hon. R. Thompson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. R. F. Hutchison	Hon. F. D. Willmott
Hon. G. E. Jeffery	Hon. F. R. H. Lavery
Hon. A. R. Jones	*(Teller.)*

Noes—14.

Hon. N. E. Baxter	Hon. H. C. Strickland
Hon. G. Bennetts	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. S. T. J. Thompson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. W. F. Willesee
Hon. A. L. Loton	Hon. F. J. S. Wise
Hon. C. H. Simpson	Hon. J. Murray
	(Teller.)

Majority against—1.

Amendment thus negatived.

The Hon. J. G. HISLOP: I felt that the number of votes voiced against my amendment was considerable, and that is why the division was taken. The amendments have been put on the notice paper with the knowledge of the optometrists; and the two who have been so keen to tell us all about it know quite well what I have suggested, and they realise that if they had had further advice during the years that this Act has been on the statute book they would probably not have been forced into the present position. I still believe that there should be an outside chairman of this board. I have no objection to Mr. Ainslie being the Chairman of the Medical Board, and I believe that from time to time a layman has acted in his stead. Mr. Ainslie is a man of wide experience, and is respected by everybody in the community. He has considerable administrative ability and his work is accepted by all sections. For that reason he has been chosen on his merits.

In this case it is a board which looks after only a small section, and I believe that if we have six opticians deciding the fate and conditions of a little over

40 people in the State it is better to have an independent person summing up the views of the six who are practising in that profession. On the Medical Board are men who practise in all fields of medicine, whereas on the Optometrists Board there would be six who would be all practising the same branch.

It is my view that they could be guided by the views of a chairman chosen from outside their profession. My suggestions are made in the interests of the public, and I believe that a chairman chosen from outside the profession would be able to sum up the findings of the board in a much better way, and give members of the board better advice than they have received in the past. I move an amendment—

> Page 2, line 20—Delete the word "paragraph" and substitute the word "paragraphs."

The Hon. H. K. WATSON: I hope the Committee will give further thought to the substance of the proposition put forward by Dr. Hislop that there should be an independent chairman. The board is established not for the benefit of the optometrists but for the benefit of the public. That being so it seems rather incongruous that up to date the whole board of seven has consisted of six optometrists and a member of the teaching staff of the Physics Department of the University. I think Dr. Hislop's proposal is full of merit; I believe there should be an outside chairman, whether he be a business man, an accountant, or a barrister, with the express purpose of representing the public. At the moment the board is overloaded against the public.

The Hon. L. A. LOGAN: If the Committee agrees to the amendment it will be necessary to go back to alter the constitution of the board. I did not argue the point when the previous amendment was before the Committee; all I did was to give the set-up of boards that are already in existence. I said that this was rather a departure from the usual procedure and, although it is claimed that the Chairman of the Medical Board has wide experience, the same could apply to the Chairman of the Optometrists Board and the Chairman of the Dentists Board—in fact it could apply to any profession, and I do not think we should pick out one from the other. All these people take their place in the community.

I am not violently opposed to the amendment. If the Committee agrees to it that will be the decision of the Committee; but my instructions from the Minister who controls this Act are that he does not want any alterations made to the Bill. My duty as Minister is to do my best to get it through this Chamber in that way. If I can accept an amendment without referring it to the appropriate Minister I will do so; but this is not one he has asked me to accept and I do not know whether or not he is violently opposed to it I leave it to the Committee to decide.

Amendment put and passed.

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

> Page 2—Insert after paragraph (d) in lines 21 to 24 the following to stand as paragraph (e):—
>
> (e) The Minister shall appoint a person, who shall not be a registered optometrist or registered medical practitioner, to be Chairman of the Board.

Point of Order

The Hon. A. L. LOTON: The amendment states—

The Minister shall appoint a person. As this man will be a layman he will be entitled to remuneration, no doubt; and I think it is outside the scope of this Chamber to place a charge on the Crown. I ask for your ruling, Mr. Deputy Chairman.

The DEPUTY CHAIRMAN (The Hon. E. M. Davies): I shall leave the Chair until the ringing of the bells.

Sitting suspended from 4.57 to 5.32 p.m.

Deputy Chairman's Ruling

The DEPUTY CHAIRMAN (The Hon. E. M. Davies): I have given consideration to Mr. Loton's request for a ruling on the amendment moved by Dr. Hislop, and I have come to the following conclusion:—

> To constitute a charge upon public funds, expenditure must be payable out of Consolidated Revenue. The funds of the board consist of fees collected, grants by the State (if any), gifts, donations, etc. It is by no means certain that the State would have to make any contribution to these funds and I therefore consider the proposed appointment would not constitute a charge on public funds. I rule the amendment to be in order.

Dissent from Deputy Chairman's Ruling

The Hon. A. L. LOTON: I must disagree with your ruling, Sir.

[*The President resumed the Chair.*]

The DEPUTY CHAIRMAN OF COMMITTEES (The Hon. E. M. Davies): The Committee has given consideration to the Bill and has made progress. I have been asked by Mr. Loton to give a ruling, and I have given that ruling, and it has been disagreed with.

The PRESIDENT: I am prepared to hear debate on the point of order.

The Hon. A. L. LOTON: With all respect, I disagree with the ruling given by the Deputy Chairman of Committees. My grounds for disagreeing are that if Dr.

Hislop's amendment is agreed to by this House, the Minister will be directed to appoint a person to the board, and a charge must be levied on the Crown. The parent Act by section 16 provides—

> (1) The funds of the Board shall consist of—
>
> (a) all fees prescribed by or under this Act and payable to the Board;

and the next one is the main point—

> (b) grants by the Government of the State (if any), and all gifts and donations made by any person to the Board but subject to any trusts declared in relation thereto.

To date, no doubt, the board has been able to maintain, from the collection of fees, the remuneration it has paid to certain persons. But a later clause in the Bill provides—

> Each member of the Board is entitled to remuneration for his services as member of the Board as prescribed from time to time by the rules, and in addition thereto to reimbursement of travelling and other expenses incurred in carrying out his functions under this Act at the rate or rates prescribed from time to time by the rules.

Then clause 5 provides—

> Section 16 of the principal Act is amended—
>
> (a) by substituting for paragraph (c) of subsection (2) the following paragraph—
>
> (c) the payment of the remuneration to which the members of the Board are entitled, and of the travelling and other expenses incurred by them in carrying out their functions under this Act.

The Bill also seeks to amend section 17 of the principal Act by adding the following paragraph:—

> (aa) for prescribing the remuneration to be paid to members of the Board for their services and the rate or rates of travelling and other expenses of which when incurred by those members in carrying out their functions under this Act they are entitled to reimbursement.

It is evident that in the near future the Government of the State must make contributions to the board as was envisaged when the parent Act was framed, because the Act provides that the funds of the board shall consist of grants by the Government. For these reasons I disagreed with the Deputy Chairman's ruling.

The Hon. J. G. HISLOP: This is just presumption: we are just presuming things according to Mr. Loton. My reading of the principal Act is that there has been no payment to the members of the board, and the Bill contemplates that they will receive remuneration. We are assuming that the House will pass some clauses which I intend to oppose.

The Hon. A. F. Griffith: What if it does pass the clauses?

The Hon. J. G. HISLOP: It is all presumption at the moment. From what I can gather, the honourable member's ideas as to what may happen in the future are pure guesswork. I cannot imagine that there will be any great cost incurred in travelling by the chairman, because he most likely will live in the metropolitan area. Many of us have worked on committees of this sort for a long time without remuneration. I consider the amount will be very small.

The Hon. A. F. Griffith: When you intend to provide that the Crown shall make a contribution, is it not reasonable to assume that it could be called upon at some time to make the contribution?

The Hon. J. G. HISLOP: I have not suggested that. I have only said that the Minister shall appoint a member to the board and that this member shall be the chairman. The Bill lays down that the remuneration of these people shall be met from the funds of the board. There is no guarantee that the board will receive any grant from the Government. It is pure presumption.

The Hon. H. K. WATSON: May I inquire under what section of the Constitution Act the amendment has been challenged?

The PRESIDENT: It has been challenged under section 46 of the Constitution Acts Amendment Act.

The Hon. A. L. Loton: It has been challenged on the ground that it will impose a charge on the Crown.

The Hon. H. K. WATSON: I see. Section 46 (3) of the Constitution Acts Amendment Act provides—

> The Legislative Council may not amend any Bill so as to increase any proposed charge or burden on the people.

I draw attention to the fact that the Optometrists Act, so far as I can see, nowhere provides that the cost of administering the Act shall be a charge on Consolidated Revenue; neither does it contain the usual provision in regard to all moneys received; and it does not provide that expenditure under the Act shall, to the extent necessary, be a charge upon Consolidated Revenue. In the parent Act there is an entire absence of any reference to payment from Consolidated Revenue.

The whole scheme of the Act is that the board, its operations, and its finances —its income on the one hand and its expenditure on the other—shall be self-contained, and shall be entirely separate and distinct from Consolidated Revenue.

Section 16 (1) (a) of the Act in my opinion gives a lead to the basic source of the funds of the board. It is from this basic source that the board's expenditure has to be made. It is true that paragraph (b) provides for grants, if any, by the Government of the State. But such grants are purely optional; they are in no way obligatory. It is purely in the hands of the Treasurer to make these grants by way of *ex gratia* payments rather than as a charge upon Consolidated Revenue. It does seem to me that the mere inclusion of paragraph (b) does not have the effect contended for by Mr. Loton, and I consider that the Deputy Chairman's ruling ought to be upheld.

The PRESIDENT: Does any other honourable member care to address himself to the point of order? If not, I shall leave the Chair until the ringing of the bells.

Sitting suspended from 5.43 to 7.30 p.m.

President's Ruling

The PRESIDENT: I have consulted *May's Parliamentary Practice* which lays down three tests for deciding whether a particular proposal constitutes a charge. These are 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.

Dealing with the first of these tests that a charge must be new and distinct, I would point out that section 15 of the existing Act makes provision for the necessary remuneration of members. Therefore it is not a new and distinct charge.

The remuneration is paid from the funds of the board. These funds may include, but not necessarily, grants from the Government. However, according to *May's Parliamentary Practice* payments out of funds which are fed by grants from the consolidated fund are specifically excluded from the category of a charge.

The third test is that a charge must be "effectively imposed." In my opinion the proposed appointment contained in the amendment does not constitute an effective charge on the consolidated fund.

Having applied these tests I uphold the ruling of the Deputy Chairman (The Hon. E. M. Davies).

The Hon. A. L. Loton: Thank you, Mr. President.

Committee Resumed

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 4 to 8 put and passed.

Clause 9—Section 34C added:

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

> Page 4, line 3—Insert after the section designation "34C" the subsection designation "(1)."

To make the rest of the amendment practicable it is necessary to insert the designation (1). I think it would be only fair to point out to the Committee the relationship between this amendment and the amendments to follow. This amendment is made so the remainder of the amendments can be inserted.

When this Bill was originally introduced, it was intended only as a measure to do the things we have just agreed to—things such as a definite lining up of the definition "optometrist"; and, secondly, to agree to the remuneration of the board. The third part of the Bill was included to allow for the registration of a man named Burton. As I pointed out in my second reading speech, this man has been of very great use to the profession during the years he has been in this State. His job is purely a specialist one. He makes spectacles frames for those who have malformed faces at birth or caused by accident; and for those who cannot fit glasses on their noses properly. In the past it has probably been the task of some of the optometrists to try to undertake this work.

When the Bill was originally introduced and there appeared to be no intention of making provision for Mr. Burton, those who make use of his services made representations. The Royal Perth Hospital found it could not get on without Mr. Burton. The Princess Margaret Hospital also wanted his services so that infants born with congenital cataracts could be fitted with glasses at the age of four months so that they could be taught to see at an early stage. There were many oculists who also felt that without his services they would be in difficulties.

The Optometrists Board was of the opinion that Mr. Burton was infringing the Act by having the oculists send him prescriptions. Although he had nothing to do with the grinding of the lenses, this man was fitting the lenses into the frames. He then came into the field of optometry by fitting glasses and prisms and was therefore regarded as having infringed the Act.

We must realise there is a flaw in the Act. After reading our Act and obtaining legal advice, people came here and started to practise. The Optometrists Board found that this was against the intention of the Act and it desired to close the gate against further infringement. I think this Chamber has always held to the principle that if a person was acting legally under a code of rules and a change of registration took place, we would not deprive that person—so long as he had been here long enough—from continuing in his occupation. We

have done that in almost every Bill dealing with a profession that I can remember coming into this Chamber.

It is feared by the optometrists that if we lessen the time, as I have proposed, to one year, there might be quite a number of people with doubtful qualifications who will be enabled to practise. Both sides in this profession came to the agreement that they would be happy and content if I did not move the first of these amendments in line 16— thereby leaving the provision for two years' residence in Western Australia—and if I altered the period of one year to 18 months. It will mean the man in the Optical Prescriptions Spectacles Makers will be registered, not as an optometrist, but in the way I have proposed. The Optometrists Board has great respect for this man and is quite happy about him. There are one or two others who might be affected but they will not be deprived of their occupations. They will remain as mechanics. All that will be necessary is for O.P.S.M. to appoint an optometrist to its branch to enable these people to carry out their occupation because O.P.S.M. is registered as an optometrist.

The Hon. L. A. Logan: Only the one.

The Hon. J. G. HISLOP: It would be the two of them under this. We would have the two men in, if my amendments were accepted, to do justice to both sides. But neither of them will be given the right to test sight. The amendments on the notice paper, together with my amendment regarding 18 months, are acceptable to both sides. The war would then end and peace would be restored. We would, until such time as the board met again and decided what should be the future of optometry in Western Australia, end the situation of a mechanic taking over the work. The general public will be well treated as a result of this. There will be no increase in the cost of glasses, as O.P.S.M. will still remain as a body to whom the public can take their prescriptions. The board would maintain the standard because it would not allow people to be classed as optometrists who were not fully trained. These people will be registered as people who carry out the dispensing of optical prescriptions.

I have done a good deal of work to effect an agreement between these two bodies. Both are quite happy, and I am perfectly happy at the solution. I am certain I have safeguarded the public and I can assure the House that both sides realise that a compromise is necessary; and the Optometrists Board realises quite well that a full survey of the position is urgently necessary.

The Hon. L. A. LOGAN: It is difficult to know what to say in regard to this amendment and in connection with the information given by Dr. Hislop. One would have thought that if an amicable arrangement had been reached between the Optometrists Board and the O.P.S.M., I would be told of such an arrangement, or that the board would go to the Minister for Health, whose Bill this is, and on whose behalf I am acting in this House. It has not had the good manners to do that, obviously.

I am not decrying Dr. Hislop's efforts. I know what his object is. But it is the duty of the board, during all these negotiations, to keep the Minister informed of any arrangement reached. I should not have to get up like this without a word of information from either body. It is a difficult situation to be in. This is a different situation to what has happened in this Chamber many times. Dr. Hislop's amendments concern a situation where somebody found a flaw in the Act and took advantage of it. That is a different set of circumstances from those concerning people for whom we have put an Act through Parliament. Those people acted in good faith, knowing what the law was. They did not crawl in through a flaw in the Act; but on this occasion they have. I know, because they were sent to this State; and before coming here they received copies of our Act in order that they could get legal opinion on it. With these amendments, we are going to allow such people to operate legally.

The Hon. H. C. Strickland: In other words, we whitewash them.

The Hon. L. A. LOGAN: Yes. I appreciate the fact that there is a restriction in the proposed amendment, in that they cannot do visual testing. However, it will mean that they will be able to deal with the patient, which, under the definition of optometrist, they were not supposed to do.

The reason for the admittance of Mr. Burton was ably presented by Dr. Hislop. Mr. Burton is a man who never wanted to practise the testing of vision; but because he had to deal with the patient, it was necessary, under the amendment to the Act, to make provision for him to deal with the patient direct. That is the reason why Mr. Burton's name was mentioned after the Act had been presented to Parliament.

It is a different set of circumstances to what applied previously. I do not know how many it will bring in. It may only bring in Mr. Dominish, or it could be others. I am not in a position to say. However, the board should have had the decency to go to either the Minister for Health or myself and tell us the position; tell us that it was satisfied. I have no alternative but to oppose the amendment, because I think it is my duty to do so.

The Hon. W. F. WILLESEE: This Bill, as it progresses, becomes increasingly more difficult to interpret. There are so many side issues, and so many problems arising almost from clause to clause, that even the

Minister in charge of the Bill confesses that he cannot keep pace with what is happening.

I have the utmost respect for anything Dr. Hislop might do with regard to a compromise in the interests of this Bill. But I do think, with regard to the Minister representing the Government being placed in a dilemma at this stage, that Dr. Hislop would be well advised to report progress, consult with the senior Minister who controls this issue, and confirm the opinions that have been expressed. We would then have a clear-cut definition of the subject matter before us in order that we could give a decision unequivocally and decisively.

The Hon. G. C. MacKINNON: The suggestion put forward by Mr. Willesee has merit. The Minister for Local Government mentioned that there was a loophole in the law. But the law is the law, and an Act is an Act. One can take legal advice on it, but it explains to what extent one is restricted and to what extent one is not restricted. One has every legal right and justification to operate within the framework of an Act, as passed by Parliament. There is no reflection on anybody if, after taking legal advice, a person follows a line which is palpably legal under a particular Act. I do not think any reflection can be passed on these people if they came to this State legally and justifiably to set up a business.

We might argue that they should know that the intention of the Act might have been different. But that is beside the point. It is the obvious job of any Parliament—indeed, any legislative body—to interpret its intentions in words which can be understood, and which can be legally interpreted and upheld by the judiciary. If it does not stand up to that test, it is not the fault of the people who live according to the Act, it is the fault of the Legislature that passed it. If any reflection is to be cast, it should be cast not on the people but on the body that passed the Act. I would like that fact to be borne in mind when the matter is considered.

The Hon. J. G. HISLOP: On behalf of both bodies whose interests are covered by this Bill, I would like to offer an apology to the Minister, and to tell him that when these amendments were first drawn up a copy of them was sent by me to the Minister for Health asking that he agree to them, because I believed they would be in the interests of all concerned. I have had continuous meetings with these bodies ever since, and the final agreement on this matter was reached this afternoon while this Chamber was sitting. They agreed to the whole of my amendments which I had forwarded to the Minister for Health approximately a week ago, with the exception of the amendment I have put before the Committee to change the period to eighteen months.

So the Minister for Health has been quite aware, for that length of time, of what was in my mind. These amendments have been on the notice paper for days, and the deliberations between the two bodies have been continuous, and were only concluded during this sitting of the Chamber.

The Hon. L. A. LOGAN: In reply to Mr. MacKinnon, I never, at any stage, said that these people were acting illegally. I do not know that I cast any reflection upon them. I said they had found a loophole in the law—something that was not the actual intention in the first place.

Regarding the set-up of the two bodies, these amendments have been to the Minister. I had one of the leading optometrists in my office—I refer to Mr. Buckeridge—and he asked me to oppose the amendments. Do you not think it right, Mr. Deputy Chairman, that somebody should have come back to me and said, "We have reached an agreement, and there is no need for you to oppose them"? Even if agreement was reached this afternoon, there has been plenty of opportunity, while Mr. Loton's motion was being discussed, for the information to have been passed on to me.

The Hon. H. C. Strickland: They could always get pencil and paper.

The Hon. L. A. LOGAN: If Dr. Hislop will withdraw his amendment, I will move that progres be reported.

The Hon. J. G. HISLOP: I have no objection whatever to withdrawing the amendment, because what I have said about what has taken place this afternoon is the actual truth. I have nothing to hide from the Committee, and I have not tried to confuse any member of the Committee. If the Minister feels he has been hurt by a private member trying to pursue amendments that have been put to the Chamber and to the Minister in charge of the Bill, and also to the Minister in another place, then I have no hesitation whatever in asking the leave of the House to withdraw my amendment and to pursue it at a later date.

The Hon. H. K. WATSON: My approach to this question is somewhat different from that of Dr. Hislop. My attitude is that I am not greatly concerned whether one group of optometrists and the other group have reached agreement or not. This is Parliament dealing with a Bill; and so far as I am concerned I exercise my own judgment as to whether these proposed amendments are or are not desirable. I exercise my own judgment after having heard both sides and after having arrived at my own conclusion, having regard to the public interest.

Approaching it in that way I feel the amendments are necessary and that we should proceed to vote on this one; and I indicated earlier I would not agree to the Bill unless these amendments were included, because in my humble opinion, with such knowledge as I had of the subject, having studied it as best I could, and uninfluenced by the circumstances that both sides outside the Chamber had agreed that one thing or the other was correct, that was how I felt.

The Hon. W. F. WILLESEE: Mr. Watson is a very capable man at making a decision, and has had a good deal of experience in matters of this nature. But when we reach a position where two responsible Ministers of the Government do not know what happened at four o'clock this afternoon with respect to a particular matter we are discussing, it is reasonable for we lesser lights in Parliament to be given the right to give the matter further consideration, and for it to be considered by Cabinet.

I said initially that Dr. Hislop would only do the best he could, and if he has been able to achieve something which will make the Bill better, it should be considered by Cabinet. How can we as laymen consider the issue after all the pros and cons that have been put forward this afternoon? At this stage I think it would be better to throw the Bill out and introduce another one at some future time rather than make haphazard decisions.

The Hon. G. BENNETTS: About two hours ago I said the same thing that Mr. Willesee has just said, and I still maintain I am right. There are only two members in this Chamber who thoroughly understand the Bill, and the issue has become so confused that I think we would be better advised to throw the Bill out altogether and let the Government introduce another measure next session.

The Hon. G. C. MacKINNON: May I add my voice to that of Mr. Willesee in trying to persuade Mr. Watson not to proceed with his view on Dr. Hislop's request to withdraw his amendment? It is obvious that both Mr. Watson and Dr. Hislop have given a great deal of thought to it and have studied this measure carefully. In the early stages of the debate they did not see eye to eye on one point but, because of their knowledge, many private members have learned more about the subect. However, Dr. Hislop and Mr. Watson still know more about it than the rest of us put together and, although we now know more about the subject, it is still not crystal-clear to me. We are faced with the situation that the minister in charge of the Bill is not in a position to give us a clear-cut opinion on the amendments that have been put forward.

It is only fair that he should have some time to consider the matter because Dr. Hislop said that a final decision was only made late this afternoon. I hope that Dr. Hislop will be permitted to withdraw his amendment.

The Hon. E. M. HEENAN: It seems obvious to me that the Bill has some merit, and it would be a great pity if it were not proceeded with. I share Mr. Willesee's view that we would all like further time to consider it, and I also share his view that if agreement has been reached the Minister in charge of the Bill should be the one to make a decision. This is a non-party measure; and, like Mr. Watson, the fact that the parties themselves have come to an agreement is not the final word as far as I am concerned.

The Hon. G. C. MacKinnon: Not as far as anyone is concerned.

The Hon. E. M. HEENAN: I am sure it is not the final word as far as the Minister is concerned. The public wellbeing is the vital question. I applaud the interest Dr. Hislop has taken in the Bill; he has assisted us greatly to understand this complex measure and I know a great deal more about it than I did previously. However, I think the way out at this stage is for the amendment to be withdrawn and progress to be reported.

The Hon. L. A. LOGAN: I do not want Dr. Hislop to think that I was having a crack at him when I made my remarks; because I was not. I appreciate the assistance he has given me this afternoon and my comments were made to the bodies concerned. Their members have been in the building and they have come to an agreement with Dr. Hislop; and yet they have not had the decency to come to the Minister who was here all the time. They saw me previously and they asked me to oppose the amendments. Then they make a private agreement outside without coming to the Minister in regard to it. I hope the Committee will take the opportunity of postponing the measure until next Tuesday.

The DEPUTY CHAIRMAN (The Hon. E. M. Davies): The question is—

That leave be granted to withdraw the amendment.

There being a dissentient voice, leave is not granted.

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

Ayes—10.

Hon. C. R. Abbey	Hon. H. C. Strickland
Hon. J. G. Hislop	Hon. R. Thompson
Hon. R. F. Hutchison	Hon. J. M. Thomson
Hon. G. E. Jeffery	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. H. K. Watson

(Teller.)

Noes—15.

Hon. N. E. Baxter	Hon. A. L. Loton
Hon. G. Bennetts	Hon. J. Murray
Hon. J. J. Garrigan	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. J. D. Teahan
Hon. W. R. Hall	Hon. S. T. Thompson
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. A. R. Jones	Hon. L. A. Logan
Hon. F. R. H. Lavery	

(Teller.)

Majority against—5.

Amendment thus negatived.

Progress reported, and leave granted to sit again.

VETERINARY SURGEONS BILL

In Committee

The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clauses 1 to 21 put and passed.

Clause 22—Appeal against refusal to register:

The Hon. L. A. LOGAN: I move an amendment—

> Page 13, line 3—Insert after the word "appeal" the words "against refusal."

This is merely a tidying-up amendment, as is the amendment to clause 24.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 23 put and passed.

Clause 24—Restoration of name to register.

The Hon. L. A. LOGAN: I move an amendment—

> Page 15, line 24—Delete the word "Where" and substitute the words "Subject to the provisions of subsection (2) of this section, where".

This amendment will improve the wording of the clause.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 25 put and passed.

Clause 26—Penalty for practising veterinary science:

The Hon. N. E. BAXTER: I refer to subclause (2) which states as follows:—

> Nothing in this section applies to the performing by any person of the operating of spaying cattle, tailing lambs or the dehorning or castration of any animal or such other operation as may be prescribed.

I wonder why the general application of drenching was not included in this provision, because it is an act which is commonly practised by the majority of people handling stock, in the course of their year's work. I see no reason why this term should not be included. It is much better to insert it in the provision, so that farmers will know where they stand, without having to wait until the other operations referred to in the provision are prescribed by the board.

The Hon. L. A. LOGAN: In the opinion of the people who framed this Bill, it was considered unnecessary to include the act of drenching in the clause, because drenching is outside the scope of the veterinary surgeon's duties. Because dehorning and castration may present some problem, they have been specifically included.

The Hon. N. E. BAXTER: I refer the Minister to the definition of "veterinary surgery" in the Bill. The definition states that "veterinary surgery" means the art and science of veterinary surgery and medicine. I take it the drenching of stock would be covered by the term "medicine." Drenching is a form of giving medicine to stock, so it is within the scope of the Bill. I therefore move an amendment—

> Page 16, line 34—Insert after the word "castration" the words "or any normal drenching operation."

The Hon. L. A. LOGAN: The only difficulty is: Who is to define what is normal drenching.

The Hon. N. E. Baxter: The term speaks for itself.

The Hon. L. A. LOGAN: It is not as simple as that. In my opinion, the putting of medicine down a sheep's throat may be normal procedure; on the other hand to put a dose of another type of medicine or drench down a sheep's throat may be described by some people to be not normal drenching. They are both carried out by the same method, except that two different types of medicine are used. One type of medicine may have no ill effect, but the other may have serious effect.

The Hon. S. T. J. THOMPSON: The explanation of the Minister is correct, because drenching is not considered to be a job of the veterinary surgeon, although he may give the prescription. Therefore I consider the amendment to be unwarranted.

The Hon. N. E. BAXTER: The Minister has not given any confirmation that drenching will not be an offence under this legislation. It is an offence, unless it is prescribed by the board as one of the other operations. We do not know whether the board will prescribe the type of drenches which can be given to stock by individuals. Once the Act is proclaimed, farmers and others who handle stock will have to wait for the particular drenches to be prescribed before they can use them; otherwise they may be committing an offence. I am agreeable to the substitution of a more suitable term for the word "normal" in my amendment, if any honourable member can suggest one.

The definition of "normal" is "conforming to standard, regular, usual, typical." The words, "regular" and "usual" are appropriate in this instance. Therefore I cannot see anything wrong with the use of the word "normal." It would protect the thousands of farmers in this State who carry out these operations; in fact every farmer.

The Hon. L. A. LOGAN: What the honourable member's amendment does is to bring within the scope of the Act certain types of drenching. We do not want any drenching to come into it at all. We want the farmer to do drenching wherever and whenever he likes without being subject

to the Act. As soon as this word "normal" is included, some other types of drenching must come into it; therefore it would be much better to leave the clause as it is.

Amendment put and negatived.

Clause put and passed.

Clauses 27 to 31 put and passed.

Title put and passed.

Bill reported with amendments.

TOTALISATOR AGENCY BOARD BETTING BILL

Further Report

Further report of Committee adopted.

Third Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [8.34]: I move—

That the Bill be now read a third time.

THE HON. H. C. STRICKLAND (North) [8.35]: Under this legislation, that section of the public which, of necessity, must place its investments with off-course bookmakers, is going to be the means of raising finance to bolster not only the revenue of the W.A. Turf Club and the W.A. Trotting Association, but also the revenue of the State. That section of the public is also going to be a most remunerative source of revenue for off-course bookmakers; that is, if this legislation is implemented in the fashion which the Minister for Mines outlined would be the probable procedure in relation to investments on horses racing in the Eastern States or in this State. Money invested after the hour when the tote, which is to be set up, has transmitted its funds to the local racecourse will be subject to compensating procedure. The Minister told us that the probable course will be that the portion of the investment which does not reach the racecourse will be subject to a compensating procedure, we shall say, which will in the ultimate guarantee the tote at least 15 per cent. profit.

That procedure, as I understand the explanation, will be that where the local pool, after deducting 15 per cent. of the total investments, has insufficient funds to pay the tote dividend which a horse running a place in an Eastern States race is paid in that State, the totalisator board will subsidise the local dividend up to 75 per cent. on the on-course tote dividend. That means for a start that this investing section of the public with off-course bookmakers or off-course tote is going to be stung for an additional 25 per cent.—an additional 25 per cent. of the return which is now received from off-course bookmakers.

Today any bets made away from the racecourse are paid the tote odds of the racecourse where the race is run. So if only 75 per cent. is to be paid, the investor is surely going to be the loser by 25 per cent. Those betting with the bookmaker and not on the tote will simply be putting 25 per cent. into the bookies' pockets; and, in fact, I will proceed to demonstrate that much more than that can be put into their pockets, and no doubt will be.

I tried to explain this point when the legislation was in Committee. If all the pool of the local tote board is subject to a 25 per cent. deduction, then the whole pool of the investments with off-course bookmakers will also be subject to a 25 per cent. deduction because the legislation clearly states that these bookmakers must not pay a dividend other than that which the tote board prescribes. Therefore the pay-out is the same, so the pools must be subject to the same 25 per cent. deduction.

But this is what is going to happen in relation to off-course bookmakers: Apart from the fact that they have the advantage of paying the starting odds of the horse now—the price at which a horse is returned at the time the barrier rises in the race; and that horse could have been backed down from 10 or 12 to 1 to 5 to 1 or 6 to 4—they pay an over-all price at the starting price. There is no 10 to 1, or 6 to 4. The man off the course pays all sorts of prices in the scale down from the outside price which he started to bet to the final price which he bets. The man on the course has the advantage of these limits. He has the advantage of the final starting price of the horse; and now, under this legislation, he is going to have the advantage of a further 25 per cent. because of the switch over to tote odds of that section of investments which are made on Eastern States or local races after the local tote has transmitted its funds to the racecourse.

Now what can we expect is going to happen in the bookmakers' pool? The off-course bookmakers now finance their commitments by spreading amongst themselves the cash which they hold, in the same manner as insurance companies spread the risk. They lay off between themselves and spread the risk. But look at the gate that is opened to them if this proposed 75 per cent. method is introduced—this compensating scheme which the Treasurer has thought up. Where do members think the bookmakers are going to lay off their big commitments in future as they do at present? They will not be able to lay off with the totalisator because of what the totalisator will do, if I understand the Minister correctly—and I am correct in this case. He said that after that portion of the funds which the totalisators were able to transmit to the local racecourse totalisators, and after that time had expired, the bets then acceptable by the totalisator agency board would be small ones.

The bookmaker certainly cannot take the risk of holding the money. Well he could, and he would have to pay only 75

per cent.—maybe more in some cases, but the average, or the majority of cases, would be 75 per cent. of the dividend returned by the on-course totalisator.

Look at the margin. If whoever acts as the central bank now accepts the lay-off money and then spreads the risk around, what a wonderful opportunity it will be for him. He will take the lot and then ring up someone in Melbourne or Sydney and say, "I am holding £100 for Aquanita here. I have to pay tote odds less 75 per cent., so get me £100 worth of tote tickets on Aquanita." The return to him will be what Aquanita pays on the Victorian tote; but his pay-out to those for whom he is investing will be less 25 per cent. What a fortune the Government is going to place in this person's hands. It is as plain, as clear, and as simple as that if the method which the Minister described here is introduced—but I hope it never will be.

I have no objection that there will be totes; let the Government put them right through the country; but as I said in my second reading speech, this hybrid system; this shandygaff affair has all sorts of loopholes.

The ones who are going to pay are those members of the public who cannot get to a racecourse. Not all people are unable to go to a racecourse, because some do go, I admit. But great numbers are unable to, and so they will suffer to the extent I have mentioned if this proposition is brought about. I hope it never will be.

I sincerely hope that before the Government proclaims all these Acts in connection with the totalisator system it will give the scheme a very thorough sifting and investigation to see whether some of the possibilities in connection with the scheme, that have been suggested by the Opposition, are not actually practicable. In fact, they are; there is nothing to prevent that instance of distributing the risk that I have just explained. There is no law which can stop that. There is no law to stop me or any other person from ringing up a friend interstate and asking him: "Will you go to the races and make a bet for me on the totalisator?" So we can see what will happen. The Government says, "You bookmakers are only going to pay what our tote prescribes." The Government will just pass a fortune their way.

Is it any wonder that we have not seen these galleries filled with clamouring off-course it is not. They will be on the best course bookmakers on this occasion. Of wicket they have ever been on in their lives. They cannot lose; it is absolutely impossible to go broke when one has the punters' money to bet with and one has to give only 75 per cent. of it back. That is the possibility; and what I have stated are the risks; and I feel that the risks are far too great to be merely passed over to a board such as is mentioned in the Act, because althought the gentlemen who will be appointed to the board by the racing clubs will be honourable gentlemen, they will have only one object in mind—to get as much money as they can from the public to place in a pool to race for; to compete for. That is the essence of the whole question.

We know that on the other side we have the breeding of horses and so on. That side of it may be—it could be—termed an industry. But to term horse racing generally an industry—that is, the conduct of horse racing on racecourses—is, I feel really insulting the word industry; because many of us in this Chamber have made a few trips to racecourses, and there is no doubt that not many of us have been to the racecourses and have not been tipped and probably nipped.

While the racing fraternity consists of some very honourable men, it also, as the records will show, harbours a lot of dishonourable persons. Nobody can doubt that because people are disqualified from time to time. I can remember that when I was a lad a criminal charge was laid against a set of racing men—they were charged with conspiracy.

They were not found guilty because ultimately nobody could produce the poor horse. These people "rang" a horse in—they dyed it and put a scar on one of its shoulders. It was a disqualified horse.

They raced it on the goldfields and had a clean-up throughout Western Australia. But somebody got gay and had too much to say, and the story got out, and they were charged with conspiracy; and they looked like being found guilty but their clever defence counsel insisted that the dyed horse with the scar be produced. But it was never found. That is one sort of thing that went on. So I think the great majority of persons who go to racecourses and who patronise racing are honourable, but there are quite a number of dishonourable people at racecourses, because the records show that that is so.

In my opinion this Government has been badly advised and badly led by somebody into sticking adamantly to this legislation and insisting that it become law. However, I feel it is not too late for the Government to have a further look at this legislation before it implements it. I am still going to oppose the third reading because I could not, in all conscience, bring myself to have the off-course betting public subject to such extreme taxation as the legislation will impose upon them, and subject to the very unfair odds they will be paid —those who will be fortunate enought to pick winners.

This legislation will introduce a machine which will be much more severe and ruthless in taking money from those who patronise it than were the one-armed bandits which the Government to which

I belonged banned in this State. For a start it is going to take directly 15 per cent. of all turnover. Then from the turnover which does not reach the local racecourse totalisator, it is going to take another 25 per cent. On top of that it is going to take from the off-course investor taxation amounting to 3d. in 2s. 6d., which is 10 per cent.; and the tax will rise to 6d. in the pound, or just above the pound—say £1 1s. That is not quite 5 per cent. But the tax will remain at only 6d. if the bet is £1,000.

So it is not hard to see that the long-suffering public who patronise horse racing as bettors—and they are the only ones who supply the funds to keep the game going—will be severely dealt with under this legislation. I want to say quite clearly that without a shadow of a doubt the object the Government has in mind in relation to Eastern States racing is going to deprive those who bet on Eastern States racing, away from the racecourse, of 25 per cent. of the dividend to which they should be entitled and which they do get today.

Now, in regard to the on-course bookmaker, the Minister gave us an example of betting which happened on Caulfield Cup day in relation to a horse—Aquanita, I think. He said that the bookmakers on the racecourse were betting 4 to 1. Those bookmakers on the course who wanted to bet on the horse were laying 4 to 1, and the horse started at 5 to 1. Naturally, they fixed their price; and I do not hesitate to say that they all paid 4 to 1. There was some collusion about that one.

However, it will be found that that was the price *The West Australian* quoted on that day as being the probable market price. The horse started at five to one. I am told authoritatively that last Saturday on the local racecourse when that same horse, Aquanita, was racing, the bookmakers would not offer any more than eight to one if a bettor was taking the odds, but any bettor who wanted to bet at starting price was limited to a bet of £2. The horse started at 15 to 1.

There is some competition at present amongst those who bet on Eastern States races, and the majority of them do. However, once the totalisator system begins to operate and the off-course bettor is going to receive less than totalisator odds, he will probably make a practice of going to the racecourse to have his bet. But what are the racecourse bookmakers going to do? When they have opposition now they "squeeze"—that is the term that is generally used—or cramp the odds. Clearly, they will look after themselves because there will be no other source of investment for the off-course bettor.

I have no sympathy for any bookmaker, because he sets himself up in business and is prepared to pit his capital and brains against the skill of anybody who comes along seeking to take his money from him. If he loses his money that is his business. It is his way of life. He might be a bit dismayed about losing his money, but it is part and parcel of his existence. Some bookmakers lose their capital over and over again, but they are generally able to obtain further capital in order to commence their book again. That is the pattern of their bookmaking career. However, these men will be placed in the position where it will be almost impossible for them to lose because they will be paying totalisator odds.

The bookmakers on the course, however, will squeeze or cramp the odds even shorter than they are doing now. So members can see the probabilities and the dangers, and the most unfair burden which this set of Bills could place upon the bettors. I heard Mr. Wise say the other evening that it is estimated that only 18 per cent. of the population bets on race horses. However, it is still 18 per cent. of the population that is going to provide a tremendous amount of money.

The professional punter, who hopes to get rich some day as a result of backing horses, is the one who is taxed on his operations. He is the man who backs a horse when he obtains good information from the owner or anybody else who is in the know and he pays a commission to that owner or other person for that information if the horse wins. The professional punter, however, will surely drift away from the practice of investing money in this State on horses racing in the Eastern States. That bettor will send his money out of the State. It may surprise members to know that under the existing legalised bookmaking system, money passes between States in order that a certain horse may be backed. Money passes between Perth and Melbourne and Perth and Sydney and *vice versa*.

I was in Derby at the beginning of last month and the local bookmaker told me that since telephonic communication had been made possible between Derby and Perth he now gets his share of the "spread" or risk money. He receives a telephone call from Perth or other parts and is asked whether he can take £10 or £20 for a certain horse, and he accepts or declines the offer at will. Members can see, therefore, how widespread this betting business is. I feel sure that when that avenue of betting is closed—it must close because on a totalisator system they will not know what is likely to happen—the money will find its way to the central banker; and there is no doubt that he will take all of that sort of money he can get because he will put it on the Eastern States totalisator and return to the punters only 75 per cent. of what he receives.

The Hon. F. D. Willmott: What if the horse does not win?

The Hon. H. C. STRICKLAND: He does not lose anything in that case, either. I would like to be in the happy position of holding such money knowing full well that I would only have to pay out 75 per cent. of what it might earn. That is the true position. When we pass legislation which will present a set of circumstances such as this to bookmakers both on the course and off the course I am not at all surprised that the bookmakers have not been lobbying around this building in an endeavour to have this legislation defeated in the way that the optometrists have been doing lately in regard to the legislation which governs their operations. It is too unreasonable to think that bookmakers will not welcome this legislation with open arms.

Many of the bookmakers will be offered a totalisator agency to be conducted in conjunction with their own bookmaking business. The risk of possible disaster for some of them, as a result of the lucrative business being taken away from them has now gone. The risk of disaster for some of them as a result of having to pay increased taxation and higher rental for their premises has now gone. Some bookmakers were worrying about what was likely to happen to them, even if this legislation were not passed, and they were left to meet the rent on the premises for the balance of their lease. However, I am quite sure that all those bookmakers have ceased to worry now after realising the nature of this legislation. I am certain that they feel quite secure now and that they would like to remain in the position they will be placed in once this totalisator system is introduced, because they cannot possibly lose. I oppose the third reading of the Bill.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines—in reply) [9.10]: In the opening remarks of Mr. Strickland, when speaking to the third reading of this Bill, he referred to the public who must put their money on racehorses. However, no member of the public is obliged to put his money on a racehorse.

The Hon. H. C. Strickland: I said that they must place it with an off-course bookmaker.

The Hon. A. F. GRIFFITH: I took particular note of what the honourable member said, but it does not matter. The point is that there is no compulsion on anybody to bet.

The Hon. H. C. Strickland: I did not say that.

The Hon. A. F. GRIFFITH: Very well, but I repeat: There is no compulsion on anybody to bet. During my second reading speech I went to considerable lengths to explain that this Bill had reached Parliament only after consideration by those people who are in the best position to consider it. I refer to the W.A. Turf Club, the W.A. Trotting Association, the Treasury officers, and those persons advising the Government. All those people are satisfied that this legislation is in the best interests of the State.

I thank Mr. Strickland for the warning he has sounded. The other night I tried desperately—as I thought at the time—to describe to him what the equalisator system was and how it worked in connection with Eastern States races, but I was unable to convince him. When the Bill went into Committee—as all members are aware—we had almost seven hours of continuous debate whereby all the questions which were possible for any honourable member to raise were asked and, to the best of my ability on the advice I had received, answered by me.

This is new legislation and, no doubt, as the totalisator agency board continues with its operations it will discover which is the best course to follow. In matters of this nature only experience will tell. The Bill has been subject to a few amendments which, in the opinion of this House, will improve the legislation. Those amendments will be passed to the Legislative Assembly for its consideration; and the Bill, if it is passed by both Houses in its present form, will contain clauses which provide for extremely severe penalties. Those clauses were inserted for the express purpose of trying to suppress elements of illegal betting. They were placed in the Bill as a result of the investigation by and the advice of the Royal Commissioner who was brought to this State to inquire into starting price betting. The recommendations of the Royal Commissioner are based on the experience of South Australia in regard to the penalties imposed in that State against persons who engage in illegal betting. If this totalisator system is to be a success it will be necessary for illegal betting to be stamped out.

At this stage I do not think it is necessary for me to explain the Bill any further; because, I repeat, during the debate on the second reading of the Bill I gave as lengthy an explanation as could be made on any measure, and much debate and argument took place in regard to its provisions among members of the House generally. Therefore, I thank the members for the fact that the Bill has reached this stage.

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

Ayes—15.

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. N. E. Baxter	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. S. T. Thompson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. J. Murray
Hon. G. C. MacKinnon	*(Teller.)*

Noes—12.

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. R. Thompson
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. W. R. Hall
	(Teller.)

Majority for—3.

Question thus passed.

Bill read a third time and returned to the Assembly with amendments.

FISHERIES ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

METROPOLITAN WATER SUPPLY, SEWERAGE AND DRAINAGE ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [9.20]: I move—

That the Bill be now read a second time.

In the policy speech of the Government it was enunciated that an investigation would be made into the possibility of moving more towards a "pay-as-you-use" water system. This investigation has been carried out by a committee appointed some time ago. As a consequence of the committee's report submitted to the Government last September followed by further investigations into the water rating system generally as applied to the metropolitan area, the Crown Law Department was requested to give an expression of opinion on the system of rating as applied in recent years. It was considered by the Crown Law Department that the method that had been adopted was *ultra vires* the Act.

The purpose of this Bill is to rectify the position, validate rating, institute an appeal board, and remove certain anomalies which it is considered exist. The present system of rating on a net annual value is to be replaced by a new system. The net annual value is the gross rental value less the amount of all rates and taxes together with a deduction of £20 per cent. for repairs, insurance, and other outgoings.

The net annual value is assessed under the principal Act by ascertaining and deducting the actual amount of all rates and taxes in respect of each individual piece of land for which a valuation is made. The existing system is cumbersome and at times practically unworkable, and because of the onerous nature of the work the administration of the system is unnecessarily expensive. It is considered that the amendments proposed will provide a basis which is clear and definite, will be workable, and simple in application.

Clause 9 of the Bill proposes the addition of a new section 86A to the Act enabling the constitution of an appeal board. It is intended to retain provision for further appeal from the decision of the appeal board to the local court regarding valuations. The board will hear appeals from ratepayers against valuations of ratable land and decide upon the classification of rated land respecting which the ratepayer objects to the department's classification, whether used for residential or other purposes.

It is proposed that outstanding appeals made under the existing Act before the coming into operation of these amendments will be heard by the appeal board. Any ratepayer, not having already appealed, may lodge an appeal with the board if, within 30 days of the coming into operation of these amendments, such person makes written application to the Minister for leave to lodge such appeal, and his application is approved.

The Bill provides that all extant appeals, and appeals approved by the Minister to be heard, shall be heard only on the ground that the amount of the valuation of the ratable land is excessive. The amendments proposed would enable rateable land used for residential purposes to be rated, either uniformly or, at the option of the Minister, at a lesser amount in the pound on the assessed annual value than land on any other classification.

This will enable a measure of relief to be given in respect of rates levied against residential premises including premises provided with a private water supply where the rebate water in return for rates is not consumed. The validation provision contained in the Bill is for the purpose of validating the making, levying, and collecting of rates and associated actions up to and including the 30th June, 1961.

Minor amendments made include some which are consequential to the major clauses of the Bill. Mention was made earlier of an outside body to do the valuations, and, following representations made to the Commonwealth Taxation Department, arrangements have been made for this body to take over such valuations completely from the Water Supply Department. Discussions are now taking place between the Public Service Commissioner, the Treasury, and the Commonwealth Taxation Department—Western Australian division—and it is expected that the work on the new valuations will commence in the very near future.

The Hon. H. K. Watson: That is for annual value as well as unimproved value.

The Hon. A. F. GRIFFITH: I understand the Commonwealth Taxation Department is going to take over the whole thing. So

instead of a process existing where one suburb is valued and another is not, whether it be by direction or design, as has been the case in the past on some occasions, it will all be done at the same time and, as a result, create more equity.

It is proposed that the revaluation of the whole of the metropolitan area will be completed in time to allow such new valuations to be used when assessing the rates for the 1962-63 financial year.

Due to the assessed annual value which it is proposed will be the gross value less the reduction of 40 per centum for all outgoings, it will not be possible to determine the rates for the financial year 1961-62 until approximately March of next year, when the pattern of finance will become clearer. It is hoped, however, to strike a lesser rate for residential as against business properties with an increase in the charges for excess water being the first move towards a system of "pay-as-you-use."

On motion by the Hon. E. M. Davies, debate adjourned.

COUNTRY AREAS WATER SUPPLY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 2nd November.

THE HON. J. M. THOMSON (South) [9.26]: This is a very small Bill, but no doubt it contains quite a bit of substance in its application to certain people. The provisions of the measure will affect some 35 towns, mainly served by the goldfields water supply scheme. Up till now the towns that will be affected have been paying a rate of 2s. in the pound for their water; while other towns, served by the comprehensive water scheme, have been paying 3s. in the pound. No doubt because of the rising cost of taking water to the areas in the country districts of the State, and particularly in view of the loss sustained over the two financial years in country water supplies—which was in excess of £2,500,000—the Government has seen the necessity to initiate these increases. We must be realistic about these things and appreciate the reason for the increases.

Of course, nobody accepts increased charges with any great pleasure; none of us wants to pay more than we have paid previously; and while none of us wishes to see an extra charge placed on anybody, necessity no doubt has brought this about. While considering this Bill we must bear in mind that it is over 45 years since the areas to which I have referred have had to pay an increased amount for their water rates.

I think there are about 32 towns or more that will have the rate increased by 1s. in the pound; two of them will have the rate increased by 6d. in the pound; and one will have the rate increased by 3d. in the pound, bringing them up to a uniform rate of 3s. in the pound, as the Minister said when introducing the Bill.

During the Minister's introductory remarks, I was interested in the comparisons he made. For the information of members I will repeat that the amount charged for interest and sinking fund on 1,000 gallons of water supplied to Kalgoorlie was 3s. 6d. As a comparison, the amount charged per 1,000 gallons to Norseman, covering interest and sinking fund, was 6s. 6d. That is indicative of the cost that is going on, and which will continue to go in regard to the initial laying down of these schemes of taking water to the country towns. The interest and sinking fund rate will continue to grow. I have no doubt it is a very sizable amount in the water supply account.

I have another comparison which is worth while repeating. At a place like Beverley which has been served for many years through the goldfields water supply, up to this time the people have been paying 2s. in the pound; and at a place like Brookton, 20 miles to the south of Beverley, they are paying at the rate of 3s. in the pound. If it were possible to reduce that 3s. to a uniform rate of 2s. 6d. in the pound I, with other members—and probably Ministers of the Government—would no doubt be very pleased.

I have no doubt that the rate of 3s. in the pound will not cover the losses sustained by the country water supply scheme, but it will give some relief to the Government. I understand the return from this tax will be in the vicinity of £36,000. However, I say there should be some justification for bringing about a uniform water rate in respect to towns connected to the Wellington Dam—towns such as Narrogin, Pingelly, Wagin, and Katanning; and in respect to other towns that receive their water supply from reservoirs and which have, over the last eight or nine years, been paying 3s. in the pound.

I see no reason why I should oppose this Bill because I realise it is necessary to meet some of the costs and losses sustained in this scheme. Therefore, I support the measure.

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

STATE CONCERNS (PREVENTION OF DISPOSAL) BILL

In Committee

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. H. C. Strickland in charge of the Bill.

Clause 1 put and passed.

Clause 2—Interpretation:

The Hon. N. E. BAXTER: It is necessary to delete this clause as it will be covered by clause 3, as amended; and I would like to move accordingly.

The CHAIRMAN (The Hon. W. R. Hall): The honourable member cannot move for the deletion of clause 2; he simply votes against the question: That the clause stand as printed.

The Hon. H. C. STRICKLAND: The provisions of clause 2 will not be necessary if the rest of the amendments are carried. I have no objection to the deletion of clause 2.

Clause put and passed.

Clause 3—Disposal of State concerns to be approved by Parliament:

The Hon. N. E. BAXTER: I move an amendment—

> Page 2, lines 11 to 15—Delete all words after the word "Act" down to and including the word "obtained" with a view to substituting the words "the sale, lease or disposal of the instrumentalities and trading concerns mentioned in the Schedule shall not be finalised unless and until the approval of Parliament to the sale, lease or disposal has been obtained."

I do not know whether there is a great deal to explain in regard to this amendment as this was done at the second reading stage. The purpose of the amendment is to clearly define those State trading concerns and State instrumentalities that it was felt should be included in the Bill, whereby they could not be sold, leased, or otherwise disposed of without the consent of Parliament. Those particular trading concerns came about by agreement in both Houses of Parliament; and there is an amount of £6,000,000 in book debts involved. In this issue it should be Parliament's duty to know the terms and conditions of a sale prior to disposal.

Members may note that in this amendment I have used the words, "shall not be finalised unless and until the approval of Parliament to the sale, lease, or disposal has been obtained." I did that deliberately so that if any Government found itself in a position to sell one of these State trading concerns or State instrumentalities it could carry negotiations to the stage of finalisation, but it could not complete the signing of transfers or agreements until the matter had been placed before Parliament.

The Hon. A. F. GRIFFITH: Before I have anything to say on this clause I would like to hear what the honourable member who introduced the Bill thinks of this amendment. I would also like to remind him how confused he is upon the point that the Committee has decided to leave clause 2 in the Bill, despite the fact that Mr. Baxter wanted to delete clause 2.

We must surely know where we are going if we pass legislation of this nature; clause 2 is now in the Bill. Then we have the interpretation; and then we get to clause 3. It is the honourable member's intention to delete everything from clause 3 which is covered in the interpretation and leave in three or four particular State-owned instrumentalities.

It is interesting also to note that the previous amendment Mr. Baxter put on the notice paper was carelessly worded in comparison to the amendment we now have. This time it is correctly worded. Last time is merely referred to the Meat Export Works and the State Engineering Works, and did not even name them correctly. I would like to hear what Mr. Strickland thinks about the effect of the amendment on clause 2, if we agreed to the amendment.

The Hon. H. C. STRICKLAND: I voted against clause 2. I did not pay enough attention to the Chairman's decision. The noes, to my way of thinking, were right. To my mind, it does not make any difference whether it is in or not. After clause 3 has been dealt with, the Bill could be recommitted and we could divide on clause 2. Clause 2 simply defines a State-owned instrumentality, or a State trading concern; and a State trading concern is one of those concerns mentioned in the State Trading Concerns Act. It matters little to me whether the amendment is in or out.

The Hon. A. F. GRIFFITH: The point I am getting at is, does Mr. Strickland like his Bill the way he has presented it to the House, or the way it is intended to be amended by Mr. Baxter? If he likes it the way he introduced it, it is all-engulfing and has an effect on every State instrumentality. If he likes it the way Mr. Baxter amends it, it is limited to those State instrumentalities listed in the schedule, or those which may subsequently be added if permission is granted.

The Hon. H. C. STRICKLAND: I was asked the same question at a previous sitting.

The Hon. A. F. Griffith: But I didn't get an answer.

The Hon. H. C. STRICKLAND: I always give an answer. I would like to see it all-embracing. But I realise that it would then bring under its scope concerns on which Parliament should not waste its time with approving or not approving a sale. There might be some minor concessions. Let us imagine the railways wanting to sell its bus depot. I do not think it would be workable in its original form.

The Hon. A. F. Griffith: You introduced it.

The Hon. H. C. STRICKLAND: I know I did. But after listening to the Minister's reply, I was convinced that it was so all-embracing that it would not be workable. I hope the Minister is satisfied with that explanation.

The Hon. A. F. Griffith: I am so glad to be of service.

The Hon. N. E. BAXTER: In order that there should be no misconception about my reasons for this amendment, my first reason was in reference to smaller concerns such as State hotels. The whole capital value of them is so small that one could feel confident that Parliament would not want to concern itself with them.

On the other hand, there are State instrumentalities and State trading concerns which cannot be sold without the sanction of Parliament. I refer to such concerns as Chamberlain Industries, the State Government Insurance Office, the Rural and Industries Bank, and others.

It would be foolish if we neglected to set out the concerns which under the old amending legislation of 1930, could be sold without reference to Parliament. I admit that my amendment was loose in the naming of these concerns; however, I have now named them properly and specified them.

The Hon. A. F. GRIFFITH: We now reach a point in this Bill where Mr. Strickland is happy that we have been able to improve his original thoughts. I regard this as a question of principle, and I would ask the House to make a decision upon a point of principle. Let us take a set of negotiations, that the Government of this State is engaging upon, or may engage upon in the future, for the disposal of a State instrumentality. After weeks, perhaps months, of prolonged negotiations—if that stage were even possible—we get to the point where before anything can be ratified, and before agreement can be entered into, we have to seek the approval of Parliament.

Does this Chamber really and truly think that the State is in a position to negotiate a sale of these instrumentalities upon that basis? Does it really and seriously contemplate that a firm, or organisation, or person of sufficient credit —with sufficient capital—should have itself subjected to an examination of that nature? I do not think it would be fair to do that.

This Government was elected by the people of Western Australia on a clear-cut policy—on its promise to dispose, where possible, of the State trading concerns. It was also elected on a policy that it would change over from the day-labour system to the contract system. I am very pleased to see in the Press an article subscribed by the secretary of the Australian Labor Party (Mr. Chamberlain) who said he was without doubt that the Government had a mandate to change over from the day-labour policy to the contract policy; and that the method of lodging objection against that policy was not to vote against the principle, but to vote against the party and get rid of it.

Mr. Chamberlain left us in no uncertain mind about that. I have not got the article with me, but it is there. If the people are not satisfied with the policy of the Government—as they were not at the last election—they will change the Government; and at the next election they will change the Government again if necessary. Until that time comes, I think we are here to carry out our policy.

The policy on which we were elected was the disposal of the State Trading concerns. There are some concerns which it is not our intention to dispose of. But I am not prepared to subscribe to a Bill of this nature which cuts across the policy of the party, of which I am a member, and across the policy on which we were elected as a Government.

The Hon. H. C. STRICKLAND. I think the Minister is incorrect when he exaggerates the possibilities which might surround the sale of any of these concerns. All that Mr. Baxter's amendment requires of the Government is for it to do exactly the same as it did in connection with the Chevron-Hilton Hotel, when land—a public asset—was sold to the hotel people. The principle is exactly the same. An agreement was entered into; and before it could be finalised—and before it was finalised—the Government brought along legislation for Parliament to approve or disapprove. The same thing happened in connection with the Broken Hill Pty. Ltd. and the establishment of the refinery at Kwinana.

Mr. Baxter has enumerated those public concerns and public utilities which he considers are very important, not only to the general economy, but to the large number of workers employed in them. The honourable member went to great lengths to explain his reasons for supporting the measure which were based principally on the effect it had on those who were engaged in the concerns. I see nothing wrong with them; I accept them, and I congratulate Mr. Baxter in setting them out in very proper form.

Concerning the mandate, it is true that it was this Government's policy—or one side of its stated policy; the Liberal Party policy—to dispose of the State trading concerns, or any Government concern, after they had become profitable concerns. There was a proviso which stated that they were to be economic and profitable. The Premier has said that in the Press on more than one occasion and we are not disputing that fact. In this Bill we are merely asking that before arrangements for the sale of any State trading concern are finalised the agreement shall be brought before Parliament for its consideration.

The Hon. A. F. GRIFFITH: I wish to make only one more point which was presented to me by Mr. Strickland whilst he was speaking. He said that we had to bring the negotiations to Parliament before they were finalised. I object to that condition. I would point out that the agreement in connection with the Kwinana Oil Refinery was finalised and then brought

to Parliament for ratification. The agreement between the Chase Syndicate and the Government of the day was finalised and brought to Parliament for ratification, and the agreement between the Government and the Chevron-Hilton representatives was finalised and then brought to Parliament for ratification. However, before this agreement can be finalised, the honourable member has held that it shall be laid on the Table of each Chamber so that the negotiations can be made public. I hope the members of the Committee will not agree to a provision of that nature.

The Hon. F. R. H. LAVERY: There is great deal of merit in this amendment. I heard the Minister speak about principle on another matter—

The Hon. A. F. Griffith: It was on this matter.

The Hon. F. R. H. LAVERY: That may be so. There is no doubt that there is a principle attached to this. Take the State Engineering Works, for example. According to the report issued by the Auditor-General the capital value of the State Engineering Works is £627,000. In other words, that is the value of that asset to the State. Over the five years, from 1954 to 1958, the State Engineering Works made the following profits:—

	£
1954	31,600
1955	43,900
1956	61,500
1957	62,400
1958	98,300

Some members may say that those profits were made at the expense of private enterprise, but I say they were made despite private enterprise. I can prove that. The asset value of those works in June, 1958, was £627,000, and from the figures I have just quoted members can see that the works, over a period of five years, made a total profit of £297,700. Under the policy of this Government this organisation has deteriorated greatly because of the lack of work that has been presented to the men to perform; and, in my opinion, the Government would not receive £200,000 for those works today. It has been said that Parliament should have the final decision in regard to the disposal of the people's assets. That has been the cardinal rule since the signing of the *Magna Charta*.

In the State Engineering Works there are 10 lathes, valued at £1,000 each which are now lying idle. They have not turned a wheel in 18 months. Has not the Government any responsibility in regard to this asset and other assets belonging to the people? If the Government did sell the State Engineering Works and received only £200,000 for it the editor of *The West Australian* would be flooded with letters of protest. If negotiations were entered into to sell an asset such as this at the value I have placed upon it at the moment, Parliament should be entitled to consider any agreement entered into before it is finalised. The situation at the moment in regard to the State Engineering Works is that £400,000 has been poured down the drain as a result of the Government's policy. I support the amendment.

The Hon. N. E. BAXTER: We have heard a great deal of talk not only tonight but on previous occasions in regard to a mandate being given to the Government by the people at the last election. However, did the people give a mandate to only 10 members of the Cabinet or to all members who form the Government?

The Hon. A. F. Griffith: Are you not a supporter of the Government?

The Hon. N. E. BAXTER: Certainly I am. I would point out to the Minister that during the last election, when the question of the sale of State Trading Concerns was raised, the people who voted for the Government did not know at that time, I am certain, that under the provisions of the 1930 amending Act the State Trading Concerns could be sold without reference to Parliament. Was that situation explained to them during the election; because I am certain the people did not know about it?

The Hon. F. D. Willmott: And they would not have been worrying about it either.

The Hon. N. E. BAXTER: I think they would have been. If the honourable member had to rely on the State trading concerns for his livelihood, he would be just as worried as are many people today who are employed by those undertakings.

The Hon. G. C. MacKinnon: Mr. Willmott has more State trading concerns employees in his province than you have in yours, so he has reason to be worried.

The Hon. N. E. BAXTER: He may have more in number, but it does not follow that his worries are their worries.

The Hon. G. C. MacKinnon: He is their representative.

The Hon. N. E. BAXTER: I am not disputing that. No doubt Mr. Willmott is concerned about the future of the employees in the State saw mills, for example.

The Hon. F. D. Willmott: I am more concerned about the people's money.

The Hon. N. E. BAXTER: That is why these arrangements should be brought to Parliament for decision; so that the people we represent are aware of what is going on. The people of the State can be likened to the shareholders of a company. In this case they have given Parliament, or their elected directorate, the right to sell the State trading concerns. However, I am quite sure that the people of

the State did not realise that only a committee representing its directorate would be able to perform certain acts without reference to their elected representatives.

The Hon. G. C. MacKinnon: You are not sure; you can guess.

The Hon. N. E. BAXTER: I am quite sure that not one in a thousand realised the true position. This is a serious matter. When we consider what has been done in the past by previous Governments, the Bill under consideration is a reasonable one.

The Hon. A. R. JONES: The Minister referred to the Esperance land deal and to the Chevron-Hilton Hotel agreement. I intend to support this amendment because of those two deals that were entered into by the Government. I did not like the Esperance land agreement but I had to vote for the Bill for its ratification because I could not let the Government down.

The Hon. A. F. Griffith: Oh no you did not!

The Hon. A. R. JONES: There would be an outcry from the people if an agreement entered into by the Government were brought before Parliament and Parliament turned the agreement down. There are some State trading concerns I would not like to see in the hands of private enterprise. Therefore, I am going to vote to ensure that some are not placed in the hands of private enterprise. There are others, of course, regarding which I do not care whether they are sold or not, and I would sooner see them placed outside the scope of the amendment. It only requires a few days to call Parliament together; and, if the Government has the supporters it can deal with an agreement in a matter of another few days. Therefore no great harm can be done by agreeing to the amendment suggested.

The Hon. A. F. GRIFFITH: In reply to the remarks made by Mr. Jones, let us assume that the Government is negotiating for the establishment in this State of an industry of great importance; the stage when negotiations are almost completed is reached; the Government then completes an agreement; and the industry is about to be established here. The Government will enter into an agreement and will present it to Parliament for ratification. Parliament can reject the agreement if it wishes to.

If the present Government, or any future Government, enters into negotiations with a company, and any agreement entered into between the company and the Government has to be deliberated in Parliament, clause by clause—with members having the opportunity to disagree to one clause or agree to another—then the Government will never be able to attract any new industry to the State.

The Hon. H. C. Strickland: Such companies do not come under this Bill.

The Hon. A. F. GRIFFITH: Of course they will, for the simple reason that if the Government wanted to dispose of a State trading concern, before it could enter into an agreement it would have to present the proposed agreement to Parliament to be dealt with clause by clause.

The Hon. R. F. Hutchison: In some instances you are giving the State trading concerns away.

The Hon. A. F. GRIFFITH: That is nonsense. If such a Bill comes before Parliament for ratification the honourable member can vote against it. Agreements made by the Government have to be ratified by Parliament; and we should not bind the hands of the Government to prevent it from signing an agreement.

The Hon. G. BENNETTS: Let me take the case of the State Engineering Works at Fremantle. We have been told that the value of this concern has dropped from about £600,000 to £100,000. The value can be reduced still further, and it may even be the policy of the present Government to force the value down, because of its support of private industry. When control is left in the hands of a small committee that could be done. The committee could sell State trading concerns such as the one I referred to at a ridiculously low figure.

All agreements of this nature should be presented to Parliament before they are finalised, so that they can be dealt with by the representatives of the people; that is, by both Houses of Parliament. I do not favour authority being given to the Government to sell any State trading concern without the agreement being first discussed in Parliament. I support the amendment.

Amendment (to strike out words) put and a division called for.

The CHAIRMAN (The Hon. W. R. Hall): Before the tellers tell, I cast my vote with the ayes.

Division taken with the following result:—

Ayes—15.

Hon. N. E. Baxter	Hon. A. R. Jones
Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. A. L. Loton
Hon. J. J. Garrigan	Hon. H. C. Strickland
Hon. W. R. Hall	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. R. Thompson
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. G. E. Jeffery	*(Teller.)*

Noes—12.

Hon. C. R. Abbey	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. S. T. Thompson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. G. C. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. J. Murray
	(Teller.)

Majority for—3.

Amendment (to strike out words) thus passed.

The Hon. N. E. BAXTER: I move an amendment—

Page 2—Substitute for the words deleted the following words:—

the sale, lease or disposal of the instrumentalities and trading concerns mentioned in the Schedule shall not be finalised unless and until the approval of Parliament to the sale, lease or disposal has been obtained.

Amendment (to substitute words) put and a division called for.

The CHAIRMAN (The Hon. W. R. Hall): Before the tellers tell, I give my vote with the ayes.

Division taken with the following result:—

Ayes—15.

Hon. N. E. Baxter	Hon. A. R. Jones
Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. A. L. Loton
Hon. J. J. Garrigan	Hon. H. C. Strickland
Hon. W. R. Hall	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. R. Thompson
Hon. R. F. Hutchison	Hon. W. F. Willesee
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Hon. L. A. Logan	Hon. H. K. Watson
Hon. G. C. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. J. Murray
	(Teller.)

Majority for—3.

Amendment (to substitute words) thus passed.

Clause, as amended, put and passed.

Schedule:

The Hon. N. E. BAXTER: I move an amendment—

Page 2—Add after clause 3 in lines 11 to 15 the following schedule:—

The Schedule.

State Building Supplies, established or carried on under the authority of the State Trading Concerns Act, 1916-1956.

State Implement and Engineering Works established or carried on under the authority of the State Trading Concerns Act, 1916-1956.

The West Australian Meat Export Works established or carried on under the authority of the West Australian Meat Export Works Act, 1942, and the Albany Freezing Works Agreement Act, 1945.

The Wyndham Freezing, Canning, and Meat Export Works established by the Wyndham Freezing, Canning and Meat Export Works Act 1918, and carried on under the authority of the State Trading Concerns Act, 1916-1956.

Schedule put and passed.

Title put and passed.

Bill reported with amendments.

TOTALISATOR AGENCY BOARD BETTING BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

House adjourned at 10.30 p.m.

Legislative Assembly

Thursday, the 10th November, 1960

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