

unfamiliar. The clerk's practical work must always be checked and supervised and there is a certain amount of waste of time. The member for Kalgoolie claims that the salaries of articulated clerks are left entirely to the discretion of the practitioner concerned.

This is not correct. It is an agreement between the practitioner and the student. Such an agreement would make it quite clear that one of those two are in the back seat, and it would not take more than one guess to say who was in the back seat. Would practitioners agree to the extension of this bargaining into the industrial sphere? Of course the profession would cry out, "Lord defend us from our friends", because there is a stipulated set of figures which applies in the Supreme Court for practitioners to follow. It is true that University students are free to engage in employment; but articulated clerks are not permitted to do so.

I intend to conclude with these remarks: The Barristers' Board claims that it is loth to grant permission for an articulated clerk to work because such work could interfere with the chances of his passing his examination, but at the same time they state there have been four applicants all of whom were granted permission. I think the two opposing statements should be explained; and that some reliable practitioner—one who knows the capabilities of the person concerned, and knows the local environment—would be a much better person to make a sound judgment on such cases. I commend the Bill to hon. members for their consideration.

Question put and passed.

Bill read a second time.

In Committee.

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

House adjourned at 11.24 p.m.

Legislative Council

Thursday, the 25th September, 1958.

CONTENTS.

	Page
QUESTIONS ON NOTICE :	
Local authorities, details of special grants received, 1957-58	1083
QUESTION WITHOUT NOTICE :	
Uniform general building by-laws, result of Crown Law investigations	1084
BILLS :	
Prevention of Cruelty to Animals Act Amendment, 3r.	1084
Government Railways Act Amendment, 3r., passed	1084
Industries Assistance Act Amendment, 3r., passed	1084
Municipal Corporations (Postponement of 1958 Elections), Com., report	1084
State Government Insurance Office Act Amendment, 2r.	1085
Bush Fires Act Amendment, 2r.	1086
Legal Practitioners Act Amendment (No. 2), 1r.	1088
State Housing Act Amendment, Assembly's message	1088
Health Education Council, 2r.	1088
Acts Amendment (Superannuation and Pensions), 2r., Com., report	1092
ADJOURNMENT, SPECIAL	1093

The PRESIDENT took the Chair at 2.15 p.m., and read prayers.

QUESTIONS ON NOTICE.

No. 1. *This question was postponed.*

LOCAL AUTHORITIES.

Details of Special Grants Received, 1957-58.

2. The Hon. F. D. WILLMOTT asked the Minister for Railways:

- (1) (a) How much money was allocated to local authorities in special grants for the year 1957-58?
- (b) How much of this amount was expended by—
 - (i) The local authorities;
 - (ii) the Main Roads Department?

(2) What special grants were made to the undermentioned road boards for the year 1957-58:

Augusta-Margaret River;
 Balingup;
 Bridgetown;
 Busselton;
 Capel;
 Collie Coalfields;
 Dardanup;
 Drakesbrook;
 Greenbushes;
 Harvey;
 Mandurah;
 Manjimup;

Murray;
Nannup;
Preston;
Serpentine-Jarrahdale;
Upper Blackwood?

The MINISTER replied:

(1) (a) The term "special grants" is not clear. The Main Roads Department's programme of construction and maintenance is related to local authority areas and is divided into works on gazetted main roads, important secondary roads and developmental roads. Local authorities are allocated, for their own scheduling, a general grant for developmental roads. Other allocations are made for specific works on developmental roads and important secondary roads. These works are carried out either by the department or the local authority as may be arranged.

(b) (i) During 1957-58 a total amount of £937,000 was re-couped to local authorities.

(ii) The total allocations for maintenance and construction of roads other than gazetted main roads was £3,123,310.

(2) Out of the amount of £3,123,310 referred to in No. (1) (b) (ii) the allocations were—

	£
Augusta-Margaret River	39,790
Balingup	26,870
Bridgetown	26,020
Busselton	40,990
Capel	12,430
Collie Coalfields	5,870
Dardanup	27,660
Drakesbrook	15,630
Murray	20,430
Manjimup	126,580
Greenbushes	6,400
Harvey	19,540
Mandurah	16,800
Nannup	32,280
Preston	11,050
Serpentine-Jarrahdale	29,680
Upper Blackwood	59,580

QUESTION WITHOUT NOTICE.

UNIFORM GENERAL BUILDING BY-LAWS.

Result of Crown Law Investigations.

The MINISTER FOR RAILWAYS: I should like to make an explanation in reference to questions without notice asked by the hon. Mr. Griffith previously in regard to these by-laws. It will be remembered that the hon. Mr. Griffith asked whether some action would be taken following criticism of the by-laws by Mr. Gifford, and I replied that the matter had

been referred to the Crown Law Department. The opinion of departmental officers is that some of the by-laws in relation to the Municipal Corporations Act, are valid but the reverse is the case under the Road Districts Act, and vice versa; and some are completely invalid in respect to both Acts.

As a result the Chief Secretary (the hon. G. Fraser) has instructed that the uniform by-laws as tabled should be revoked, and he has instructed that action be taken to have them revoked.

The Hon. A. F. Griffith: Someone must have a red face over that.

BILLS (3)—THIRD READING.

1, Prevention of Cruelty to Animals Act Amendment.

Returned to the Assembly with an amendment.

2, Government Railways Act Amendment.

3, Industries Assistance Act Amendment.

Passed.

MUNICIPAL CORPORATIONS (POSTPONEMENT OF 1958 ELECTIONS) BILL.

In Committee.

The Hon. W. R. Hall in the Chair; the Hon. H. C. Strickland (Minister for Railways) in charge of the Bill.

Clause 1—put and passed.

Clause 2—Postponement of Elections:

The Hon. H. C. STRICKLAND: I have had enquiries made into the proposals submitted by the hon. Mr. Mattiske and the hon. Mr. Griffith in connection with the further postponement of election day, and the department advises it would create inconvenience in various respects. The main disability will be that which affects retiring councillors, because the seats would not be filled; they would be vacant for a week, because there is a retirement date, normally the 30th September, for councillors and some auditors. Accordingly a further postponement is deemed undesirable. I know some hon. members have detailed information in relation to this matter and I have no doubt they will supply it.

The Hon. R. C. MATTISKE: I thank the Minister for his explanation. I have no alternative but to agree to the Bill as it is printed.

The Hon. E. M. DAVIES: I do not think the suggestion for the postponement has come from the local authorities—at least that is what I have gleaned from the enquiries I have made. They feel it would be preferable if the election day were

brought forward a week rather than postponed. The municipal year ends on the 31st October. Elections are held in November and it is necessary then to form new committees. The estimates must be framed and adopted, and a rate struck to enable the rate notices to go out to the ratepayers in sufficient time to give them the opportunity of taking advantage of the five per cent. discount. From my enquiries, local authorities would prefer the elections to be held a week earlier. Now the elections have been postponed for a week the position will be difficult enough. The local authorities are not in favour of any further postponement.

The Hon. A. F. GRIFFITH: I would like to tell the hon. Mr. Davies that so far as I am aware nobody made any mention that this request came from local authorities.

The Hon. E. M. Davies: I did not say it did. I said it did not come from them.

The Hon. A. F. GRIFFITH: The hon. member said he did not think it came from local authorities, but I am saying it did not. The suggestion was put up in good faith. The explanations given satisfy me—and I am sure others—and I do not intend to oppose the Bill.

Clause put and passed.

Title—put and passed.

Bill reported without amendment and the report adopted.

STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the 23rd September.

THE HON. H. L. ROCHE (South) [2.32]: This hardy annual, which seems to be an inevitable part of the Government's legislation while it remains the Government, will, I do not doubt, be likely to meet the same fate that it has received in other years.

I must express, as I did previously, my feeling of dissatisfaction with the position as it exists; more particularly in regard to the attitude that we people, who do not believe in the present Government's policy, are forced into every year. I think the view is shared by many people in Western Australia—and it is subscribed to by both non-Labour parties—that private enterprise can conduct business undertakings far more successfully and efficiently than can the Government.

There are certain instrumentalities, more in the nature of public utilities, which obviously must be left to the Government to conduct on behalf of the whole of the people. I have always thought that within the ramifications of Government service and bureaucracy, it is impossible to obtain anything like the efficiency or service to the public that is desirable.

The Hon. G. Bennetts: That would not be the case with the insurance office.

The Hon. H. L. ROCHE: Governments are handicapped right from the start. When it comes to policing any industry in the interests of the people, Governments are not in a position to set up the machinery to police Government enterprise, but they are in a position to establish and maintain such legal machinery or organisation as is necessary to supervise and oversee, in the interests of the general public, the operations of private enterprise.

For my part, I think the Government's responsibility in these matters is confined to such legislation as the Unfair Trading and Profit Control Act, which should be administered solely with a view to protecting the public from any of the abuses that might result from the privileged position that any particular private enterprise may have carved for itself, or been fortunate enough to obtain in the general community. That seems to be the limit to which Governments should interfere with private enterprise in the interests of the people as a whole.

My particular complaint with the political parties in this State that do not subscribe to the policy of the present Government is that they do not seem to be prepared to state without equivocation what they are prepared to do in the way of disposing of these business enterprises, should the public of Western Australia return those parties to be the Government of the State. I do not think it is sufficient to say that, should the opportunity arise, they will be prepared to get rid of these enterprises if they can; and qualify that by saying there is no intention of throwing them away or giving them away.

Such statements seem to me to leave too much to the imagination, and leave too much latitude—as happened on previous occasions—for doing nothing. We either believe in private enterprise and that Governments should keep out of general trading and business enterprises, or else we do not.

I do not think there is room for balancing, or equivocation, on this subject. Whilst we lack the courage to say quite definitely what our attitude is in this matter, it is expecting too much of the public to have any confidence in what will occur in respect of these enterprises should there be a change of Government. If to approach the people and say we are quite prepared and willing to dispose of these Government trading concerns is not politically practical, or that it is political suicide, then no political party will do it. It is so much humbug then to say we are opposed to it on principle, because if we have a principle in the matter we should be prepared to sustain it.

My complaint is that up to date we have not been specific enough in this regard with the result that, whilst every year,

we, as non-Labour supporters, are being asked to vote this legislation out, we have not been given an assurance—and the people who support us, and those who might support us have not been given an assurance—that if the Government were to go out, anything worth while would be done in the way of disposing of the Government enterprises.

I have made it plain that I am opposed to the legislation, but at the same time I am not at all happy with the position as far as the people in the non-Labour parties of this State are concerned, because of the lack of a definite statement of what the attitude of the non-Labour parties is likely to be should there be a change of Government.

THE HON. G. BENNETTS (South-East) [2.41]: I did not intend to speak on the Bill, but after hearing what the hon. Mr. Roche had to say, I thought I would have a few words on the matter. I am amazed that the hon. member should not support a democratic provision of this nature. Competition is always good. I do not like to see monopolies, but plenty of competition. The State Government Insurance Office has done a wonderful job in the past in regard to the insurance of vehicles, school children and silicotic miners. The State office undertook the insurance of silicotic miners when the private insurance companies would not touch it.

We should be democratic and allow the State Insurance Office to enter into the same fields of insurance as the ordinary companies enter. I hope hon. members will not take notice of what the hon. Mr. Roche had to say but will support the measure.

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

BUSH FIRES ACT AMENDMENT BILL.

Second Reading.

THE HON. F. J. S. WISE (North) [2.43] in moving the second reading said: The Bill is presented after long negotiations between the local governing bodies and the local bush fire control officers, and subsequent to their approaching the Minister for an amendment to the sections of the Act which render difficult, the control of bush fires when dangerous circumstances exist.

The inauguration of the activity of bush fire control authorities is well in the minds of many hon. members present in the Chamber. It occurred when, with difficulty, the original Act was presented to Parliament and passed in, I think, the year 1937. Since that time there has been an awakening to consciousness of the grave dangers associated even with controlling bush fires and in burning within and without times determined as prohibited periods.

In the 1956-57 season, the Bush Fire Control Board was most concerned when very severe fire conditions occurred at the height of the summer during prohibited burning times; and, also, possibly after prohibited burning times. Although there are restrictions in the Act to prohibit and restrict the use of fires, there are quite a number of fires that can be lit—and still not be outside the provision of the Act—such as camp fires, household rubbish fires and the like.

Burning took place during the long summer of the year I have referred to—1956-57—and because of the severe conditions, the emergency provisions of the Act were invoked. The Bush Fires Control Board was then of the opinion—it still is—that this action was warranted, and that it brought about considerable benefits in the areas of the authorities in which it was exercised. Last summer, somewhat similar circumstances obtained over a short period, and the Act was invoked even though permits had been granted. When conditions became dangerous, all fires were banned.

On the 18th February, 1957, the Weather Bureau warned that there was every indication of the most severe conditions—the severest in a season which had been most difficult—and that they were likely to occur throughout the State. At this time, the prohibited period had ended in some parts of the State, but it was still in force in others.

Early on the 18th February, 1957, the Weather Bureau advised that it had issued dangerous fire hazard forecasts for all districts in the agricultural areas and in the south-west of the State. This meant that in the districts where prohibited burning times were permitted and where burning could be carried on under permit, the arbitrary provisions of Section 18 could enable the suspension of permits and the prevention of burning.

Those hon. members who are acquainted with this important statute know that in the restricted burning times, Section 18 is definite and that there can be no violation of its provisions except under severe penalties. No power exists for any authority to vary those provisions; and this point is really the crux of the situation being provided for in the amending Bill.

At the period I have referred to, because of the seriousness of the warning, and because of the forecast that had been issued by the Weather Bureau, it was considered proper that an emergency ban should be imposed to prevent the lighting of those classes of fire which did not require a permit. Because of this action, considerable criticism was levelled at the board, and although the severe fire conditions did develop in the northern parts of the State, they did not move southwards as was anticipated by the forecasters.

This enabled a relaxation of the ban on burning in some parts of the agricultural areas. In any district, where the Weather Bureau lifted its ban or varied its forecast below "dangerous," it did so with the object of creating the minimum degree of disruption of the agricultural operations, particularly in regard to the burning of small areas to eliminate clover seed and to provide protection against fires.

The Bush Fires Control Board agreed that the arbitrary provisions in the Act, particularly under Section 18, were still necessary. The board would not like to have them weakened in any way, but at the same time, it is anxious not to interfere unnecessarily with local control, and it is with the desire to assist people on the spot to make immediate decisions that this legislation is introduced. Therefore, the board is not prepared to recommend to the Minister the repeal of the section under discussion until it feels that there is, in every district, ample interest and activity shown by local bush fire brigades. At the moment it is not prepared to reduce the severity of the subsections in any way.

It is pointed out that the fire hazard forecast is by no means a complete indication of any fire hazard and can be taken only as a pointer to what might be a high degree of inflammability in any particular area. In other words, the Weather Bureau forecast can be taken only as a guide and as a basis of warning. It must be conceded that, when a warning has been issued, the service it renders—by supplying information on a scientific basis which has been drawn from many sources—has been invaluable towards preventing the destruction of many lives. Nevertheless, it can never be taken as a complete indication as to what might happen.

The board and the weather forecasters also admit that they cannot accurately assess a local fire hazard. At the same time, although their warning might be a generalisation of what might occur, this is sufficient indication to every person in the district to prepare for the worst possible situation that may result from bad conditions. In emphasising the point that a local fire hazard can be assessed only in the light of local conditions—although the Weather Bureau will continue to render this splendid service to the community—it is considered that a great deal more power could safely be vested in a local authority and in a local officer to determine what steps shall be taken on any particular day.

Wherever the control has been exercised, and whenever the safety of any extensive area of the State is involved, it must be conceded that some inconvenience will be experienced by someone, but the control that is exercised will still be in the best interests of the community as a whole.

If the Bill is passed, it will enable local authorities to nominate to the bush fires board an experienced fire control officer, and also a deputy who could act in his absence, to decide, when dangerous fire hazards are forecast, when burning operations may be proceeded with in any district.

The board considers that this privilege should not be extended indiscriminately, and it is specific on the point that the authority should be vested in one person and be granted only in those districts where a good standard has been reached and where there is a keen awareness, on the part of the local people, of fire dangers.

The Hon. G. C. MacKinnon: Could not those standards vary from time to time!

The Hon. F. J. S. WISE: Yes, they could vary very considerably. As the hon. member knows, in some districts there is an extremely well organised set-up. In other districts, however, the people adopt a lackadaisical attitude which threatens not only their own district, because of their lack of awareness of bush fire control, but also adjacent districts. On the other hand, where there has been set up an efficient system of fire control officers, with almost every farmer in the district well equipped to handle a fire on his own or in collaboration with his neighbours, the degree of efficiency in those parts of the State is remarkable, and full credit must go to the local fire control officers, many of whom have been an inspiration in leading a district to take adequate preventive measures against fires and to control almost any fire situation that could occur.

In some districts farmers are linked in an inter-district sense by telephone, and it is remarkable how quickly groups of farmers can appear at the scene of a fire; some without having even received any communication that a fire had broken out. They are the people who have a keen sensitivity in regard to fires, and this sensitivity has been brought about by the splendid work done by the Bush Fires Board and by the inspiration given by local leaders to adopt adequate measures to combat fires.

The Hon. A. R. Jones: They read the smoke signals.

The Hon. F. J. S. WISE: They appear to. A bush fire is fraught with such dangerous possibilities that in every district during the dangerous summer months there are some persons who are so fire-conscious that they are almost waiting to pick up a lighted cigarette butt should one be thrown out of a car window by a passing motorist.

The Hon. G. C. MacKinnon: There are too many people who indiscriminately throw cigarette butts out of their windows.

The Hon. F. J. S. WISE: In regard to a person who, indiscriminately, throws from a window of a car a lighted cigarette butt, I consider that the severest penalty that can be invoked under the law should be imposed against him. In this Chamber are many hon. members who have had personal experience of fighting fires, both in the day and at night, purely as a result of the carelessness of some individual. However, that is wandering from the point which this Bill is endeavouring to rectify which, in the main—as I have endeavoured to state in a brief manner—occurs when periods of dangerous fire hazards are forecast. It is sought to place a complete blanket over all burning operations conducted almost over the whole of the State, and to ensure that where permits have been granted they should be granted under Section 18, but where permits have not been granted permission may be given to light a fire even during those periods when a dangerous fire hazard exists. However, a decision on the granting of any permit can only be made by a local officer on the spot.

I think that all hon. members will agree that where there are local fire control authorities, they will submit only the names of those men who are leaders in their community and who, in the main, are men of great personal standing and responsibility. It is thought that if an officer is appointed by the local authority—even if there were differences of opinion within the community—the board would be able to justify the appointment of an individual if he possessed sufficient courage and the ability to make a decision to correct the anomalous situation that might arise by a person not being able to burn during a period which is favourable in some districts, but distinctly unfavourable in others.

The making of such a decision is of considerable urgency. It can only be a local matter, because circumstances can vary considerably within an area of 50 miles or less. In the main it can safely be said that, if the Bill is passed, no reason will be given by the person in authority for giving approval for a permit outside of the provisions of the Act.

The Hon. G. C. MacKinnon: What are the terms of proclamation?

The Hon. F. J. S. WISE: The decision will rest with the local officers. Because of the existence of an absolute ban on burning as a result of a fire hazard in the district, persons who have obtained permits will be notified of that fact, and the prohibition will be extended or eased as the case may be.

It becomes a matter for quick decision. It may be a matter where night burning should be approved, but where day burning should be entirely prohibited. Very quick action by the fire officers who control the issuing of permits, will have to be taken

during such a period as I have mentioned. What I have said amply explains the provisions in the Bill. I move—

That the Bill be now read a second time.

On motion by the Hon. A. R. Jones, debate adjourned.

LEGAL PRACTITIONERS ACT AMENDMENT BILL (No. 2).

Received from the Assembly and, on motion by the Hon. J. D. Teahan, read a first time.

STATE HOUSING ACT AMENDMENT BILL.

Assembly's Message.

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

HEALTH EDUCATION COUNCIL BILL.

Second Reading.

Debate resumed from the 18th September.

THE HON. J. G. HISLOP (Metropolitan) [3.3]: I think that hon. members should look at the Bill very carefully and try to imagine what the proposed Health Education Council will do. For my own part, I am in a very uncertain state of mind as to what attitude I shall take on this matter. There are a number of points I would like explained before I reach a decision.

It would be fair for me to state that I am not in any way criticising the hon. member who introduced this measure because I doubt very much whether he knows more about the Bill than I do. It appears that the introduction was prepared for him. Very little information was given during its introduction as to what exactly the Health Education Council will do. I feel it is up to the department to give not only to the Minister concerned but also to this House a good deal more information than has been given; and the department should explain more fully many of the clauses.

I may be one of those very curious persons who become suspicious at times. I can recall that we had introduced into this State a State Health Council. I am not certain that a Bill was introduced in connection with that matter, but we did have such a council formed. If my memory serves me correctly it was not formed by the present Commissioner for Public Health, but by one of his predecessors who found himself out of step with Parliament. The idea was that any measures proposed in certain directions by the department would receive the sanction of the body of the profession before being presented to the House. In that way it would receive a good deal more in the way of confirmation of opinion.

I am not at all certain that the State Health Council has been given, as such a council should, the full opportunity to function. I am speaking somewhat harshly at the moment and I shall take only one specific point. I believe that the State Health Council does suggest priority of hospitals, and priority of buildings, maintenance and alterations to hospitals; but I have still to be aware that that council ever visits the hospitals. The approval given by the State Health Council only comes from the representation made to it by the Health Department as a result of departmental opinion. That makes me rather suspicious of the Bill before us.

It seems that the health education as proposed in the Bill before us is easily defined; only a few words are needed. The measure states that health education means the use of teaching methods and other aids to extend to the people of the State, knowledge relating to health and to the prevention of accidental injury affecting health. The term "other aids" is a very loose one. We should know more about what it means.

I have received a number of telephone calls from people who are concerned as to exactly how far the Health Education Council can proceed in the education, or even in the furtherance of the health of the community. We were told on the introduction of this measure that it was the desire of the council to become a statutory body, so that it would have a greater appeal to the public; and so that it would be divorced, as it were, from the Public Health Department. This Bill, however, ties the council absolutely and completely to the department.

The measure could be considerably loosened in its ties if it is desired to make the council a success. If we look at page three of the Bill we find that the department is amply represented on the council because the Commissioner for Public Health, the Under Secretary for Health and an officer of the department are to be members of the council. In addition, we find that the Minister will have one nominee on the council, apart from the three I have mentioned. Then there is the interesting appointment of a member selected by the Australian Labour Party. So that, as the Government is constituted at the moment, there will be at least five persons who have Government backing behind them. I think the officer of the Education Department would find it difficult to buck the advice of the Health Department, and so we have practically six Government appointees in this measure.

Page six of the Bill states that eight councillors, or their respective deputies, including the chairman or his deputy if present, constitute a quorum of the council. I do not know from the wording of the

measure whether the councillors referred to loosely in the Bill, mean nominee councillors or ex officio councillors, because that distinction is made in the early part of the measure. Yet later on, in the same measure, they are all covered as "councillors". If it means that those eight councillors are any eight members of the 17 that form the council I can quite see that the departmental officers, who would regard this as part of their normal duties, would always attend the meetings. The rest of the councillors would be busy business men, and it is quite possible that a large number of them would not be able to be present at each meeting. The result is that the departmental officers and Government nominees would far outweigh the nominee appointees at a meeting.

Therefore the appointments to this committee are completely out of balance. Of the nominee councillors, one shall be a nominee of the British Medical Association. I know of no medical man who can give this Health Education Council advice on all fields of preventive medicine and the prevention of accidents; and I would say that a panel of medical officers should be available to these people. Generally, I feel that members should, in the time at their disposal, have a look at the whole constitution of this council and see whether it can be amended to fit what is required. If it cannot be done, then I believe we should not pass the Bill but allow the Government to have another look at it.

When I say that this council is very heavily tied to the department, I mean it; because it can do practically nothing without ministerial approval. I should have thought that if a State health council had been wanted, a number of bodies would have been asked to meet to appoint their chairman and allow other bodies to appoint their representatives and so give the public the feeling that it was a body, representative of the public, prepared to do everything possible in the interests of the health of the State. But that cannot be done under this measure at all; because on page 4, in Clause 6 (a), there is this curious statement:—

The Minister shall determine the manner in which persons may be nominated by the bodies mentioned.

This has the effect that not only will the Red Cross and other bodies be asked to nominate persons for this council, but the Minister will tell them the manner in which these persons may be nominated. I do not know whether it is intended by that clause to provide that the various bodies can supply a panel of three from which the Minister will choose a representative. I would have thought that the Red Cross, local government authorities, road board associations, etc., would be given the right to choose their own representatives. Why tell them the manner in

which they shall nominate their representatives? In Clause 6 (6) (b) will be found the following:—

The Minister may from time to time as occasion requires, request a body mentioned in subsection (3) of this section to nominate, within a specified period, for appointment as nominee councillor or deputy, any number of persons not exceeding three, and may appoint such one of them as he thinks fit.

He might appoint the three, and then that body would have four people on the council. I take it that the wording of that clause refers only to the nominee councillors because he would not ask anybody to nominate persons unless of the nominee group, because he can appoint the ex officio councillors himself. They are persons fixed to office.

The council is to be a body in which everyone present can have a deputy, so that there will be no real continuity of thought at times when deputies can represent all those bodies; and I think if this council is going to do anything for the health of the public it wants to be a council that is completely untrammelled; appointed by various bodies; have the power to elect its own chairman; and have the Health Department, British Medical Association, or whatever other body it chooses to call on, to advise it. Unfortunately the Minister, in introducing this Bill in another House, made a statement which I think has caused concern to a certain number of people. I cannot remember the exact wording but it implied that this must be a measure which would concern those who were interested in cancer. The Health Education Council can do very little about cancer, and I sincerely hope that this body does not get involved in any publicity about cancer because all that publicity can do these days with regard to cancer is to terrify people.

The Hon. L. A. Logan: Hear, hear!

The Hon. J. G. HISLOP: I am very dubious about this sort of thing. There is nothing in the measure at all which stipulates that when the public is to be told anything about cancer, or any infectious disease, the propaganda must be referred to the British Medical Association or members of the medical profession. There is no control in that regard and I for one, sincerely hope that it is not envisaged—in such paragraphs in the Bill as the following:—

To promote the functions of the Council are to promote, maintain, and improve, by means of health education, the health of the people of the State—

that they can advise measures of compulsion, because I am not at all satisfied—as I said in a letter to the Press—that compulsion had any other effect than to find the cases of tuberculosis. The present

position in relation to tuberculosis was brought about by other means. To require someone to undergo examination for cancer, or any other disease, might lead to very considerable investigation.

Also, a body of this sort does not need the power to make regulations. It is purely a voluntary body of people who have joined together with the idea of doing some good for the community. But this body is to be allowed to make regulations as it considers necessary, convenient or desirable to assist it to carry out its functions and exercise its powers under the Act. Just what sort of regulations could a body like this envisage? It should have no power other than that of education, and I cannot see what the power to make regulations really means.

Under the Bill the common seal of the council has to be recognised and, I think, many of the provisions set down are out of all proportion to what is really needed. I will make it my business to have a talk with the chairman of this council to find out whether all these powers are necessary. One subclause states—

Courts, Judges, and other persons acting judicially shall take judicial notice of the common seal of the Council affixed to any document . . .

For what reason will the council call upon a judge to take notice of it?

The Hon. E. M. Heenan: It might transfer some property.

The Hon. J. G. HISLOP: Let us have a look at what the council is allowed to do. As far as I can see it is not allowed to transfer property. One clause states—

The Council, for the purpose of carrying out its functions and duties, and of exercising its powers under the Act,

- (a) may with the approval of the Minister appoint, supervise, control, suspend and dismiss officers;
- (b) may in its corporate name, with the approval of the Minister,
- (i) acquire, hold, manage and protect, dispose of, and borrow money on the security of, any estate in land, and any other property;

That does not suggest that the council can buy and sell property.

The Hon. E. M. Heenan: What will it do if it acquires property?

The Hon. J. G. HISLOP: Hold on to it, I should think.

The Hon. E. M. Heenan: But that implies a transfer.

The Hon. J. G. HISLOP: The council could only be given such property, or given the finance to buy it. I think the Bill is

far too loose; it wants to be tightened up. We want to know what this council will do because, if it is functioning properly, it will have a big part to play in the health of the community. The Health Department should not be the dominating factor, nor should the Government appointee be the dominating factor in the organisation. It should be a voluntary organisation appealing to the public for support.

There are many other organisations which are not recognised in the list which is mentioned, but which do immense work in the same field. The Apex clubs could well nominate somebody for they do tremendous work throughout the State. The Rotary clubs have taken up the work of preventing accidents, but they are not represented. Neither of those bodies would be expected to have all the powers which are given in this Bill. There is another point, too. Surely this voluntary body should not be given expenses. The Bill states—

The chairman and other councillors and their respective deputies are entitled to such reimbursements of expenditure as the Minister from time to time determines and is hereby authorised to determine.

The Hon. G. C. MacKinnon: They will lose their amateur status.

The Hon. J. G. HISLOP: I would rather see this body stay a voluntary one. There are numerous other voluntary bodies in this State which are doing wonderful work in the interests of the health of the community.

The Hon. G. Bennetts: What is the anticipated cost of the committee per annum?

The Hon. J. G. HISLOP: I have no idea. As far as I can see there is no suggestion that the Government will contribute anything towards it. Where are the members to get their expenses from? Apparently the Minister for Health will pay them from his department.

The Hon. E. M. Heenan: Look at Clause 11.

The Hon. G. Bennetts: The council is in arrears now.

The Hon. J. G. HISLOP: It says—

For the purposes of this Act there shall be a fund called the Health Education Council of Western Australia Fund, which shall be administered by the Council.

The Hon. E. M. Heenan: Read further on.

The Hon. J. G. HISLOP: It states—

The fund shall consist of

(a) amounts appropriated from time to time by Parliament for the purposes of this Act.

Surely money should not be appropriated by Parliament for a State health council composed of voluntary workers! I think we are going into this in too big a way. Finally, I would ask the hon. member who introduced the Bill to tell us more of the activities, and the possible activities of the council. One of the measures that he emphasised was the spread of the Salk vaccine immunisation throughout the State. I question that. The council may have assisted but I am certain that the incidence of the disease, and the horrible nature of it, left the public in no doubt as to whether they would be vaccinated or not.

A great deal of the publicity which accompanied the campaign throughout the State was directly issued by the Public Health Department under the names of Dr. Davidson and Dr. Snow. I would like to know exactly what steps the council took in this publicity campaign. If these people are to wander around the State they might want expenses; but I know a number of people who would rather do work of this type on a voluntary basis than have their expenses refunded. As hon. members can see, I am not at all at ease about this Bill and I shall reserve my decision as to how I shall vote on it.

THE HON. L. A. LOGAN (Midland) [3.28]: Having given some little thought to this Bill I, too, am wondering what can be accomplished by the passing of it. I think Clause 8 is the crux of the measure because it states—

The functions of the Council are to promote, maintain, and improve, by means of health education, the health of the people of the State.

The other clauses are really only a trimming to that provision. We have a Health Department and an Education Department in Western Australia, and surely if we are to educate the people in health matters it is the province of either or both the Education Department and the Public Health Department to do it. What work will this council do which cannot be accomplished by the two departments which are already established? It seems to me that this will merely be a new Government department taking over a portion of the duties of the Education Department and a portion of the duties of the Health Department and combining those portions and carrying out the duties under its own powers as a council.

But to do that funds will be appropriated by Parliament. Another statutory body will be set up thus becoming another Government department, and I for one cannot see any reason why that is necessary. The hon. Mr. Wise, who introduced the Bill, said that the council had already done a great amount of work: I do not for one moment doubt that; but surely its members can carry on as at present con-

stituted instead of having to set up a statutory body taking some of the work and powers from the two departments which are already established in this State.

I will need to be convinced a lot more than I am at present that this body will do anything more than is already being done today by the Education Department and the Health Department. I do not for one moment imagine that a separate Government department will accomplish in this line anything that cannot be done by the departments we have at present. If the activities of the Education Department, or the Health Department, are not sufficient in this regard, let us shake them up and see that they do their job. I believe it is their function to do this rather than for us to set up another department.

The Hon. F. R. H. Lavery: How are you going to shake them up?

The Hon. G. C. MacKinnon: That is the Minister's job.

The Hon. F. R. H. Lavery: I ask you how?

The Hon. L. A. LOGAN: That is for the Minister to answer.

The Hon. F. R. H. Lavery: You said, we.

The Hon. L. A. LOGAN: I said it is time they were shaken up. There is nothing that this proposed new organisation can do which cannot be carried out by the two departments concerned. At the moment I do not propose to support the measure.

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

ACT'S AMENDMENT (SUPERANNUATION AND PENSIONS) BILL.

Second Reading.

Debate resumed from the 23rd September.

THE HON. H. C. STRICKLAND (Minister for Railways—North—in reply) [3.32]: You will remember, Mr. President, that the hon. Mr. Griffith referred to quite a lot of correspondence from pensioners who were concerned with this matter. That correspondence has been submitted to the appropriate officer dealing with this legislation, and I propose to inform the House of the views of that officer in relation to the correspondence. They are as follows:—

The assurance given in the House last year was that no pensioner would receive less than his actual 1871 Act pension as increased under that Act up to 1951. It was made clear that a pensioner with a pension in excess of £1,000 per annum would lose the supplementary payment because of the lapsing of the Pensions Supplementation Act on the 31st December, 1957, and because the Government

was not prepared to apply the Nicholas formula to 1871 Act pensions in excess of £1,000. Such pensioners would not receive less than the assessed pension as increased up to 1951.

In actual practice, the only persons who lost income were approximately 30 pensioners whose pensions commenced after 1950, when salaries had become inflated by living costs, and whose pensions had been assessed on the inflated living costs. The application of the Nicholas formula which was designed to adjust pensions in accordance with the rise in living costs since retirement did, in the main, provide most pensioners with increases, but those pensioners who, as stated above, retired with a pension assessed on the inflated salaries, reverted to their 1871 Act pension rates without the supplementary amount which was paid without discrimination under the lapsed Pensions Supplementation Act.

In order to satisfy those 30 pensioners, the Government has, by the introduction of this Bill, allowed them to retain the income previously paid under both the 1871 Act and the Supplementation Act. The Bill is not brought down with a view to correcting a mistake, but to satisfy those pensioners who lost their supplementation by the lapsing of the Supplementation Act.

The argument advanced that the pension should be tied to the basic wage has been previously considered. There is no Government superannuation pension scheme in Australia which provides for a tie up with the fluctuations in the basic wage, except, perhaps, for one or two Parliamentary schemes; and to do so, would take away any control of costs and would cause a lot of administrative difficulties.

The 1871 Act group seem to have an inaccurate idea that their salaries were fixed by taking into consideration their pensions rights and that a breach of contract is made if increases in pension are not granted according to salary fluctuations in later years. That inaccuracy is borne out by an examination of salaries paid following the repeal of the 1871 Act in 1905. The salary ranges were not then increased because of the repeal of the Act and there is, therefore, no evidence to suggest that pension rights caused them to lose part of their salary.

The 1871 Act provided that a salaried employee who was permanently appointed prior to the 17th April, 1905, would receive a free pension based on years of service and the average of the salary rate paid in the

three years immediately preceding retirement; but an annual pension under the 1871 Act would not be assessed at a rate of more than two-thirds of that average salary rate.

There is no agreement other than the 1871 Act itself, and it cannot be claimed that any breach of contract has been made because of the fact that no pensioner receives less than is provided for in the 1871 Act; and, in fact, some pension rates prior to 1951 were increased in 1947 by 25 per cent. and later in 1951 by 20 per cent. Further increases under the Supplementation Act gave increases ranging from £26 to £78 per annum and, with the exception of those few who retired in recent years (and who receive not less than the pension provided for in the 1871 Act) the 1957 amendments further improved their lot.

Notwithstanding this, the Government is asked to further increase pensions by deleting the £182 mentioned in the Nicholas formula and to further increase all pensions by approximately £78 per annum because of subsequent increases in the basic wage.

Therefore, if an ex-public servant is in receipt (including all increases granted to the 31st December, 1957), of a pension of, say, £600 per annum, with the additions proposed by the suggested formula now submitted, he would have his pension increased to £860 per annum, or by approximately 43 per cent. If his present pension is £300 per annum, that rate would increase to £560 per annum, an increase of 86 per cent.

It has been claimed in the documents read by the hon. Mr. Griffith that £182 has been deducted in violation of the 1871 Act. That is a false impression. The principle behind the inclusion of that figure in the formula was to ensure that a free pension would not be increased beyond the amount by which the State would support or subsidise a contributory pension under the 1938 Act.

Those views of the officer in charge of this department describe the actual effects of the Act; and they are his comments on the views the various pensioners expressed in the correspondence mentioned by the hon. Mr. Griffith. Therefore, the people concerned are actually not being badly done by. This particular Bill is to correct some of the legislation which we passed last year; and it will clearly define the rights of some of those pensioners. I think the position is cleaned up quite satisfactorily and I hope it meets with the views of the hon. Mr. Griffith.

Question put and passed.

Bill read a second time.

In Committee.

The Hon. W. R. Hall in the Chair; the Hon. H. C. Strickland (Minister for Railways) in charge of the Bill.

Clauses 1 and 2—put and passed.

Clause 3—Short title and citation:

The Hon. A. F. GRIFFITH: I would like to take this opportunity of thanking the Minister for the considerable trouble he went to in order to supply an answer to the queries put up by the Superannuation Committee.

I think I made it quite clear at the time that the submissions were not mine. These people, through their representatives, came to me and asked if I would submit their views. I told them that there was no object in endeavouring to do anything about the Bill as nothing could be done by way of amendment which would be of benefit to them; but I propose to convey the reply of the Minister to their secretary for perusal and observation.

Clause put and passed.

Title—put and passed.

Bill reported without amendment and the report adopted.

ADJOURNMENT—SPECIAL.

THE HON. H. C. STRICKLAND (Minister for Railways—North) I move—

That the House at its rising adjourn until Tuesday, the 7th October.

Question put and passed,

House adjourned at 3.44 p.m.

Legislative Assembly

Thursday, the 25th September, 1958.

CONTENTS.

	Page
ELECTORAL, swearing-in of hon. member	1094
QUESTIONS ON NOTICE:	
School bus services, expenditure and saving by curtailments	1094
Midland High School, number of students and cost of transportation	1094
Natives with citizenship rights, electoral enrolments	1095
Medicinal value of native flora—	
Inclusion of Government Botanist on Investigating Committee	1095
Report from Agent-General on <i>scaevola spinescens</i>	1095