Legislative Assembly

Thursday, the 3rd September, 1964

CONTENTS

The SPEAKER (Mr. Hearman) took the Chair at 2.15 p.m., and read prayers.

QUESTIONS ON NOTICE

LAND NEAR NEWDEGATE PILOT FARM

Release for Selection

1. Mr. HART asked the Minister for Lands:

   (1) Is it intended to release an area of land for selection near the Newdegate pilot farm this year?

   (2) If so, what is the—

   (a) approximate date applications will be be called;

   (b) number of farms to be released;

   (c) average size of the allocations?

   Mr. BOVELL replied:

   (1) Yes, as the result of my personal discussions with the Lake Grace Shire Council.

   (2) (a) November, 1964.

   (b) 25.

   (c) 3,500 acres.

2. *This question was postponed.*

AGRICULTURAL SHOWS

Judging by Departmental Officers

3. Mr. DUNN asked the Minister for Agriculture:

(1) Is it a fact that departmental officers are requested from time to time to act as judges at agricultural shows?

(2) If so, does the department make any allowance to the departmental officers in regard to—

(a) costs of proceeding to and from the shows;

(b) the time involved?

(3) If the answer to No. (2) (a) and (b) is "No," does the officer involved have to pay all costs from his own pocket and is his annual leave docked with all or part of the time involved?

Mr. NALDER replied:

(1) Yes.

(2) and (3) The department's policy covering requests for officers to judge at agricultural shows was determined in 1957 to reduce such demands to manageable proportions, particularly in regard to undue interference to their normal duties at a very busy season of the year. Mileage and travelling allowance are borne by the department when the officer is in the area on normal departmental duties. Where the request involves a special trip by an officer, the society is required to pay the officer's mileage and travelling expenses. Annual leave is not usually involved, but where the officer wishes to judge in sections in which he has an interest as a hobby, limited permission is given for leave without pay for this purpose.

4 to 6. *These questions were postponed.*

T.A.B. AGENCY IN MURRAY STREET WEST

Conditions of Appointment of Lady Manager

7. Mr. EVANS asked the Minister for Police:

(1) What number of hours will the lady appointed as manager of a Murray Street west T.A.B. agency be required to work?

(2) What wage (monetary terms) will be payable for such number of hours' work?

(3) What is the average number of hours worked by a male T.A.B. manager?

(4) What wage is paid to a male manager for such number of hours' work?

(5) Is it the policy of the board to employ more women in the role of managers as distinct from agents?

(6) Is it the policy of the board that women should also be employed as casuals by T.A.B. agents?

(7) Why will the lady referred to in No. (1) be required to work fewer hours than a male counterpart?

(8) Why was not the principle of equal pay for work of equal value and duration implemented by the board in the case referred to in No. (1)?

(9) Will the principle of "fewer hours and less pay" be followed by the board in respect of any future employment of women?

(10) In the case of the Murray Street west T.A.B. shop, to which a lady manager has been appointed, will the manager be responsible for performing the same, and same volume of, duties as a male manager?

(11) If the answer to No. (10) is "Yes," how does he reconcile the fact that the lady in question will be required to work fewer hours and receive less pay than a male counterpart?

(12) If the answer is "No," will other assistance be required to ensure that this particular T.A.B. shop will be conducted as efficiently as other shops conducted by managers?

Mr. CRAIG replied:

(1) and (2) These matters have not yet been decided. Finality could be reached next week.

(3) 40.

(4) Average £31 per week.

(5) Yes, at this early stage.

(6) Yes; the board is endeavouring to increase the proportion of female casuals.

(7) to (12) No decision has yet been made.

8 and 9. *These questions were postponed.*

VICE IN FREMANTLE AREA

Measures to Combat

10. Mr. FLETCHER asked the Minister for Police:

(1) Is he aware of the Wednesday, the 2nd September, 1964, Press reference to—

(a) concern expressed by clergy and social workers that Fremantle milk bars and coffee shops are used by prostitutes to the moral detriment of the youth of that area;

(b) that 98 unmarried teenage girls were delivered of babies at a certain Fremantle maternity hospital;

(c) that a club for sexual perverts is operating in Fremantle?

(2) In view of the above assertions, will he assist those attempting vice eradication in the Fremantle locality by methods including—

(a) increasing the numbers of Fremantle mobile women police;

(b) creation of a Fremantle police vice squad;

(c) considerably increasing the strength of Fremantle mounted traffic police,

to control the speeding and other traffic transgressions and general behaviour of Fremantle young people in cars and on motorbikes?

Mr. CRAIG replied:

(1) Yes.

(2) (a) No. This matter has been investigated and there is no evidence to support the allegations made in the Press article in question.

(b) Answered by No. (2) (a).

(c) The strength of the traffic police in the metropolitan area is continually under review, and both Fremantle traffic police and general police strength were increased during August, 1964.

I might also add that some time ago congregations of homosexuals took place at Fremantle, but these have all been disbanded due to quick action of Fremantle police and C.I.B.

There was a regular gathering at a club known as the Sea Breeze, but this was closed some six months ago as a result of firm action by the local police.

GAOL AT ALBANY

Completion of Plans, Construction, and Cost

11. Mr. HALL asked the Chief Secretary:

(1) Have plans been completed for the construction of the new gaol at Albany?

(2) (a) Is it the intention of the Government to commence work on the contemplated new gaol project this financial year?

(b) If so, when?

(c) What is the approximate overall cost of same?

Surveys for Access Road

(3) Have surveys been carried out for the access road to serve the new gaol when completed?

Mr. ROSS HUTCHINSON replied:

(1) and (2) The plans have not as yet been completed but are well in hand, in the expectation that funds will be available to start construction this financial year. It is not desirable to give an estimate of the cost as it is intended to call tenders for the job.

(3) The preliminary stages of the work have been commenced but so far the survey has not been finalised.

12 and 13. *These questions were postponed.*

EMU POINT, ALBANY

Reclamation and Development Scheme

14. Mr. HALL asked the Minister for Works:

(1) Can he advise the approximate date when work will commence on the reclamation scheme at Emu Point, Albany?

(2) What will be the overall cost of the reclamation work associated with and part of the overall scheme for Emu Point?

(3) Will the proposed reclamation and development scheme for Emu Point be completed this financial year?

(4) If the answer to No. (3) is "No," will he indicate which of the following sections will be completed this financial year:—

(a) Construction of built-up water front?

(b) Provision for parking space, and what will be the approximate area allocated for this purpose, and what would be the number of cars that could be expected to find parking accommodation in that area?

(c) The building of a jetty for mooring purposes—type, length, and width—and will provision be made for the mooring of small boats, as well as for the larger launches?

(d) Erection of slipway for loading and unloading of launches and small craft?

(e) Provision of safe anchorage for all types of craft?

(f) Swimming pool to be incorporated in the overall plan as originally conceived and intended?

Mr. WILD replied:

(1) During the first week in October.

(2) £12,000.

(3) Dredging and reclamation will be completed during the current financial year.

(4) Details of layout and finance for the numerous facilities are under discussion between the local authority and other local bodies. When negotiations have been finalised, the answers to No. (4) will be supplied.

WAR SERVICE LAND SETTLEMENT

Winding-up Process

15. Mr. KELLY asked the Minister for Agriculture:

(1) What stage has been reached in the winding-up process of war service land settlement?

Allotments

(2) At what date was the last applicant for a war service land settlement farm allotted a property?

(3) How many were allotted in the following years:—

1960, 1961, 1962, 1963 and 1964?

R. & I. Bank Acceptance of Farms Allotted

(4) Is it likely that any farms allotted in the above years would be sound enough economically to be acceptable to the Rural and Industries Bank; and, if so, how many?

(5) What determines eligibility for acceptance?

Mr. NALDER replied:

(1) Development except for minor areas has been completed. 116 valuations remain to be issued, and it is expected they will be completed by the 30th June, 1965. 183 accounts remain with war service land settlement and it is anticipated that the majority of these will be in a position acceptable to the Rural and Industries Bank for transfer in the normal manner by the 1st July, 1965.

(2) 16th February, 1963.

(3)

1960	....	65
1961	....	45
1962	....	18
1963	....	2
1964	....	nil
Total	....	130

(4) All farms allotted since 1959 were brought to a high standard of productivity prior to allotment. Of the 130 involved 72 have already been transferred to the Rural and Industries Bank and all lessees with reasonable prospects of success should transfer at the 1st July, 1965.

(5) The Rural and Industries Bank requires that the property be capable of producing an income at least sufficient to meet annual commitments, and the financial position of the lessee to be reasonably sound.

SCHOOLS IN BEELOO: ADEQUACY OF ACCOMMODATION

Wilson Infants' School

16. Mr. JAMIESON asked the Minister for Education:

(1) Is it anticipated that the two additional rooms to be built at the Wilson Infants' School will be sufficient to accommodate the extra numbers from the new State Housing Commission extensions of the Wilson area?

Bentley Primary School

(2) Will the Bentley Primary School be able to accommodate the extra numbers in the higher grades expected from this new housing development?

Mr. LEWIS replied:

(1) Yes.

(2) For 1965, yes.

BENTLEY PRIMARY AND INFANTS' SCHOOLS

Provision of Additional Accommodation

17. Mr. JAMIESON asked the Minister for Education:

(1) Is he aware that the present school enrolment at Bentley Primary School is 613 and the Bentley Infants' School is 454?

(2) As additional home building within reasonable proximity of these schools is now taking place, what provision is to be made to accommodate additional students for the 1965 school year?

Mr. LEWIS replied:

(1) Yes.

(2) It is expected that there will be sufficient overall accommodation for next year's enrolments. However, should there be a sharp rise in enrolments action will be taken to provide additional accommodation.

WEST SWAN ROAD

Flood Prevention

18. Mr. BRADY asked the Minister for Works:

(1) Is any action being taken to avoid the flooding of the West Swan Road each year?

(2) Is any action being planned with a view to lifting the road to greater height?

(3) Would widening and deepening of the river help to overcome the flooding?

Mr. WILD replied:

(1) Yes.

(2) Yes. £12,000 has been provided on the Main Roads Department's programme of works for reconstruction and raising of the section of the West Swan Road which is subject to flooding. Surveys and investigations are at present in hand.

(3) No.

PARENTS AND CITIZENS' ASSOCIATIONS

Teachers' Complaints

19. Mr. DAVIES asked the Minister for Education:

(1) Has he read the Press report of the 27th August, 1964, regarding the views expressed at the recent annual conference of the Teachers' Union on parents and citizens' associations?

(2) Does he concur with these views?

(3) Has the Education Department received any complaints from teachers regarding interference from such associations?

(4) If so, how many and when?

(5) What departmental action was taken?

Appointment of Departmental Officer

(6) Does he believe there is a need for an officer to be appointed to enforce the Education Department's regulations regarding parents and citizens' associations?

(7) If so, when will such an officer be appointed?

(8) Is there not substantial evidence of the very valuable contribution being made to schools by parents and citizens' associations?

Mr. LEWIS replied:

(1) Yes.

(2) No.

(3) No complaints on record.

(4) and (5) See answer to No. (3).

(6) No.

(7) See answer to No. (6).

(8) Yes.

CITIZENSHIP RIGHTS FOR NATIVES

Certificates Granted to Parents

20. Mr. BRADY asked the Minister for Native Welfare:

(1) What is the approximate number of natives who have received citizenship rights under the citizenship rights Act?

Application to Children

(2) What is the approximate number of children who would get citizenship when parents were approved?

Mr. LEWIS replied:

(1) 2,091.

(2) The names of 1,318 children have been endorsed for full citizenship on certificates issued to their parents.

FERTILISERS

Price Increase

21. Mr. MOIR asked the Minister for Agriculture:

(1) Is he aware that a price list issued recently by the fertiliser suppliers and which became operative on the 1st August last provides for very sharp increases in fertiliser supplies?

(2) Is he in a position to supply the figures of the old prices and the new prices for—

(a) superphosphate;

(b) superphosphate and trace element mixtures;

(c) compound fertilisers, in powdered form;

(d) sulphate of ammonia; blood and bone; urea; muriate of potash; sulphate of potash; Christmas phosphate?

(3) What are the reasons for the increase?

Commonwealth Control of Price

(4) Has the Commonwealth Government any control over the selling price of fertilisers in order to ensure that the Commonwealth bounty of £3 per ton on superphosphate fertilisers will not be largely absorbed by the suppliers?

Mr. NALDER replied:

(1) Yes. The increases have been variable depending on the particular fertiliser ingredient.

(2)

	Old Price £ s. d.	New Price £ s. d.
(a) Superphosphate	9 0 0	9 9 0
(b) Superphosphate and trace element mixtures :—		
Superphosphate and copper	14 1 6	15 18 0
Superphosphate, copper and zinc	15 4 6	17 16 0
Superphosphate, copper, zinc and cobalt	16 11 0	19 2 0
Superphosphate, copper, zinc and manganese	21 5 0	23 12 0
Superphosphate and zinc	10 18 6	12 2 6
Superphosphate and molybdenum	10 17 0	11 14 6
Superphosphate and cobalt	11 1 6	11 10 6
Superphosphate and manganese	19 17 6	20 5 0
5 : 1 superphosphate and potash	13 19 0	14 13 0
2 : 1 superphosphate and ammonia	17 3 0	18 1 6
50/50 mixture	11 15 6	12 5 0
1 : 1 superphosphate and potash	22 1 0	23 5 6

	Old Price £ s. d.	New Price £ s. d.
(c) Compound fertilisers, in powdered form :—		
Potato "A"	17 3 6	18 8 6
Potato "B"	18 5 0	19 11 6
Potato "E"	19 11 6	20 19 6
Orchard	18 5 0	19 11 6
Garden	19 11 6	20 19 6
Lawn	29 12 0	32 11 6
Tomato	24 11 6	26 6 0
(d) Sulphate of ammonia	28 15 0	31 10 0
Blood and bone	29 10 0 to 38 0 0	No change
Urea	47 0 0	53 0 0
Muriate of potash	32 0 0	34 0 0
Sulphate of potash	39 0 0	42 0 0
Rock phosphate	12 5 0	13 0 0

(3) There has been a world hardening of nitrogen prices including an increase of about £12 per ton for urea. Because of substantial stocks on hand the local price has only been increased by £6. Copper has risen by about 10 per cent. and the increase in copper fertilisers is due to the combined effect of rising copper prices and an increased use of copper sulphate because of declining supplies of copper ore. Zinc has risen by 4.3 per cent. There have also been increased costs on wharf handling, transport and superphosphate workers' wages following recent general rises in award rates and margins.

(4) The Commonwealth Government has no control over the selling price of fertilisers but there is no reason to expect that manufacturers will increase prices beyond justifiable limits.

BROOME FREEZING AND CHILLING WORKS

Demolition

22. Mr. TONKIN asked the Minister for Lands:

(1) How did it transpire that the demolition of the Broome Freezing & Chilling Works commenced and was allowed to continue before the completion of the sale of the works and the arrangement of finance by the Rural and Industries Bank notwithstanding that such demolition seriously reduced the security?

Purchase by E. S. Clementson Interests: Financial Arrangements with R. & I. Bank

(2) On what date were financial arrangements between the Rural and Industries Bank and E. S. Clementson interests regarding the purchase of the Broome Freezing & Chilling Works completed?

Mr. BOVELL replied:

(1) When the committee examining Mr. Clementson's proposals became aware of the position at Broome it was assured by the vendors that the work being done at Broome would have had to be carried out by them in any case if the works were to operate in 1964.

(2) The bank finally confirmed arrangements by letter on the 25th February, 1964.

KIMBERLEY MEAT COMPANY

Takeover by E. S. Clementson

23. Mr TONKIN asked the Minister for the North-West:

(1) Is it not a fact that the firm of Kimberley Meats, Derby, had efficient works which were operating at a profit when coerced into selling to E. S. Clementson?

(2) Is it not also a fact that funds were available from the Development Bank to enable Kimberley Meats to improve its works to export requirements?

(3) Is it just and equitable that money be made available from the State bank to facilitate takeovers of successful Western Australian businesses against the wishes of the proprietors?

Mr. COURT replied:

(1) I have been advised that this company traded at a loss during the time it was in operation.

The shareholders were not coerced into selling their shareholding. After negotiations had taken place, the shareholders through the secretary and solicitor of the company offered their shares for sale and this was accepted. The price which I understand was paid in cash appears to have been a very satisfactory one to the vendors.

(2) The Government has no knowledge of any negotiations between Kimberley Meats, Derby, and the Commonwealth Development Bank. If negotiations did in fact take place, this would be a matter concerning the bank and the company.

(3) The information available to the Government and the answer given to No. (1) do not support the allegation that there was a takeover of a successful Western Australian business against the wishes of the proprietors.

In any case, it has never been the policy of the Government to do what the honourable member infers.

In this case no exception was made as no additional financial assistance was made available by the State to enable the transaction to take place.

STANDARD GAUGE RAILWAY

Effect on Kalgoorlie Goods Shed

24. Mr. EVANS asked the Minister for Railways:

(1) In what way, if any, will the goods shed in the Kalgoorlie railway yards be affected by the routing of the standard gauge railway through such railway yards?

(2) If the said building is to be removed, is it intended to re-erect it on another site or will a new building be erected?

Mr. COURT replied:

(1) and (2) The precise location of the goods shed in the Kalgoorlie yard has not yet been determinded, but probably a new building will be erected on a new site.

COMPREHENSIVE WATER SCHEME

Acceptance of Commonwealth Offer and Details

25. Mr. HAWKE asked the Treasurer:

(1) Has the State Government accepted the offer of the Commonwealth Government in connection with the comprehensive water supply scheme?

(2) If so, what is the total amount of loan money the Commonwealth Government will make available?

(3) What amount will the Commonwealth Government make available each year?

(4) What rate of interest will be charged to the State?

(5) What total annual repayment will the State make to the Commonwealth, including interest and repayment of principal?

Mr. BRAND replied:

(1) Not as yet. Negotiations in respect of the terms of the offer are still proceeding.

(2) to (5) Answered by No. (1).

REGIONAL HOSPITAL AT NORTHAM

Calling of Tenders and Commencement

26. Mr. HAWKE asked the Minister for Health:

(1) When are tenders likely to be called for the proposed new regional hospital at Northam?

(2) When approximately is construction work on the proposed buildings likely to commence?

Mr. ROSS HUTCHINSON replied:

(1) and (2) Dependent on the availability of loan funds, the hospital part of this project should commence in the financial year 1966-67. The preliminary stage—i.e. nurses' quarters—is planned to start in this financial year.

ELECTRICITY SUPPLY IN SOUTH-WEST

Failures

27. Mr. HALL asked the Minister for Electricity:

(1) How many power failures and breakdowns have occurred in Albany, Mt. Barker, and Denmark since the takeover by the S.E.C. and introduction of power supply from the south-west scheme?

(2) How many hours have Albany, Mt. Barker, and Denmark been left without power since takeover by the S.E.C. and commencement of power supply to those towns from the south-west electricity scheme?

Connection to Albany, Mt. Barker, and Denmark

(3) What was the date of commencement of the power supply from the south-west scheme to the respective towns mentioned?

Fault Finding Equipment

(4) Has the S.E.C. a radar fault finding detection unit; if so has it proved effective for the purposes for which it was designed?

Compensation for Lack of Continuity

(5) What obligations are there upon the S.E.C. to supply continuity of power to the towns as mentioned?

(6) Is there any form of compensation payable to industry, commerce, or householder as a result of power failure causing industrial commercial losses and wastage of food-stuffs to the householder?

Mr. NALDER replied:

(1) Albany—17.
Mt. Barker—20.
Denmark—19.

(2) Albany—13 hours 34 minutes total.
Mt. Barker—17 hours 24 minutes total.
Denmark—17 hours 9 minutes total.
Period since commencement of supply from the south-west power scheme is approximately 20,000 hours.

(3) The 13th July, 1962.

(4) (a) Yes.
(b) Yes.

(5) No statutory obligation, but the commission and its officers are keen to maintain continuity of supply.

(6) No.

KONDININ ROSE CLOVER

Certification

28. Mr. HART asked the Minister for Agriculture:

(1) Has the department plans for carrying out certification of Kondinin rose clover?

(2) Does it plan to carry out certification of Kondinin rose clover this year?

(3) If not, why not, and will he have the question reconsidered?

Mr. NALDER replied:

(1) to (3) The certification of Kondinin rose clover has been fully considered; but, because of the difficulties of training inspection staff in the requirements and standards for field assessment of this variety as distinct from the commercial varieties of rose clover now available, there is no alternative but to defer certification until next year.

ASIAN COUNTRIES

W.A. Trade Representation

29. Mr. BICKERTON asked the Premier:

(1) What trade representation does Western Australia have in the following countries and what are the names and business addresses of the representatives:—
(a) Indonesia;
(b) Malaya;
(c) Singapore;
(d) Sabah;
(e) Sarawak;
(f) Brunei;
(g) South and North Vietnam;
(h) Phillipines;
(i) New Guinea;
(j) Thailand;
(k) Burma;
(l) India;
(m) Ceylon;
(n) Pakistan;
(o) Japan;
(p) Formosa;
(q) China;
(r) North and South Korea;
(s) Laos;
(t) Cambodia?

(2) What is being done to have representation in those countries listed which do not now have W.A. representation?

(3) In the cases where W.A. is represented—
(a) What are the costs per annum to maintain the representation?
(b) What are the administrative facilities supplied?

(4) Does he agree that more attention should be given to W.A. representation in the countries listed?

(5) If so, what steps does he propose to take to improve the situation?

Mr. BRAND replied:

(1) to (5) The main resident trade representation for all States of the Commonwealth in the countries referred to is through the Commonwealth Trade Commissioner Service, although in Kuala Lumpur and Singapore the State Government has special office facilities available for Western Australian Government and commercial people through South-East Asian Development Corporation and in Sabah, Sarawak, and Brunei, the facilities of Mr. A. Webb, Kuching, Sarawak, are available.

The Government places great importance on trade potential in these areas. There is a specially trained staff within the Department of Industrial Development, the members of which have made visits to the majority of countries listed either on Government sponsored missions or working in co-operation with private trade promotion groups which we seek to interest in trade and joint ventures.

The question of residential State trade representatives in South East Asian areas has been examined on several occasions, but it is felt that it would to a large extent duplicate the Commonwealth Trade Commissioner Service without achieving any worthwhile advantages over the present system.

The cost of resident representation is better appropriated to send experienced officers, working in close consultation with prospective traders, frequently to the area. By this method we maintain a greater degree of flexibility. Also the officers remain better informed about the developments and potential in Western Australia than if they were resident out of the State and had to be brought back for refresher courses. In other words, we seek to use our staff seeking out local prospective

exporters and put them in touch with market prospects through a number of channels including actual visits to the area to coincide with visits by our officers.

Air travel to the countries concerned is speedy and present indications are that a combination of the Commonwealth Trade Commissioner Service and our own experienced officers working closely together with potential exporters here and traders abroad is more flexible and will produce the best results.

The matter is kept closely under review.

QUESTION WITHOUT NOTICE

WILUNA: POSSIBILITIES OF NEW DEVELOPMENTS

American Study Group's Assessment

Mr. BURT asked the Premier:

Did he read an announcement in the weekend papers that an American study group, which came to Western Australia last year to report on the possibility of developing the State's wasteland, had submitted a report to the Government in which it was stated that the town of Wiluna might well be established as an arid research centre, and might also be used as a refuelling stop for supersonic aircraft of the future? If so, has he considered the report and would the Government give every practical assistance to any reasonable scheme which might be proposed in the United States, and which would be the means of repopulating this once thriving goldmining district?

Mr. BRAND replied:

I did see the report. Nothing has been released by the Government although it is in receipt of reports from this company which has shown some interest in the matter. However, if the honourable member would like to put his question on the notice paper, I will have it further examined.

POLICE ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr. Craig (Minister for Police), and read a first time.

FORESTS ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by Mr. Bovell (Minister for Forests), and transmitted to the Council.

CLEAN AIR BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Minister for Health) [2.39 p.m.]: I move—

That the Bill be now read a second time.

I feel that this Bill is an important piece of legislation, and a good deal of hard work and preparation have gone into its construction. The research undertaken to prepare the Bill for introduction to the House revealed a good number of interesting facts and a great deal of information of an historical nature that, in view of the importance of the legislation, I think should be conveyed to the House, as there are certain facets that I am sure will prove to be of interest on this occasion.

There has never been a truly unpolluted atmosphere. Since the world began, decaying vegetable and animal matter have emitted gases and particles to the air. Air pollution, as we know it, began rather later than this. London began to suffer from the smoke of the Newcastle sea coal as early as 1273, and there are records of complaints about it from then onwards.

I think it is interesting to refer back to one of the publications on this subject, which of course, was written in the English of the day, and, as readers of *Hansard* will discover, written with the spelling of the day.

The first publication on the subject is *Fumifugium: or the Inconvenience of the Aer and Smoake of London Dissipated.* This was written by John Evelyn, a writer, a courtier, a connoisseur of wine, and something of a politician in 1661. He addresses—

> The Kings Most Sacred Majesty. Sir, It was one day, as I was Walking in Your MAJESTIES Palace at WHITE-HALL, (Where I have sometimes the honour to refresh myself with the Sight of Your Illustrious Presence, which is the Joy of Your Peoples hearts) that a presumptuous Smoake issuing from one or two Tunnels neer Northumberlandhouse and not far from Scotland-Yard, did so invade the Court; that all Rooms, Galleries, and Places about it were filled and infested with it; and that to such a degree, as Men could hardly discern one another for the Clowd, and none could support, without manifest Inconveniency.

He goes on to say in his address to the reader—

> That this Glorious and Antient City, . . . which commands the Proud Ocean to the Indies, and reaches the farthest Antipodes, should wrap her stately head in Clowds of Smoake and *Sulphur*, so full of Stink and Darknesse, I deplore with just Indignation.

He talks about the—

> horrid Smoake . . . which scatters and strews about those black and smutty Atomes upon all things where it comes, insinuating itself into our very secret Cabinets, and most precious repositories.

He mentions its effect upon vegetation; and upon health. He says—

> It is manifest that those who repair to London, no sooner enter into it, but they find a universal alteration in their Bodies, which are either dryed up or enflamed. . . . For is there under Heaven such coughing and Snuffing to be heard, as in London Churches and Assemblies of People, where the Barking and Spitting is uncessant and most importunate.

I would think that Mr. Evelyn, as is the custom with some politicians of this day, probably was inclined to exaggerate.

Mr. Hawke: Is it Mr. Evelyn or Miss Evelyn?

Mr. ROSS HUTCHINSON: It is John Evelyn.

Mr. Hawke: When you mentioned his name, it sounded like Miss Evelyn.

Mr. ROSS HUTCHINSON: No; he is of the male sex. As a remedy he suggests the—

> Removal of such Trades, as are manifest Nuisances to the City . . . especially, such as in their Works and Fournaces use great quantities of Sea-Coale, the sole and only cause of those prodigious Clowds of Smoake, which so universally and so fatally infest the Aer.

He proposed an Act of Parliament to implement this suggested remedy—and this in 1661. So it is quite interesting to look back at this time and review the fact that people were inconvenienced and were caused to suffer in health from clouds of smoke which came from the burning of sea coal. It is probably true to say that more general awareness of pollution of the air developed as a result of the Industrial Revolution. From this time on, developing techniques have resulted in new types of pollution, towards which the tolerance of populations have steadily diminished, and, as time has progressed, legislation has increased.

Smoke is the first pollutant to have been recognised, and especially as a product of the combustion of coal. Sulphur dioxide is a second pollutant produced by burning coal. Its origin is from the sulphur in the coal, well known to Evelyn, as is mentioned in the excerpts I have quoted to the House this afternoon. By 1600, methods of coking coal to remove some of the sulphur were already being developed.

In other parts of Europe, episodes of air pollution began to occur. For example, in 1803 there was a fire in a quicksilver mine in Idra. Mercury vapour spread over the countryside, resulting in symptoms of mercury poisoning in 900 people and many cattle.

By the middle of the last century, in the United Kingdom, chemical processes were contributing extensively to atmospheric pollutants. There had developed much public discontent concerning acid vapours resulting from the Leblanc process for the making of alkali from common salt. These caused great damage to property and to vegetation. A Royal Commission was appointed to investigate the problem: and resulting from this the first Alkali Regulations Act was promulgated in 1863.

In more recent times, there have been several episodes affecting health and associated with increased mortality. In 1952 there was a disastrous fog in London in which 4,000 deaths were attributed to the combination of air pollutants with fog. A committee on air pollution formed in 1953 came to the conclusion that—

> The main source of air pollution are smoke from the incomplete combustion of fuel and oxides of sulphur formed by combustion, whether complete or incomplete, of the sulphur present in nearly all fuel oils.

It was found that there was a direct correlation from day to day between concentrations of smoke and the number of deaths; and the concentration of sulphur dioxide in the atmosphere showed direct correlation with that of smoke. The recommendations of the committee made in 1954 were closely followed in the Clean Air Act of 1956.

Comparable episodes to the 1952 London fog had occurred in 1930 in the Meuse Valley in Belgium; and in 1948 in Donora, 30 miles south of Pittsburgh, in the north-east of the U.S.A. There were a number of common factors in these episodes. A most significant one was that of meteorological conditions common to all three geographical locations.

From what has been said, it is apparent that air pollution can result from a variety of sources, especially of an industrial nature. Geographical location and meteorological conditions may be of the utmost importance. Of the effects of air pollution, three are outstanding—

1. Those on the health of man (and also of animals).
2. Destruction of vegetation.
3. Spoliation of property.

It is pertinent to note that economic losses due to these three effects have been estimated to be enormous. In 1950 in the United Kingdom, atmospheric pollution

was estimated to be costing over £100 million per annum. In 1950-51 it was estimated that the total losses due to pollution in the U.S.A. amounted to $1,500 million. Apart from the cost of the three major effects mentioned, there were others, such as slowing up of transport during fog, wasted electricity due to premature twilight caused by smoke, and increase in cost of electric power for dust removal.

I should now like to review the legislation concerning air pollution and control which has been introduced in some countries. The Alkali Act of 1863, which operates in the United Kingdom, and which has already been mentioned, has, over the years, been extended to cover chemical processes other than the manufacture of alkalis. In its present form, this Act requires the registration of premises containing scheduled processes; and the provision in such premises for the use of the "best practicable means" for preventing the discharge of noxious or offensive gases to the atmosphere. For certain processes, minimum values of concentrations of acid gases have been laid down. The provisions of the Act are implemented by the supervision of a small body of highly qualified alkali inspectors under the Minister for Housing and Local Government.

Within the three Public Health Acts applying to England, Wales, Scotland, and London, are provisions for control of air pollution. All these Acts are concerned with combustion installations, whether industrial or commercial, and with other sources of smoke emission. The limitations of these Acts, which were enforceable by the local authorities, were failure to define black smoke which the Act sought to control; and clauses of exemption relating to specified industries, such as mines.

The Clean Air Act, 1956, which followed on the great London fog of 1952, which I have already mentioned, is essentially an enabling Act. It provides for the making of regulations by the Minister for Health and Local Government with regard to the technical control of air pollution. The regulations which were made and published in 1958 are concerned with the control of the emission of dark smoke, in contrast to the Alkali Act, which is concerned with the emission of chemicals. The provisions of the Clean Air Act apply to seagoing vessels and locomotives, but not to motor vehicles. The Act defines its relation to the Alkali Act and to the Public Health Acts mentioned.

Under the Clean Air Act, local authorities are given wide powers to deal with domestic smoke, which up till this time had been a major contributor to atmospheric smoke. Power is given to the local authority to declare any district within its jurisdiction a smoke control area. In such an area the emission of smoke from a chimney of any building constitutes an offence, provision being made for exemptions.

The Clean Air Act has remedied some of the defects of the public health Acts, in so far as "black smoke" has been defined; and specific industries are no longer exempted. On the other hand, the defects of the Act are that it has no control over motor vehicle exhausts; this comes under the road traffic Acts. Furthermore, the smog of December, 1962, revealed that progress in the control of smoke depends on the declaration of smokeless zones by local authorities, who have not been very active in this respect. Again, no provision is made in the Act for the control of emissions of sulphur dioxide from fuels. Certain sources of smoke such as those from the burning of rubbish, and coloured smoke, are still within the field of operation of the public health Acts.

In summary, legislation in the United Kingdom for the control of air pollution is dispersed over several Acts as follows:—

Alkali Act: For the control of emissions from certain scheduled chemical processes.

Clean Air Act: For emission of black smoke.

Public Health Acts: For the emission of certain smokes other than black smoke.

Road Traffic Acts: For the emission of pollutants from motor vehicles.

None of this legislation adequately covers the emission of sulphur oxides from fuel.

Overall control is distributed between the departments of Housing, Local Government, Public Health, and Police, and the local authorities.

Other European Countries: Activity towards the mitigation of air pollution has not been so great in most of the countries of Western Europe as in the United Kingdom. Though the realisation of the importance of reducing air pollution is steadily increasing, there has been little effective legislation. A few exceptions can be quoted, such as France which, in 1961, passed a law for controlling atmospheric pollution; this being implemented by inspectors of public health and of town planning. In Belgium and Czechoslovakia, legislation has been enacted and is administered by the Ministry of Health.

Mr. Kelly: What about Los Angeles?

Mr. ROSS HUTCHINSON: I was about to mention the United States of America, where there is no Federal legislation, except that which authorises the United States Public Health Service to conduct and support research and technical assistance relating to air pollution control. The same service has enunciated principles

designed to guide States considering new legislation, hence legislation is at State or local authority level.

In 1962, in 20 of the 54 States, legislation had been passed. In 17 of this 20, State services have been set up, 16 of the 17 within the State departments of health. About half of this 17 includes legislation with enabling powers, which vary in degree, authorising the local authorities to establish air pollution control programmes. In three States, legislation is directed towards control at local authority level. Of considerable interest is the development, resulting from the problem of interstate pollution, of an interstate sanitary commission. This was formed by the two states concerned: New York and New Jersey.

Both British and American legislation have revealed limitations and disadvantages associated with investing local authorities with control of air pollution. In the United Kingdom the smog of December, 1962, revealed that progress in the control of smoke depends on the declaration of smokeless zones by local authorities. The latter had not been very active in this respect.

In the U.S.A., experience in California is a further illustration. The Air Pollution Control District Act enacted in 1947 established State-wide standards for air pollution control with enforcement on a county-local authority basis at local option. Because air pollution problems overlapped from one local authority to the next, in 1955 there was further legislation. This combined six counties subject to the same meteorological and geographical conditions into one air pollution control area. Still later in 1960 a third piece of legislation was necessary. This time it was to control air pollution from vehicle exhausts which in the Los Angeles area because of special meteorological conditions has been the major contribution to a particular type of photo-chemical air pollution. As this involved vehicles all over the State, legislation was vested in the State Department of Public Health.

This department defined three standards of air quality as follows:—

Adverse—causing sensory irritation, e.g., to eyes, nose and throat, damage to vegetation, reduction in visibility, or similar effects;

Serious—this is the level at which alterations to bodily functions are likely to occur, or which is likely to lead to chronic disease;

Emergency—the level at which it is likely that acute sickness or death in sensitive groups of persons will occur.

I now come to legislation in Australia and New Zealand. Within recent years, three States in Australia—Victoria, New South Wales, and Queensland—have passed legislation, as has New Zealand. Very briefly the legislation is as follows:—

Victoria—The Clean Air Act, 1957, was the first of its kind in Australia. It is modelled to a large extent on the Clean Air Act of the United Kingdom of 1956. It is administered by the Commission of Public Health which may delegate powers to local municipal councils.

New South Wales and Queensland—The Clean Air Acts of 1961 and 1963 respectively incorporate the best of British and American legislation. They operate on the principle of scheduled industries which pay a yearly license fee. The Acts provide for standards of emission for air pollutants; when such standards are not laid down the occupier is required to use such practicable means as may be necessary to prevent or minimise air pollution.

In all three States the Acts are administered by the State departments of public health, with the aid of specialist technical officers. In New Zealand the Chemical Inspectorate of the Division of Public Health functions under part V of the Health Act, 1956, and the air pollution regulations of 1957. These broadly duplicate those of the British Alkali Inspectorate, of which I have given the House some description earlier.

To come to Western Australia, I refer to the current legislation in this State. This is spread over a number of Acts. Firstly, I refer to the Health Act, section 182 of which deals with nuisances—one of which is a place not so ventilated as to render harmless as far as practicable all gases, fumes, etc.

Section 186 to 198 are other provisions in the Act which deal with air pollution; and division 2 of the Act deals with offensive trades, and these—which are specified under the second schedule to the Act—can only be established with the consent of the local authority, or, in certain circumstances, the Commissioner of Public Health.

Under section 199 of the Health Act, a local authority may of its own motion, and shall, when the commissioner so requires, define localities in the district within which offensive trades may be established; and may prohibit offensive trades in other localities.

Section 182 deals with an offensive trade so carried on as to be so injurious or dangerous to health or unnecessarily offensive to the public that it can be declared a nuisance. Fireplaces, or furnaces and chimneys, may also be declared nuisances under this section, as far as smoke is concerned. It is a sufficient defence for the

defendant to show that he has used the best practicable means to abate any nuisance.

Then there is the Factories and Shops Act of 1963. Under section 62 (d) and (f), power is given to the Minister to recommend to the Governor that regulations be made to control gas, dusts, fumes, etc. This provision has restricted application because—

(a) it applies only to factories;

(b) a specific regulation is required for each situation;

(c) it is applicable only after air pollution is found to exist.

There is also the Local Government Act of 1960. Section 201 provides that a council may make by-laws concerning furnaces and chimneys, so as to prevent as far as possible the emission of smoke, dust, grit, and cinders. Section 402 of this Act prescribes that a chimney of a manufactory, etc., shall be of such height as not to cause a nuisance or annoyance to persons in the neighbourhood.

The uniform general building by-laws of 1957 also apply. Under by-law 381 of section 26, it is indicated that every furnace and chimney shall be so used to prevent as far as possible the emission of smoke; it also provides for alterations to a furnace or chimney, if necesary.

There are the Mines Regulation Act, and regulations. Section 61 of that Act empowers the Government to make regulations dealing with the ventilation of mines, including the prevention of the escape of poisonous gases and fumes in the mines. Regulation 158 provides for the protection of mine employees from noxious fumes, etc.

The traffic regulations of 1954 are also applicable. Regulation 160 provides that every motor vehicle shall be maintained so that it will not emit smoke, visible vapour, etc., which is prevented by the exercise of reasonable care; or which might cause danger, damage, or nuisance to other persons or property; or endanger the safety of other users of the road.

All this legislation, spread as it is over six different Statutes, and administered by five different authorities or departments, is typical of that which existed in other countries and in other States before Clean Air Acts were introduced. Not being designed to be comprehensive, it is of a piecemeal nature. There is no clear-cut attempt to set up standards, or in any other way to guide industry as to what is required of it. Some of the legislation is directed to control after the event, rather than at prevention of the event. I feel that is very important.

I now give a brief account of atmospheric pollution in Western Australia, to indicate further the necessity for action on the local scene. We find there is dust from cement works, fertiliser works, quarries, power houses, foundries, metal ore treatment plants, and others. These have been a source of complaint, particularly over the last few years. So have acid gases, some of them being sulphur dioxide from oil-fired boilers; the refining of oil; a mine; and fertiliser works. Complaints have been received about these nuisances.

There has been widespread destruction of plant life by poisoning in the vicinity of a chemical factory; that has been experienced quite close to Perth. Further away from Perth, sulphur oxides from a mine have also been responsible for spoiling vegetation. Exhaust fumes from buses have also been the cause of complaint.

Many complaints have been received from individuals. In addition, on quite a few occasions groups of people have complained to local authorities, to Ministers, to the Premier, and to members of Parliament. Quite recently a progress association lodged a complaint with the Minister for Health. In at least one situation patients in a large hospital were exposed to atmospheric pollutants from a nearby industrial establishment.

Claims that health has been affected are not uncommon; not all, of course, are founded on fact, but they certainly are not uncommon. In this State there has been no clear-cut evidence that this has occurred. However, current investigations in other parts of the world are indicating more and more that acute and obvious illness is not the only possible effect of air pollution on health. They indicate that repeated exposures to relatively low concentrations of some air pollutants may cause ill health.

From what has been said, it should be apparent that atmospheric pollution is not an insignificant factor in Western Australia; and with the growth of the State, it becomes important that it should become no more significant. That present legislation is not adequate is illustrated by the frequent repetitions of the same episodes, sometimes over a period of years. Present legislation, spread piecemeal as it is over a number of departments, is designed to cope with—and inadequately—rather than to prevent, air pollution.

The Clean Air Bill aims to consolidate, within one department, legislation directed towards the prevention of air pollution. This incorporates the concept of providing technical advice to industry on the means of prevention. Modern legislation, it has been demonstrated in other States and countries, has come under a department of public health because—

(a) it does cover the whole of the population and not sections, as do most other departments;

(b) atmospheric pollution inevitably brings up questions of health which can only be answered by medically qualified and specially-trained

professional people customarily found only within a health department.

I now turn to a description of this Bill, which seeks to bring within the administration of one department—the Public Health Department—all aspects of atmospheric pollution which it is designed to prevent.

In part I of the Bill members may have noticed that a number of words and terms are defined.

Part II, clause 8, defines the air pollution control council. This includes representatives of most of the departments previously represented on the Air Polution Committee of the Local Government Department. In addition, the Department of Industrial Development is represented, and the State Electricity Commission nominates a member. Because private industry will be directly affected by the provisions of the measure, if it is passed, three representatives from the West Australian Chamber of Manufactures are included. As the University of Western Australia may be able to offer technical advice, it is also represented, whilst a representative from the Trades and Labour Council completes the council.

Clause 17 designates the functions of the council. This in brief means that the council, in matters of air pollution, is responsible to the Minister; and he is advised by this council.

Clause 20 indicates the constitution of the scientific advisory committee, the second of the bodies to be set up. This is essentially a technical committee concerned with technical aspects of air pollution, including the effect on health. It is pertinent to note that a meteorologist is included, for, as has been pointed out already, meteorological aspects of air pollution may be of paramount importance. Private industry is also represented on this committee, and these will be technical representatives. The function of the committee is primarily to investigate problems of air pollution and to report and advise the council.

Part III has to do with scheduled premises. At the end of the Bill there is a schedule of premises which will require to be licensed. These include premises which experience has shown to be sources of air pollution. The basis of this part is that scheduled premises shall be licensed by the Commissioner of Public Health for which there will be a license fee. The license may be granted under such conditions as are specified by the council. The Public Health Department has had considerable experience of this licensing system in the administration of the Radioactive Substances Act, 1954; and here it has been found to work successfully. In this measure, the system of licensing is linked with one of inspection by technical experts; and provision is made for this in the Bill.

Clause 33, subsection (1) makes provision for prescribed limits of air impurities; and subsection (2) makes provision also for the use of the best practicable means. Experience overseas, and also already in New South Wales, from which State we secured quite a deal of very valuable advice—at present there is an expert on air pollution in this State with whom I have spoken—indicates that it is unwise to designate prescribed limits until it is known that they are of practical attainment. For some well-known air pollutants, such as sulphur dioxide, prescribed limits can be designated; but with other pollutants, in which experience has been limited, it is considered better to designate, at least for the time being, the best practicable means.

Clause 35 gives the council the right to take appropriate action to control air pollution from scheduled premises. Part IV applies to premises other than scheduled premises. In fact, the council has similar control, as with scheduled premises, in taking appropriate action against air pollution caused by sources other than the aforementioned scheduled premises.

Part V contains the general provisions. Clause 40 provides for advice and assistance on prevention of air pollution. Clause 43 empowers the council to prohibit, if necessary, the use of combustible materials. Clause 45 gives the right of appeal against the decision of the council. Clause 46 defines the right of inspection. Clause 49 provides for exemptions granted by the council under this Bill, if it becomes an Act. In clause 53 there is provision for regulations, including the prescribing of fees, tests, control equipment to be used in premises, and standards of emission of impurities.

In many ways this Bill does resemble the Radioactive Substances Act, 1954, which was introduced at a time when radioactive substances were not being widely used in this State. Because of this, the steady increase in the use since then of these substances has been adequately controlled from the beginning by the statutory body set up—the Radiological Advisory Council—with the help of technical officers within the Public Health Department.

In exactly the same way, and on the principle that prevention is better than cure, it is hoped that this Bill will become an Act at a time when air pollution, though of significance, is not a major problem. In more highly industrialised centres, the introduction of a clean air Act has posed major problems of adapting existing plant to the newly-required conditions. In this State the aim is to plan new plant at installation to meet the requirements of the Act, and with the co-operation of manufacturers and industry in general.

In conclusion, the purpose of this Bill is to give users and future users of appliances which discharge smoke, dust, or gases into the atmosphere a standard of permissible emission which may be considered acceptable and not give rise to reasonable complaints by the public.

Mr. Brand: If this Bill becomes law, the Act will be administered sympathetically.

Mr. ROSS HUTCHINSON: That is the only way it can be worked properly. As a matter of fact, I have had advice from the—

Mr. Hawke: It is a significant interjection by the Premier.

Mr. ROSS HUTCHINSON: It is not an inappropriate one, because we received advice from New South Wales, in particular, that for this legislation to function effectively and smoothly and bring the least possible objections of all kinds from the public, the legislation should be ushered in as sympathetically as possible.

Mr. Hawke: Political interference with industry is what the Premier is afraid of.

Mr. ROSS HUTCHINSON: In other words, the main purpose of this Bill is to place limits on the quantity of impurities which may be discharged into the atmosphere; and for any scoffers, it should be noted that industrialists, in the main, are pretty well informed about pollution problems and, on many occasions in the past in this State, have sought advice from various sources regarding standards of emission. In other States—such as New South Wales, Victoria, and Queensland—which have introduced clean air legislation, the co-operation of industrialists has been most marked; and I should like to record that here in Western Australia this co-operation has been very well evidenced in the preparation of the Bill that is currently before the House.

There are, of course, sound reasons for this as they appreciate knowing in advance the standards of performance that are expected, and appreciate being guided so that future potential nuisance, bad public relations, and unnecessary expense are obviated from the beginning.

The public of Western Australia will also, I have no doubt, appreciate the introduction of this legislation at this stage of the State's industrialisation programme. We are comparatively free at present from the very serious type of air pollution which has deleteriously affected more heavily industrialised communities. However, even now we are not without problems in this matter; and with the great upsurge of industrial activity within the next few years, more air pollution can be expected.

I would like to point out that it would be foolish for the public to think that the introduction of clean air legislation, with the regulations which will follow, will completely eliminate all air pollution problems. The legislation before the House virtually recognises—as does legislation in other parts of the world—that a natural concomitant of industry is a degree of air pollution. The general purpose of the legislation, and the aims of the air pollution control council and the scientific advisory committee, which are to be set up under the Bill, will be to endeavour to bring air pollution down to reasonable standards. I commend this Bill to the House.

Debate adjourned, on motion by Mr. Hawke (Leader of the Opposition).

MILK ACT AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [3.21 p.m.]: I move—

That the Bill be now read a second time.

The amendment that is contained in this Bill refers to the pasteurisation of milk or cream delivered for sale to householders and other persons for human consumption. It will give power to the Milk Board to prescribe by notice published in the *Government Gazette*, that milk or cream for human consumption must be pasteurised, bottled and sealed, or placed in a carton, before being sold in a district which will also be specified in the notice.

The Act at present provides for the Milk Board to prescribe for the pasteurisation of milk from other than tuberculin-tested dairy herds. All the herds of licensed dairymen are subjected to regular testing for tuberculosis, and therefore the present section is inoperative. However, there are other circumstances concerning public health which make it desirable to enforce the pasteurisation of milk or cream wherever practicable.

The Commissioner of Public Health is strongly in favour of all milk or cream sold for human consumption being, whereever practicable, pasteurised as, apart from tuberculosis, there are a number of other infections which include brucellosis, and the streptococcal and staphylococcal diseases that can be passed from cow to man.

Mr. Hawke: What a cow of a word.

Mr. NALDER: Quite right. The Chief Veterinary Surgeon of the Department of Agriculture agrees that a hazard to health exists whenever raw milk is consumed. Both these authorities have advised that brucellosis is prevalent throughout dairy cattle herds in this State and, in addition to other disease-carrying organisms, can be transmitted through milk to humans. The contraction by a person of the brucellosis organism can lead to a case of undulant fever and other maladies which, whilst perhaps not fatal in themselves, cause very severe ill-health.

The Commissioner of Public Health has advised that examinations of samples of raw milk taken from a licensed dairyman-vendor in the Perth metropolitan area revealed the presence of brucella organisms. As a result it was necessary for the Milk Board to prohibit the sale of this milk and to direct the producer to sell his milk under contract to a treatment plant where the milk would be pasteurised. Similar action was necessary in 1963 with another dairyman-vendor supplying milk in the Perth metropolitan area.

The Milk Board took this matter up with the one remaining dairyman selling raw milk in the metropolitan area. In addition to his ordinary license, this dairyman had a shop license and was selling raw milk to adjoining householders. He voluntarily relinquished the shop license, as a result of the Milk Board's approach, and this action means there is no-one at present selling raw milk in the Perth metropolitan area.

However, there is no legal enforcement to ensure a continuance of this situation; and, with the current and future development of milk treatment in other areas, it is most desirable that where practicable only pasteurised milk should be sold for consumption. I commend this Bill to all members as achieving that end—a most necessary and worth-while contribution to the safeguard of public health.

Debate adjourned, on motion by Mr. Rowberry.

CANCER COUNCIL OF WESTERN AUSTRALIA ACT AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Minister for Health) [3.27 p.m.]: I move—

That the Bill be now read a second time.

This is not a very large Act; and, as a result of study of the operation of it since 1958, it is desired to amend it in a number of instances.

The first amendment desired is for a new definition of the term "Institute". The Act defines an institute as a body constituted under the Act as a cancer institute. The new definition proposes that an institute shall be an institution for the detection, research into, or treatment of, cancer and allied conditions. A perusal of the Act will show the wording used there is followed in the amending Bill.

The second amendment deals with the desire of the council to add two additional lay members to the council to permit the work of the council to become more flexible and to provide a wider representation of the community in general. This will not in any way affect or reduce the number of professional members on the council; but I understand it is desired by them that they should be able to include at least two more members for the purpose, perhaps, of fund raising, and of raising sympathy in certain sections of the community.

The third amendment makes it clear that the council may widen its powers of research by the addition of the word "diagnosis" to an appropriate paragraph in section 8. At present the council is financing the operations of a cancer detection service, and there is some doubt as to its powers unless the term "diagnosis" is added. So this is made legal by this amendment.

Another amendment deals with institutes also. It provides for a fuller statement of the council's powers in respect of institutes. I refer, in particular, to the Institute of Radiotherapy, which is opposite the Sir Charles Gairdner Hospital. At present the council may "provide, maintain and assist institutes concerned with the treatment of cancer and allied conditions". It is proposed to delete this paragraph and add a new one; i.e., "to build, establish, maintain, equip and manage institutes", which is a clear statement of what the council is actually doing now.

The Act authorises the council to spend money on the education of the medical profession but not on public education. This seems rather foolish. It is an inadequacy of the Act, and the proposed amendment rectifies the situation.

Section 17 of the Act sets out that a board of an institute is subject to the council, and that a board shall give effect to any direction of the Minister. As the board is subject to the council, an amendment is proposed that such directions should be given by the Minister through the council. This removes what appears to be an anomaly, as the Minister's power to direct the council is clearly set out in section 8, subsection (1)(a).

A further amendment permits the operation by the council of its own bank account. At present this bank account by law must be kept at the Treasury. The proposed amendment will bring the council into line with other instrumentalities, such as boards of management of hospitals and the Board of Management of the Radiotherapy Institute, the latter body deriving its authority for operation from the council.

Debate adjourned, on motion by Mr. Norton.

AGRICULTURE PROTECTION BOARD ACT AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [3.33 p.m.]: I move—

That the Bill be now read a second time.

The main purpose of this Bill is to confer on the Agriculture Protection Board the right to acquire or dispose of any real or personal property that the board may think necessary for carrying out its purpose under the Act. The realisation of the need for this particular provision to be included in the Act was occasioned, in one instance, when a method of poisoning rabbits, known as "One-Shot 1080", was evolved by an Agriculture Protection Board officer in the course of his official duties.

As this particular poison is dangerous material if not handled correctly, the Agriculture Protection Board felt it was most important that the process be patented. This would ensure that anyone manufacturing the materials or using the method would do so in accordance with the very strict standards laid down in the specifications. It is for this reason patent rights were sought as a means of control.

The procedure generally followed in such circumstances is for the patent rights to be taken out in the name of the officers who develop the process, in this case the vermin control research officer and his assistant. These officers then assign their Australian rights to the responsible party, in this case the Agriculture Protection Board. The Crown Law Department has raised some doubts as to whether the Agriculture Protection Board could have patent rights assigned to it. The present amendment will eliminate these doubts.

In addition, in another instance a situation has arisen where the Agriculture Protection Board wishes to obtain a block of land to enable it to extend the vermin fence depot at Yalgoo. This Bill will provide the board with the necessary authority to acquire the land in question.

In view of the protection board's operations, such as dealing in contracts, particularly by way of hiring units to undertake work and in trading, by way of sale of chemicals, this amendment to the Act will permit the board to engage in these business matters in a less restricted way in the future, although still subject in each instance to approval of the Minister.

Finally, an additional minor amendment has become necessary to replace the words "not less than" which were inadvertently omitted when the Act was amended in 1953. The original legislation provided for varying amounts to be appropriated from the Consolidated Revenue Fund for expenditure by the Agriculture Protection Board on various specific purposes. In each case the amount stated was prefixed by the words "not less than".

When the Act was amended in 1953 to pool the various amounts so that expenditure could be varied to meet the most important requirements, the words "not less than" were inadvertently omitted and the sum was given as £105,000. This amount has been exceeded, and therefore it is even more necessary to correct the omission of these words "not less than".

Debate adjourned, on motion by Mr. Kelly.

HEALTH ACT AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Minister for Health) [3.40 p.m.]: I move—

That the Bill be now read a second time.

This Bill amends the parent Act in six parts. The first amendment concerns that section of the Act which enables a local authority to grant leave to the owner of a house to connect his home to the sewerage scheme on a deferred payment basis. The work can include the supply and installation of baths, sinks, troughs and suchlike. Where the premises are not served by a sewer, a similar scheme operates to permit the installation of septic tanks. However, this particular scheme does not extend to the provision of baths, sinks, and troughs. Some local authorities have asked that section 100 of the Act authorise the provision of baths, sinks, and troughs as applies to sewered premises under section 82A.

Section 101 of the Act requires trade or business premises to be provided with sanitary conveniences according to the number considered necessary by the local authority. That section goes on to provide that separate and proper accommodation be provided for each sex. A local authority has interpreted and administered that section as placing on it an obligation to require separate accommodation for the sexes, even when two men and one female are employed in a small business, such as a dentist's surgery.

It has been the practice throughout the State for the Public Health Department and local authorities to follow the standards of the Factories and Shops Department in this regard, and those standards do not require separate conveniences where suitable and convenient alternative arrangements can be made—such as sharing facilities with adjacent premises.

The local authority of which I spoke claims, with more than a degree of justification, that it is not allowed a discretion in administering the provisions of the Act. In order to avoid what can amount to an unnecessary and expensive imposition on the owners of very small

businesses which employ both sexes, an amendment is suggested to be incorporated in this legislation which will make it clear that local authorities may exercise a wise discretion where the provision of separate conveniences is not necessary. Members will note that provision is made so that in the case of a dispute the matter can be settled by appeal to the Commissioner of Public Health.

Yet a third amendment deals with a number of sections. Sections 146 to 159 of the Act deal with boarding and lodging houses. Section 3 contains detailed definitions of both boarding-house and lodging-house.

The City of Perth has suggested that separate definitions and separate treatment of these places in the Act and by-laws is unnecessary and confusing. There has been evidence of this in the past and it is proposed that a comprehensive definition of "lodging-house" be substituted. This would cover lodging and boarding-houses as well as so-called apartment houses. A definition along the following lines is incorporated:—

> "Lodging-house" means any building or structure, permanent or otherwise, and any part thereof, in which provision is made to lodge or board more than four persons for hire or reward, exclusive of the family of the keeper of the lodging-house, but the term does not include—
>
> (i) any premises licensed under a publican's general license, wayside, or hotel license;
>
> (ii) a boarding school approved under the Education Act, 1928;
>
> (iii) a building comprising residential flats.

This new approach, as incorporated in this amending Bill, would simplify the legal picture for both local authorities and lodging-house keepers. It would also liberalise the law by permitting householders to have four boarders or less without requiring registration. In some circumstances, under the present law, even two lodgers can make a householder liable to registration. The amendments involved are described hereunder, and include a provision requiring the keeping and production of a register of lodgers. This latter provision would assist control by local authorities and would also assist the police in tracing missing persons. So the amendments are aimed to—

> (a) Amend the title of Division 2.
>
> (b) Delete reference to boarding-houses in sections 146, 147, 148, 150, 151, 155, 158, and 159.

Sitting suspended from 3.45 to 4.5 p.m.

Mr. ROSS HUTCHINSON: Just prior to the afternoon tea suspension I had started to detail some of the amendments surrounding the improvement to that part of the Act which deals with boarding-houses and lodging-houses. I had said that the means by which this would be done were, firstly, to amend the title of division 2; and, secondly, to delete reference to boarding-houses in certain sections, which I named. The third and fourth requirements are as follows:—

> (c) Delete reference to limewashing in sections 151 and 158.
>
> (d) Amend section 157 to require the keeper of every lodging-house to keep a register and to enter the name, previous address of each lodger, and the date tenancy commenced. The register to be produced for inspection on demand of any inspector or police officer.

Institutions coming under the authority of the Education Act are specifically excluded. Native hostels run by the Department of Native Welfare are not bound by this amendment, as they are Crown institutions and the Health Act does not include institutions of the Crown.

Another amendment, and an important one, refers to the manner in which local authorities assist the Health Department to finance the treatment of infectious disease cases. In this State, up to the present time, the hospital treatment of patients suffering from several specified infectious diseases follows a pattern which is unreal in the light of modern knowledge of disease transmission and control. Patients are charged a standard daily rate; but, of course, this is only a fraction of the total cost. The balance not borne by the patient is shared between the Government, which pays two-thirds, and the local authorities, which pay one-third. In other States there is no differentiation between, say, a diphtheria patient and a road accident victim.

I believe that our system, in the light of modern conditions, is both wasteful and confusing. It requires two methods of charging to exist side by side, and often diagnosis of infectious disease is presumptive or unconfirmed. The general result is that inequalities exist and confused situations arise. For many years the local authorities have been keenly interested in seeing the deletion from the Act of the relevant section dealing with this matter. Also, it is not possible to relate the incidence of disease to the degree to which local authorities might or could neglect sanitation standards.

I would say 99 per cent. of the local authorities regard the matter of sanitation and hygiene very carefully indeed, and there is a health inspector system which operates in a remarkably fine fashion, coming generally under the jurisdiction of the Health Department. Mass immunisation, too, has changed the picture in regard to infectious diseases. In anticipation of the change to be made in the financing of the cost of infectious

disease cases a submission was made to the Treasurer, as there will be a loss of revenue which the local authorities will no longer be enforced to pay and this will mean a sum running into several thousands of pounds annually.

However, the Premier has approved of the proposed change and anticipates the financial implication. It could be that some financial improvement will be achieved administratively within the Public Health Department, and certainly within local government. The general proposal is that, after the 30th June, 1965, the system of financing treatment of these cases will be abandoned, and thereafter all patients treated in public hospitals will receive treatment on a common financial basis. Also, local authorities will be pleased to know they will no longer be asked to make any contributions to put this into effect. It will be necessary to repeal sections 316A to 323, inclusive, on the 1st July, 1965, to give the effect I have detailed.

Another amendment is to be made to section 325, which fixes the maximum fee at 10s. for an annual license for a private hospital. In New South Wales a sliding scale, related to the size of the hospital, fixes fees from £5 to £30. Therefore, the expense to the department of supervising private hospitals is much greater than the fees received, and this supervision of private hospitals is a statutory requirement under the Health Act. Departmental officers must pay at least four routine visits a year to each private hospital, and frequently there are more visits than this number made because, from time to time, there are calls for inspections for a variety of reasons. The prime purpose of the inspections is to inspect conditions, the poisons carried, general cleanliness, and care of patients, and, generally, to ensure that the hospitals are run to approved standards, and so determine whether they can continue to be registered.

The Grants Commission has criticised the fact that the registration fee in Western Australia, as a claimant State, is so low; and in this legislation it is now offered that the limitation imposed by section 325 be removed, and that a sliding scale of fees be prescribed in the regulations. At present I am not able to put forward a firm proposal on this sliding scale, but it is envisaged that the maximum fee to be suggested would be about £15; that is, half the New South Wales maximum figure. This, of course, will not remove the entire cost to the State of inspections of private hospitals, but the revenue received would be much nearer to the cost entailed than the existing low fees produce.

Members will find that another interesting amendment is the one which relates to safety apparatus. During recent years I have heard of deaths and mishaps resulting from the use of faulty safety apparatus, such as aqua lungs and respirators. Of course, some deaths occur which cannot be blamed on faulty safety apparatus. Nevertheless, we have heard from other parts of the world where faults in such safety contrivances have led to serious mishaps and even death. There was a fairly recent case in which an industrial respirator was represented as giving protection from various dusts and gases, but was found to be quite inaffective. Any person who relied on this apparatus for protection would expose himself to a dangerous hazard, even to the point of endangering his life, if he relied on the claims made by the manufacturers.

The Health Act, at present, gives no control over such a situation or any repetition of it. I might add, at this point, that the efficiency of this particular apparatus I have just mentioned has been cleared up to the general satisfaction of all. However, in order that the public health may be safeguarded in the future a new provision is suggested along the following lines:—

> If anything which purports so to do, does not, in the opinion of the Commissioner, aid, maintain or protect health, and thereby constitutes a hazard to health, he may prohibit—
>
> (a) publication of such purport;
>
> (b) the sale, distribution and use of such things.

They are the six amendments proposed in this measure.

Debate adjourned, on motion by Mr. Toms.

BILLS (4): MESSAGES

Appropriation

Messages from the Governor received and read recommending appropriation for the purposes of the following Bills:—

1. Clean Air Bill.
2. Cancer Council of Western Australia Act Amendment Bill.

Messages from the Lieutenant-Governor received and read recommending appropriation for the purposes of the following Bills:—

3. Agriculture Protection Board Act Amendment Bill.
4. Health Act Amendment Bill.

BRANDS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 27th August, on the following motion by Mr. Nalder (Minister for Agriculture):—

> That the Bill be now read a second time.

MR. NORTON (Gascoyne) [4.18 p.m.]: This amendment is one which, of necessity, must be made to the principal Act. As members will no doubt recall, in 1956 the Brands Act was amended to provide for the brands register to be revised and brought up to date. Prior to that, there had not been a general revision of the register for many years, and a large number of people still had brands registered in their names which were never used. Further, there were many brands which were still held by the estates of deceased persons, but which were no longer operative.

When the amendment for a general revision was passed in 1956 it was anticipated that the register would be brought up to date by 1965. However, apparently the response has been so good that the department has been able to get the brands brought up to date and made available for gazettal this year, which means that they will be printed. The Act provides, however, that the publication or reprinting of the registration of brands shall be made every 10 years, and that this should take place first in 1965. This amendment, therefore, purely seeks to bring forward one year the date of publication of the registration of new brands to avoid the brands register having to be printed twice in less than 12 months.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

INQUIRY AGENTS LICENSING ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 27th August, on the following motion by Mr. Craig (Minister for Police):—

That the Bill be now read a second time.

MR. TOMS (Bayswater) [4.21 p.m.]: In supporting the second reading of this Bill it is interesting to note that there has been no amendment whatever since the Act was proclaimed in 1954. With the coming into operation of the Federal Act, however, it was found necessary to amend the Inquiry Agents Licensing Act because the position had been highlighted when an inquiry agent who had had his license cancelled under the Inquiry Agents Licensing Act found he could skirt around the provisions under the Commonwealth Act without any action being taken against him.

I feel that this amending legislation is necessary, because it is highly desirable that we should have people of good repute, or at least of reasonable repute, to undertake the work of an inquiry agent. I say this because often it is necessary for such agents to delve into the private lives of people, and in such circumstances we need men of some calibre.

I would, however, refer the Minister to clause 4 of the Bill, because I think this matter of exemptions might conflict in some way with section 66 of the Police Act of 1962.

Mr. Craig: To which section do you refer?

Mr. TOMS: To section 66 of the Police Act.

Mr. Craig: There are quite a few parts to it.

Mr. TOMS: I refer to that part of the section dealing with exemptions; where it adds certain people to the exemptions. I wonder whether there could not possibly be a conflict here; and I would ask the Minister to have a look at it to see whether or not it requires amendment. If the amendment cannot be made here, then perhaps it could be carried out in another place. I support the Bill.

MR. JAMIESON (Beeloo) [4.25 p.m.]: I, too, would like to indicate to the Minister that there is some concern about the conflict between the two Acts. The Minister will be administering both measures, and he cannot have it both ways. The Inquiry Agents Licensing Act grants exemption to people, such as legal practitioners and their clerks; to persons genuinely engaged in carrying on the business of insurance agents; and to those engaged in adjustment agencies, and so forth. They are permitted to do certain acts which include entering premises if they are genuinely conducting the business of inquiring into circumstances particularly associated with getting evidence for cases that may arise.

I would like members to have a look at the other aspect of the matter; and to this end I am indebted to the member for Kalgoorlie who earlier this year asked how many people had been charged under section 66 of the Police Act, as amended in 1962, since it had come into operation. The 1962 amendment to the Police Act reads as follows:—

> Section sixty-six of the principal Act is amended—
>
> (a) by adding after the word, "housebreaking", being the last word in paragraph (4), the words "or any explosive substance";
>
> (b) by adding, after paragraph (12), the following paragraph:
>
> (13) Any person who is or has been, without lawful excuse, in or upon any premises or the curtilage, whether enclosed or fenced or not, of any premises.
>
> ; and

(c) by inserting, after the word, "housebreaking", in the third last line of the section, the passage, ", and any such explosive substance".

Paragraph (13) is the one which is at variance, because we cannot in one Act give people the right to do something, and then in another Act throw them over to the rigours of the law by saying they can be taken to task for doing it.

It is interesting to note how many cases have been tried under this section. I cannot remember the figure, but there are quite a number; and it is interesting to find that not one of them has been excused by the magistrate. The view taken by the magistrates and the police generally is that the offence is a very serious one. Now, however, it would appear that we are to allow certain people license to commit an offence—and it is an offence to the general public—under the Police Act. I would say this could adversely affect an insurance employee genuinely carrying on his business outside normal business times. In my opinion, this would completely conflict with the Act, because he might be looking for evidence in regard to certain cases. I am not sure, however, whether it is desirable to give him the right to enter upon the curtilage, and around certain places. Nor am I sure, of course, whether the Police Act was rightfully amended to make it so restrictive.

The magistrates, however, have taken a very strong view of this matter, and have convicted everybody who has come up on this charge. It is unusual for a provision in the Police Act to be so heavily enforced. Out of some 100 cases it is reasonable to assume that some would have an excuse which would help them get over their difficulty. For instance, a person trying to get evidence in connection with his own divorce might have every legitimate reason for taking the action he did, without employing an agent at some cost, but he would contravene the Police Act in so doing.

Accordingly, it is not easy to amend one Act without having due regard for the effect of that amendment on some section of another Act. The action taken was necessary because of the activities of one agent; and it is intended to tighten up the position whereby similar action can be taken against people who trade as inquiry agents without being licensed; which, I think, is proper.

I doubt, however, whether it is desirable in one instance to give exemptions—such as those which affect the defence forces and others—and at the same time place the ordinary individual on the offside of the Police Act because he is not covered by the exemptions that apply under the Inquiry Agents Licensing Act, even though he might be engaged in trying to protect his own business within the law.

I suggest that before this Bill becomes law, the Minister should examine the conflict that could occur. He should give the House some indication of his opinion on the two Acts which seem to contradict each other, in that one provides for a license to be issued to a person for the purpose of doing something, while the other penalises him severely for doing that very thing.

MR. CRAIG (Toodyay—Minister for Police) [4.31 p.m.]: I thank members for their comments. I appreciate the points of view which have been advanced, but we must remember that the purpose of the Bill is to license any inquiry agent who receives a fee or reward for the inquiry undertaken by him, because the evidence he procures can be used in any court.

Reference was made to the possible conflict of the provisions of this Bill with those in the Police Act. That might be so. But we find many Acts conflict with others. For instance, there is a conflict between certain sections of the Criminal Code, and provisions in the Police Act and the Traffic Act. It is not necessary for this Bill to be looked at in that light; it should be looked at in conjunction with the Acts that have been mentioned, and not in conflict with them.

I shall have the particular points raised by the honourable member investigated; and if it is found to be necessary to make some adjustment, because of the way in which the provisions in the Bill have been framed, that could be arranged in another place.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committes (Mr. I. W. Manning) in the Chair; Mr. Craig (Minister for Police) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 2 amended—

Mr. JAMIESON: I specifically draw the attention of the Minister to the following provision in this clause which sets out the definition of an inquiry agent—

> "Inquiry agent" means a person (whether or not he carries on any other business) who whether as a principal, an agent or an employee, on behalf of any other person and for gain, fee or reward, exercises or carries on any of the following functions, namely—
>
> (a) obtaining and furnishing; or
>
> (b) undertaking to obtain and furnish,
>
> evidence for the purpose of any proceeding in a court, whether the proceeding has commenced or is contemplated or prospective.

Will the Minister bring about an exemption in this definition, so that a person who is legitimately gathering evidence on his own behalf will not come into conflict with the Police Act? If no such provision is made, then a person cannot legitimately make investigations on his or her own behalf into the misconduct of his or her spouse.

Mr. CRAIG: This Bill requires a license to be held by a person only when he receives a fee or reward for undertaking inquiries. If a person were gathering evidence on his own behalf he would not be receiving a fee or reward. In the gathering of such evidence he might breach a provision in the Police Act, and in such a case he would have to bear the consequences if he was guilty of an offence, even though he was genuinely gathering evidence in support of his own case. I feel that cases such as that are divorced from the provisions of the Bill before us. The offences which could possibly be committed would be covered by the Police Act, and not by the provisions in the Bill.

Clause put and passed.

Clause 4: Section 3 repealed and re-enacted—

Mr. JAMIESON: I draw attention to the exemptions which are sought to be granted to the various categories of people mentioned in this clause. I suggest that these exemptions are too wide. I appreciate that any member of the Police Force of the State, or of the Commonwealth, or of any other State or territory of the Commonwealth, while exercising the functions of his office, should be exempted.

It is also proposed to exempt any member of the defence force of the Commonwealth while exercising his functions as such; but where do those functions start and finish? Is he to be given protection while he is in uniform?

It is also proposed to exempt any officer or employee of the Crown, or of any Government department of the State or Commonwealth. I do not know that such an officer, other than a member of the Police Force, would need to enter any premises; although officers of the Child Welfare Department might have to undertake inquiries. I cannot imagine an officer of the Treasury wanting to enter premises, unless it was for the purpose of discovering whether Treasury bonds or gold were being hoarded.

The provision also seeks to exempt any medical practitioner. There is no need for this exemption, because in the normal course of his duties he would be invited into the premises.

Another class of person sought to be exempted is any person genuinely carrying on the business of insurance, or of any insurance adjustment agency, or any employee or agent of such a person, in the exercise of his functions as such. That would be indeed a very ready opening for many people to find exemption; yet the individual who was genuinely engaged in that particular venture would not have the exemption he should have under the provisions of the Act.

I say the Minister wants to tighten this up to make sure an individual has some means in his own right to look after his own interests. Otherwise, I suggest half of these exemptions should be scrapped. It gives an advantage to some people in the community over and above that enjoyed by others. It would be hard to pinpoint just when an agent was acting within the capacity of his job as an employee of an insurance agent. I do not know what an employee of an insurance agent could finally be determined as, but he is one member of the public who has a specific exemption under this Bill. I feel it is necessary that the rights of an individual be protected when defending himself or taking action in law.

Mr. CRAIG: I think there may be some confusion in the honourable member's line of thought on this. He keeps referring to the entering of premises. That does not necessarily apply. The first exemption he referred to was that of a member of the defence forces. If it were necessary to secure evidence in regard to a matter of stealing, I should not imagine that the Army would require to call in some private inquiry agent but rather would carry out the investigation itself.

Mr. Jamieson: If it were a civil offence it would get the police.

Mr. CRAIG: All the evidence procured could be used in any court. The same reasoning applies to the other exemptions to which the honourable member referred. I feel the exemptions are quite reasonable; and they do provide for the function normally carried out by those engaged in the defence force, or as medical practitioners, or as police officers, in securing evidence to be used in any court.

Clause put and passed.

Clauses 5 and 6 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

CHIROPRACTORS BILL

Second Reading

Debate resumed, from the 27th August, on the following motion by Mr. Ross Hutchinson (Minister for Health):—

That the Bill be now read a second time.

MR. TONKIN (Melville—Deputy Leader of the Opposition) [4.44 p.m.]: This is about the only occasion in my experience

with this Government that the Minister has gone beyond a promise which he actually gave.

Mr. Bovell: In the right way?

Mr. TONKIN: Oh, yes! I am going to commend him for it.

Mr. Brand: Don't you overdo it.

Mr. TONKIN: My general experience is that promises are given and that is the end of them.

Mr. Craig: He must have given you an assurance.

Mr. TONKIN: No; he gave the House a statement which did not amount to a promise, but he has actually gone beyond what he indicated he was prepared to do. That is very refreshing and I hope we will have more of it. The Minister himself was not quite sure what undertaking he gave or where he gave it; and so that it will be recorded, I propose to indicate the exact spot, and I quote from *Hansard* Volume 3 of 1963, where the Minister was dealing with the Drugless Practitioners Bill which I had introduced and which the House defeated. At the end of his speech he had this to say—

> Finally, may I say that I will promise, in the period between now and the next parliamentary session, to have a closer look at the possibility of introducing a form of legislation which might suffice in regard to chiropractors. I am not going to promise that legislation will be introduced, but I will have a very close look to see whether it is feasible and practical for the Government to introduce legislation. But at this juncture, I oppose the Bill.

So the Minister could not be taken to task if he had not introduced a Bill, because he gave no promise to do so. All he said was that he would have a look at the position to see if it were feasible.

To his credit he must have had a look at the position; he has found it feasible; and here we have the Bill. But I have to agree with the Minister: it is far from perfect. He had this to say when he was introducing it—

> I suggest that this legislation before members will probably fall far short of perfection.

I find myself in complete agreement with the Minister on that statement. It leaves a lot to be desired; and I very much regret that with the facilities which are available to a Minister of the Crown he did not do a better job with it.

Mr. Ross Hutchinson: You are spoiling it now.

Mr. TONKIN: I am saying what I think. I always do.

Mr. Brand: You are spoiling a good speech.

Mr. TONKIN: I have no inhibitions about that, either one way or the other. The Minister said—

> It follows the New Zealand pattern.

Well it does, but a long way away. It does not follow the New Zealand pattern very closely; and it is hoped that the Minister will be prepared to follow the New Zealand pattern a little more closely. If he does, I think he will improve his Bill, because I have no hesitation in saying that at present it is not a satisfactory Bill. I do not think it would satisfy anybody; and I propose to endeavour to show why.

Before we get on to a consideration of what is proposed, I think we should refresh our memories about what the Royal Commission had to say in connection with a Bill for chiropractors; and I remind members the recommendations were unanimous. There was no difference of opinion; there was no minority report; and there was a majority of Government members on the commission. On page 14 of the report it says—

> The commission would be guilty of a gross dereliction of its duty if it were to suggest that a case had been made out to prohibit the activities of these practitioners.

That is referring to chiropractors. To continue—

> Consequently the commission feels that your Parliament should approach this matter with a great degree of responsibility and should carefully examine the desirability or otherwise of introducing some form of legislation to clear up the doubts which exist as to the legal privileges and disabilities of these practitioners.

Further down the page it says—

> The commission feels that there is a case for legislation in relation to chiropractors, and it will give its specific recommendations in a later part of this report.

On page 15, dealing with the licensing of chiropractors, it has this to say—

> As has been indicated in the previous chapter, the commission feels that there is a need for legislation relative to chiropractors.

At the top of page 15 in the second column, the report reads—

> The commission also gave consideration to the possibility of establishing a State register merely to give information to the public as to which chiropractors could be said to be reasonably well qualified, and again rejected this because the unregistered and unqualified chiropractor would not necessarily be prohibited. Consequently, the commission feels that the only satisfactory way of clarifying the existing position is to introduce some form of licensing. In suggesting this

the commission is conscious of the fact that there are at present no adequate training facilities in Australia.

Chiropractics should be defined and it is suggested that the existing definition in the Physiotherapists Act should be utilised as a base, but it may be desirable to add some additional words to enable chiropractors to use heat processes as preparation for manipulation and also to use x-rays for diagnostic purposes.

As far as I can see, the Bill makes no provision for either of those two uses. To continue—

Any person dissatisfied with the refusal of the board to register him or whose registration may be cancelled or suspended at any time by the board, should have the right of appeal to a judge of the Supreme Court.

As far as I can see, there is no provision in the Bill for anyone to make an appeal if he is refused registration. I think that is a definite weakness and it should be remedied. I do not like this stand-and-deliver attitude without the right of appeal. Possibly if an ombudsman were appointed, that might meet the position. But one has not been appointed. We are to give attention to the matter here. I think it is desirable that the Bill itself should provide, in the case of a person who feels he has a genuine grievance and that he should have been registered, some machinery to allow him to make an appeal in order that the matter might be determined. As I see it, if, under this Bill, the board declines to register a person, that is the end of it; and I think that is an unsatisfactory position. To continue—

Such other provisions should be inserted into the Act as are considered desirable and the Act should contain a provision prohibiting unregistered practitioners from practising.

The Bill does not do that. The Bill will still allow unregistered practitioners to practise, but they will not be able to call themselves chiropractors under penalty of a very substantial fine. Continuing—

It would be necessary to provide the qualifications to be possessed by applicants for registration, particularly in the absence of training colleges within Australia. It is felt by the commission that some guidance in this regard could be obtained by studying the Victorian Dietitians Act and it is suggested that the board should be empowered to register persons who, in its opinion, possessed a satisfactory academic qualification and had a sufficient practical training. The Act should also provide for the registration of persons who have actually practised the profession of chiropractic for a minimum period of five years (the last two of which shall have been in this State) immediately prior to the proclamation of the Act.

Particular care must be taken in the definition of "chiropractic".

Unfortunately the Bill as drafted does not make provision to cover that requirement, and so we could have a situation where persons who have been practising chiropractic in Western Australia for a period of five years or more could be denied registration.

It has been a basic principle of all legislation of this type, where initial registration is to be made, to put in a clause permitting persons engaged at the time in the particular trade or profession to gain admittance provided they make application to join within a reasonable time, this usually being one year. They are given one year in which to apply. That was the case with dentists. When the Act was amended here some years ago with regard to the practice of dentistry, there were persons who were not qualified dentists but who were actually practising here, and so a provision was made that those persons, within a reasonable time, could, by virtue of the fact that they had been successfully practising their profession, be allowed to become registered.

I think that is a reasonable provision, and I have placed an amendment on the notice paper which has been taken from the New Zealand Act and adapted to meet the suggestions of the Royal Commission with regard to the period of time. With that exception, where it has been so adapted, the amendment which I have on the notice paper is taken word for word from the New Zealand Act.

Mr. Crommelin: But would your amendment not still make application subject to the approval of the board?

Mr. TONKIN: Yes; but I am going to look after that, I hope, by agreeing to the amendment foreshadowed by the member for Subiaco, which will give us a more reasonable board and one we might be able to trust. I would not agree that the present board suggested here would meet the requirement, and I will show the honourable member why in a moment or two.

Unfortunately—and I suppose this is one of the weaknesses of human nature—some people have a very strong streak of jealousy. Some people do not like to see others get on at all. They are jealous of any improvement which their relations or their neighbours might make. They cannot help it. It is a trait they have—and a bad one—and, of course, it causes them to take an unreasonable attitude in many things. And there is jealousy in professions just as there is jealousy amongst a certain stratum of society.

There was a time when if you went to one college, you were just the boy; and if you went to another college, where the

standard of education was equally as good, you were not regarded as being of much class. That happens. It is snobbishness which does exist, and we have to face the reality that it does exist. With regard to chiropractic it is there too; and not only in Western Australia, but in every State in Australia and, indeed, in New Zealand. If a person is trained at the Palmer School of Chiropractic, he looks askance at anyone trained somewhere else; and, unfortunately, those who were trained in that particular school very often set themselves out to make it difficult for people who were trained elsewhere.

They realised that in New Zealand. It is perfectly obvious from the way they framed their Act. I quote from the Chiropractors Act, New Zealand Statutes, 1960, as follows:—

> Chiropractic Board constituted—
> (1) There is hereby constituted a Board, to be known as the Chiropractic Board.
> (2) The Board shall consist of—
> (a) A barrister of the Supreme Court of New Zealand, who shall be the Chairman of the Board; and
> (b) four chiropractors, of whom two shall be nominated by the Association:

Listen to this Mr. Speaker:

> Provided that not more than two such chiropractors at any one time shall be graduates of any one school of chiropractic.

Anyone who has any knowledge of what goes on amongst chiropractors will immediately appreciate the reason for that. It is so important that I will read it again:

> Provided that not more than two such chiropractors at any one time shall be graduates of any one school of chiropractic.

Mr. Ross Hutchinson: Would you define the one school of chiropractic as being the broad school of chiropractic?

Mr. TONKIN: I think what is meant there is those persons who have been trained on the same or a similar syllabus.

Mr. Ross Hutchinson: It could be the one college of chiropractic.

Mr. TONKIN: It could be the one college, or it could be several colleges following the same curriculum. Obviously the New Zealand Government did not want one group of chiropractors to obtain control of the board, because it must have been felt that if that happened the other people—to use the vernacular—would not get a guernsey.

Mr. Ross Hutchinson: If I can interrupt you: Are you critical of the qualified chiropractors in this State?

Mr. TONKIN: I am not critical of anybody at the moment except the Minister.

Mr. Ross Hutchinson: That's all right.

Mr. Rowberry: That's inevitable.

Mr. Ross Hutchinson: I understood that.

Mr. TONKIN: The Minister has merited that criticism because in my opinion the Bill should have been a better one.

Mr. Hawke: Even the member for Subiaco thinks that.

Mr. TONKIN: I think the Minister has listened too much to this so-called W.A. branch of the Australian Chiropractors Association, which, I understand, does not yet exist.

Mr. Bovell: How can he listen to it if it doesn't exist?

Mr. Ross Hutchinson: Is that so?

Mr. TONKIN: I am told that there is no such organisation yet in existence in this State.

Mr. Ross Hutchinson: I think you are probably wrong.

Mr. Oldfield: Want to take a bet on that?

Mr. Ross Hutchinson: Yes.

Mr. TONKIN: That is my information, and not from one source alone.

Mr. Ross Hutchinson: You want to check on your information.

Mr. TONKIN: It might have been registered yesterday—I am not that up to date—but it was not registered last week.

Mr. Ross Hutchinson: It wasn't?

Mr. TONKIN: I do not think so—I would not be adamant about it, because I must frankly admit I am not in a position to say definitely. But my information is—inquiries have been made and I have been informed in writing—that there is no such body at the moment as the W.A. branch of the Australian Chiropractors Association registered in this State. If the Minister can say to me that there is such a branch, I will accept it.

Mr. Ross Hutchinson: You will be pleased to hear that?

Mr. TONKIN: It does not make any difference.

Mr. Oldfield: You would not accept the word of this Minister!

Mr. TONKIN: That was my information up to two or three days ago; that it had not been registered in this State and it did not exist.

Mr. Hawke: Does the Minister assure us that it was registered up to a week ago?

Mr. Ross Hutchinson: It does exist. I will tell you about it later.

Mr. Hawke: It does exist but it is not registered!

Mr. TONKIN: What disturbs me is that apparently a few months ago somebody must have become aware, through some members of the Australian Chiropractors Association, of what the Minister intended to do; and I am informed that within the last four to six months five chiropractors have found it desirable to leave the Eastern States and take up residence in Western Australia. That disturbs me not a little.

Mr. Ross Hutchinson: Why?

Mr. TONKIN: If the Minister will give me time, I will tell him. We have been battling in this State for some years now to have legislation to register chiropractors.

Mr. Ross Hutchinson: Do you know how long?

Mr. TONKIN: How long we have been battling?

Mr. Ross Hutchinson: Yes.

Mr. TONKIN: I have been battling for three years.

Mr. Ross Hutchinson: I understand it goes back about a quarter of a century.

Mr. TONKIN: I know. Those five chiropractors have had all that quarter of a century to come over here.

Mr. Oldfield: Quacks and charlatans!

Mr. TONKIN: But they have come here in the last four to six months. When the Minister opposed my Drugless Practitioners Bill last year, some of his opposition stemmed from the views of the Australian Chiropractors Association; so I hope this is not a kind of pay-off for that. He read in this House a telegram, which he said he had received from the Australian Chiropractors Association saying that it did not like this Bill. So it looks as if the members of the Australian Chiropractors Association have had the ear of the Minister, or he has had their ear, for a considerable time.

Mr. Ross Hutchinson: Well; I could take exception to that.

Mr. TONKIN: Maybe that is the reason why in the last four to six months five of these people have started to practise in Western Australia.

Mr. Ross Hutchinson: What a lot of nonsense!

Mr. TONKIN: Well, I wonder why—

Mr. Ross Hutchinson: —I have listened so keenly to your excellent argument over the years!

Mr. TONKIN: Do I look as gullible as all that?

Mr. Ross Hutchinson: I am wondering where your criticism lies. I cannot make head or tail of it.

Mr. Court: You always get distressed when we are nice to you.

Mr. TONKIN: It is a wonder I don't collapse with laughter.

Mr. Ross Hutchinson: It must be the climate.

Mr. TONKIN: I admit that the climate in Western Australia is salubrious.

Mr. Hawke: Was; before this winter!

Mr. TONKIN: I will admit that there are very good attractions here in this State.

Mr. Ross Hutchinson: Including the Government.

Mr. TONKIN: But I do not imagine that prior to the possibility of legislation of this kind, such attractions were peculiar only to chiropractors. If one had the data available and were able to calculate the percentages, I think it would be found, if one took the last 12 months, that the ratio of chiropractors who come over here compared with the total number of chiropractors in Australia would be far the biggest ratio to be found with regard to any profession or any section of people.

Mr. Ross Hutchinson: Well; so what? What are you going to prove out of all this?

Mr. TONKIN: When we see a thing like this, we look for a reason.

Mr. Ross Hutchinson: What is the reason? That is what we are interested in.

Mr. TONKIN: I suggest that the Minister knows better than I do.

Mr. Ross Hutchinson: But in what way? I can't quite follow you.

Mr. TONKIN: You can't quite follow me! I know you can't. Not much!

Mr. Ross Hutchinson: You have a dark mind. I can't follow its tortuous wanderings.

Mr. TONKIN: I mention it as a somewhat remarkable circumstance worthy of note. If I get an opportunity, and the second reading is carried, as I believe it ought to be, I intend to support the member for Subiaco in his attempt to improve the board. What he is seeking to do meets with my wishes absolutely, and I think it will give us a board which could be relied upon to be a fair and reasonable one. Nevertheless, I think we ought to put in a provision for an appeal. Even though it may never be used, it is a very good safeguard. It keeps boards on the rails to know that if they do not do the right thing the avenue is there for an appeal against what they do. It is an admirable provision to have in all legislation; otherwise we breed dictators, such as we have in the T.A.B., where they can tell anybody what they like and get away with it because there is no appeal.

Mr. Craig: Everybody is satisfied with it bar you.

Mr. TONKIN: You think everyone is satisfied with it. You wait for a day or two!

Mr. Craig: I have been waiting for the past three years for you to prove your point.

Mr. Oldfield: Your kidneys will be devilled.

Mr. TONKIN: That is a perfect illustration of the desirability of having an avenue of appeal; and the fact that it is there makes the dictators careful. I think it is most desirable, in accordance with the unanimous recommendation of the Royal Commission, that such provision be made in this legislation.

Another important weakness in my view is the fact that we are going to leave it to the board to make its own arrangements with regard to the requirements for admission for registration. I think Parliament ought to declare what it thinks about this. If we do not know, then we should not be passing the legislation; if we cannot make up our minds about the basic requirements for registration we have no right to pass the Bill. So in my view it should be set out in the Act. We should say to the board, "Those are the principles upon which you can admit persons"; and that is why, in the amendment I have on the notice paper, I am asking Parliament to lay down what shall be the situation with regard to people already practising in this State. I for one am not prepared to leave that to the board.

I think there is an obligation on us to say what we think about it, and we should not have any difficulty. It could be that some modification of what I have suggested might more closely meet the ideas of members. If that is so, I would be quite happy with such alteration; but I think generally we ought to follow the lines of the New Zealand legislation in this particular. I quote—

> Every person shall be entitled to be registered under this Act who satisfies the Board that at any time before the commencement of this Act—
>
> (i) he has for five years at least practised the calling of a chiropractor (the last two years of which were in Western Australia) and has during that period used as his description the word "chiropractor" alone or as a principal word of his description; and
>
> (ii) he has acquired such knowledge and has had in Western Australia such practical experience in chiropractic as in the opinion of the Board is sufficient to enable him to perform efficiently the duties of a chiropractor.

As worded, that would exclude the five persons who have suddenly found Western Australia so attractive. I have no particularly strong opinions about that, but I think it is a bit unfair to those who have been battling along in Western Australia without registration all these years that five people should suddenly come in and participate in the fruits of victory. But still, if the Government feels that there is nothing unreasonable about that, I would not jeopardise the passing of the Bill by opposing such a proposition, because I think this is a very important step.

Members know that my desires cover a wider field than just the field of chiropractic; but Rome was not built in a day, and it takes time to break down the prejudice of people about changing the existing order. A start has to be made, and for Western Australia it will be a very big step forward if we pass this Bill. I think it will probably mean that our step will be followed in other States of Australia. Therefore we should not reject, without a lot of thought, this chance to make a start with the registration of chiropractors. Not only will this confer a benefit upon chiropractors, but it will also confer a benefit upon those people who benefit from treatment by chiropractors—and there are a number of us in this House who have done so.

Mr. Graham: Yes.

Mr. TONKIN: Make no mistake about that! A number of us—

Mr. Graham: On both sides of the House and in both Houses.

Mr. TONKIN: —have benefited considerably from this treatment; and fully qualified doctors in the community do not hesitate to go themselves, or send their wives for chiropractic treatment.

Mr. Ross Hutchinson: This is the first Government ever to introduce such legislation in Western Australia.

Mr. TONKIN: Excellent! You needed a bit of prompting; but still you have done it.

Mr. Craig: You will take away the credit for it in a moment.

Mr. TONKIN: It was a little bit belated.

Mr. Hawke: The Deputy Leader of the Opposition last year tried to introduce legislation.

Mr. Ross Hutchinson: And what legislation it was, too! I think you would have opposed it.

Mr. Hawke: It would have been a start.

Mr. TONKIN: I am thankful for small mercies. Do not worry about that! I give the Minister full credit; but, mind you, Mr. Acting Speaker (Mr. Crommelin) it must have been a pretty bitter pill to swallow—

Mr. Hawke: Something like the five-day legislation for the banks.

Mr. TONKIN: —having regard to some of the opinions expressed by the Minister when I first introduced legislation on this subject into the House.

Mr. Ross Hutchinson: They would bear reading. I would like to hear some of them.

Mr. TONKIN: The Minister has access to *Hansard*, the same as I have, and it might do the Minister good to read it. However, I am always prepared to applaud a man who will change his mind if there is a good reason for doing so. We never get progress without it. Therefore, provided we set up a board which will not be a biased board, and will not be under the control of one group—I do not think we should have that for one moment—and provided we make some provision for admittance to registration of those persons who have satisfactorily practised chiropractic, I think we should pass the Bill.

I should not imagine that any members of the Royal Commission would be doubtful, but if there are any members of this Assembly who are doubtful, let them remember that for some time now insurance companies have elected to send injured workers to chiropractors in the certain knowledge that those injured workers would return to work sooner—by receiving treatment from chiropractors—than if they continued to have ordinary medical treatment. Also those insurance companies do not hesitate to pay the charges involved, and they consider that they have made a profit by so doing. What I am stating is absolute fact.

In lighter vein, the football clubs who desire to get their injured players back on to the field without much loss of time resort to the experience of chiropractors to help them. So it is well recognised that chiropractors render a very valuable service. However, there are two unfortunate features about one availing oneself of the services of a chiropractor. The man who attends a chiropractor receives no rebate in his taxation for the fee he has paid. If he visits a doctor he can claim medical expenses as a taxation rebate; but if he goes to a chiropractor and gets well quicker than if he went to a medical practitioner, he cannot claim in his taxation deductions for any money so spent.

That is a definite weakness in the situation, and I hope we can remedy it; because as soon as we recognise that this is a worth-while service being rendered to the community, I think we ought to provide that the person who is involved in the expenditure of using the services of a chiropractor should have that expenditure recognised by the Taxation Department, in the same way as his medical expenses are recognised. Because of the possibilities of this legislation, I am delighted it has arrived. However, I would like to see it improved, and I think we can do so if we approach it in the right and reasonable way.

Mr. Ross Hutchinson: I am a reasonable man.

Mr. TONKIN: I can assure the Minister he will find me most reasonable in regard to this legislation.

Debate adjourned, on motion by Mr. Guthrie.

House adjourned at 5.24 p.m.

Legislative Council

Tuesday, the 8th September, 1964

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