word "serve" could mean leaving the notice at the person's address. The Minister said one thing and implied another; and what he implied was that the service of notice would have to be personal upon the councillor. If that is what he meant to imply, it is necessary to add that the notice be served personally. Otherwise the person could have gone to the Eastern States for six months, but the provisions of the clause could have been carried out because the notice had been served.

Hon. H. K. WATSON: I think the answer to Mr. Griffith's question is contained in Section 31 of the Interpretation Act.

Hon. A. F. GRIFFITH: What Mr. Watson says is true, but it acts completely in reverse in the situation indicated by the Minister who said that one might be waiting for months before being served with a notice.

The MINISTER FOR RAILWAYS: I read it differently.

Hon. A. F. Griffith: Do the words "sent to each councillor" mean serving the notice on them personally?

The MINISTER FOR RAILWAYS: I should take it that they would.

Hon. A. F. Griffith: Under the clause as it stands now, the notice does not have to be served personally.

Clause put and passed.

Progress reported.

*House adjourned at 11.52 p.m.*

# Legislative Assembly

Tuesday, 20th August, 1957.

CONTENTS.



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

## ASSENT TO BILLS.

Message from the Lieut.-Governor and Administrator received and read notifying assent to the following Bills:—

1, Fremantle Prison Site Act Amendment.
2, Dairy Cattle Improvement Act Repeal.
3, Bees Act Amendment.
4, Agent General Act Amendment.
5, Agriculture Protection Board Act Amendment.

## QUESTIONS.

### RAILWAYS.

*(a) Electronic Accounting Machinery.*

Hon. A. F. WATTS asked the Minister representing the Minister for Railways:

(1) What cost was incurred in providing electronic accounting machinery for the Railway Department?

(2) Was there a capital cost as well as an annual cost, and if so, what are the respective figures?

(3) Was a sound-proof room required to be provided for these machines, and if so, how much was expended in providing it?

(4) Was the room air-conditioned, and if so, at what cost?

(5) How many persons comprise the staff of this room, or are otherwise engaged in the operation of such machines?

(6) Did any reduction of staff result from the installation of these machines, and if so, what reduction and with what financial saving?

The MINISTER FOR TRANSPORT replied:

(1) and (2) The machinery is on hire for which the rent for the year 1956-57 was £24,935. Capital costs associated with its installation amounted to £5,770.

(3) No. The building used was an old one taken over by the department about 30 years ago. An acoustic ceiling was provided at a cost of £975 to reduce the noise.

(4) An air cooling unit was installed at a cost of £2,950.

(5) Twenty-four.

(6) The saving in staff in the branch is 26. The net financial saving last year was more than £18,000.

*(b) Perth-Bunbury Road Services, Pre-Closure Time-Table, Profit or Loss.*

Mr. I. W. MANNING asked the Minister representing the Minister for Railways:

(1) What was the operating time-table of the Perth-Bunbury section of the railway road service prior to a reduction in the service in 1954?

(2) What was the profit or loss on this section of the service for the years 1948-49; 1949-50; 1950-51; 1951-52; 1952-53; 1953-54?

(3) (a) What was the operating time-table of this service prior to the further reduction in the service in July of this year;

(b) What was the profit or loss on this section of the service for the years 1954-55; 1955-56; 1956-57?

The MINISTER FOR TRANSPORT replied:

(1) Perth to Bunbury—

Sunday—two services.
Monday—three services.
Tuesday—three services.
Wednesday—three services
Thursday—three services.
Friday—two services.
Saturday—four services.

Bunbury to Perth—

Monday to Saturday—three services each day.

(2) Year ended the 30th June—

1949—£7,341 profit.
1950—£3,669 profit.
1951—£1,949 profit.
1952—£8,772 profit.
1953—£8,608 profit.
1954—£1,798 loss.

(3) (a) Perth to Bunbury—

Sunday to Thursday—one service each day.
Saturday—two services.

Bunbury to Perth—

Tuesday to Saturday—one service each day.

(b) Year ended the 30th June—

1955—£1,172 profit.
1956—£885 profit.
1957—£1,075 profit.

*(c) Perth-Bunbury Road and Rail Services, Passengers and Costs.*

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

(1) How many passengers were transported by—

(a) rail;

(b) railway road bus

between Bunbury and Perth and between Perth and Bunbury from the 8th July, 1957, to the 21st July, 1957, both dates inclusive?

(2) How many passengers were transported by—

(a) rail;

(b) railway road bus

between Bunbury and Perth, and between Perth and Bunbury from the 22nd July, 1957, to the 4th August, 1957, both dates inclusive?

(3) What was the average cost to transport each passenger by—

(a) rail;

(b) railway road bus

for each of the above-mentioned periods?

The MINISTER FOR TRANSPORT replied:

(1) (a) Between Bunbury and Perth .... .... .... .... 2,133
Between Perth and Bunbury .... .... .... 2,376

(b) Between Bunbury and Perth .... .... .... .... 262
Between Perth and Bunbury .... .... .... 553

(2) (a) Between Bunbury and Perth .... .... .... .... 2,172
Between Perth and Bunbury .... .... .... 2,236

(b) Between Bunbury and Perth .... .... .... .... 76
Between Perth and Bunbury .... .... .... 143

(3) (a) Rail costs on a passenger basis for the Perth-Bunbury section are not recorded separately.

(b) For the year ended the 30th June, 1957, the average expenditure per passenger mile was 2.02d.

*(d) Despatch of Mail, South-West Lines.*

Mr. I. W. MANNING asked the Minister representing the Minister for Railways:

(1) Prior to the 30th June, 1957—

(a) at what times and by what transport was mail picked up and transported to towns on the South-West lines;

(b) at what times and by what transport did mail from South-West towns arrive in Perth?

(2) Since the 30th July, 1957—

(a) at what times and by what transport is mail picked up and transported to towns in the South-West;

(b) at what times and by what transport does mail from South-West towns arrive in Perth?

The MINISTER FOR TRANSPORT replied:

Detailed information concerning mails is obtainable from the Commonwealth Postal Department. In order to assist the hon. member, his question has been referred to the Deputy Director of Posts and Telegraphs for advice.

*(e) Perth-Bunbury Road Services, Present Time-Table, Profit or Loss.*

Mr. I. W. MANNING asked the Minister representing the Minister for Railways:

(1) What is the present operating time-table of the Perth-Bunbury section of the railway road service?

(2) What is the anticipated profit or loss on this section of the service for the current financial year?

The MINISTER FOR TRANSPORT replied:

(1) Perth to Bunbury: Saturday—one service. Sunday—one service. Bunbury to Perth: Friday—one service; Monday—one service (ex Brunswick Junction).

(2) £250 profit.

## COALMINING.

*Griffin Co. and Government Orders.*

Mr. WILD asked the Premier:

(1) Is it correct as reported in "The West Australian" that the Griffin Co. is to be refused orders for State Electricity Commission and Railway Commission's coal?

(2) If so, on what date was the company advised?

(3) Were tenders called in the usual way through the Government Tender Board?

(4) If so, on what date did tenders close?

(5) What was the lowest price tendered by each company?

(6) Was the important matter of quality taken into consideration when comparing the relative merits of each tender?

(7) If so, what was the average calorific value, ash content and moisture of large coal and of small coal supplied by each company to the State Electricity Commission and railways for the year 1956-57?

(8) What has been the average price of coal purchased by the Government from Amalgamated Collieries under their "cost-plus" agreement with that company?

The PREMIER replied:

(1) Negotiations on conditions of contract for further coal orders are now proceeding between representatives of the Government and two coalmining companies. If the negotiations are successful, the Griffin Co. might not receive any Government orders for coal.

(2) The Griffin Co. was advised to this effect a few days ago.

(3) No. Negotiations were carried on by the Government with individual coalmining companies.

(4) Answered by No. (3).

(5) This information is confidential at the present time.

(6) Yes.

(7) The small coal received from all companies is not tested separately by the State Electricity Commission. However, the weighted average of small coal as fixed at metropolitan power stations during the year ended the 30th June, 1957, was:—

Calorific value—8,550 b.t.u. per lb.

Moisture—26.6 per cent.

Ash content—6.5 per cent.

The large coal tests for the three companies averaged as follows:—

| | Calorific value | Moisture per cent. | Ash content per cent. |
|---|---|---|---|
| Amalgamated | 9,220 | 20.7 | 8.7 |
| Western .... | 9,120 | 24.25 | 4.45 |
| Griffin .... | 9,480 | 23.6 | 2.2 |

(8) The average price paid during the same period by the Government to the other two companies was higher than the estimated Amalgamated Collieries price of 63s. 2d. per ton. The tentative price being paid by the Government at the present moment to Amalgamated is 63s. per ton and a fixed price of 65s. per ton to each of the other two companies.

## NORTH-WEST.

*Commonwealth Financial Assistance.*

Mr. NORTON asked the Premier:

(1) Has he received a full reply from the Prime Minister to the motion moved in this House on the 21st July, 1954, requesting financial assistance for the development of the North-West, and presented by an all-party deputation in 1955 to the Prime Minister?

(2) Are the present tours by various members of the Commonwealth Parliament—

(a) in any way attributable to the above motion; or

(b) are they just travelling the North-West on private business?

The PREMIER replied:

(1) No.

(2) (a) and (b) It is difficult to say, as the State Government was not consulted in any way either by the Commonwealth Government or by members of the touring parties in connection with these tours.

## WATER SUPPLIES.

*(a) Supply at Onslow.*

Mr. RODOREDA asked the Minister for Water Supplies:

(1) What progress is being made with the construction of Onslow water supply?

(2) When is it expected that water will be available to the residents of that centre?

(3) Have recent investigations disclosed that there is ample water at the source of supply?

The MINISTER replied:

(1) Five useful bores have been established and equipping is in progress; 9½ miles of pipeline have been laid.

(2) By the end of December, 1957.

(3) From investigations made over the past 18 months, the indications are that there is sufficient supply for reasonable requirements.

*(b) Maida Vale, Cost and Area to be Served.*

Mr. OWEN asked the Minister for Water Supplies:

(1) What is the estimated total cost of the proposed main and reticulation to serve the Maida Vale and foothills area, on which a survey was recently carried out?

(2) What are the boundaries of the area proposed to be served by such scheme?

The MINISTER replied:

(1) £58,000.

(2) The boundaries are shown on an attached litho which will be laid on the Table of the House.

## TRAFFIC.

*Drunken Driving, Facilities for Blood Tests at Police Stations.*

Mr. ROBERTS asked the Minister for Transport:

In reply to a question asked by me on the 13th August, 1957, he stated that "the necessary facilities are provided at any police station" for doctors to take blood tests of persons arrested for drunken driving. What are these facilities?

The MINISTER replied:

I have no idea what the member for Bunbury thinks might be involved in the simple matter of taking a sample of blood from a person. I make this explanation because otherwise members will wonder about the nature of the replies, which are as follows:—

(1) The accused person.

(2) A medical practitioner agreeable to attend.

(3) Such equipment as the medical practitioner deems necessary.

(4) Opportunity for contact of accused person by medical practitioner.

(5) Hand washing facilities.

## CRAWLEY BATHS.

*Report on Condition and Restoration.*

Mr. ROSS HUTCHINSON asked the Premier:

(1) In view of the very real importance of Crawley Baths to the youth of the State, will he arrange for a report to be made on its condition?

(2) If it is felt that such a report is unnecessary because of the obviously neglected condition of the baths, or for some other reason, will he initiate moves, and/or offer financial support for the restoration and improvement of the baths?

The PREMIER replied:

A report will be obtained.

## S.P. BETTING.

*Turnover, Metropolitan and Country Shops.*

Mr. JAMIESON asked the Minister for Police:

Will he supply the details of the "off course" betting turnover for each of the metropolitan trotting meetings held during the 1956-57 season, as follows:—

(a) metropolitan shops;

(b) country shops?

The MINISTER replied:

This information is not available as statistics have not been maintained in a form which would give the desired dissection of betting turnover.

Total "off course" betting turnover for all trotting meetings held during the 1956-57 season was £2,941,219.

## HEALTH.

*(a) Free Dental Treatment for Pensioners.*

Mr. ROSS HUTCHINSON asked the Minister for Health:

(1) In regard to free dental treatment for country pensioners will he state the form of the submission that was made to the Commonwealth Minister for Health at the State Health Ministers' conference early this year?

(2) Was a reply received to this submission, and if so, what form did it take?

The MINISTER replied:

(1) The question of dental treatment for pensioners was submitted for discussion by this State at the conference mentioned, with the object of determining the attitude of the various States towards Commonwealth financial assistance. There was no uniformity of opinion by the States and no resolution was moved.

(2) The Commonwealth Minister indicated that the responsibility should remain with the States.

*(b) Subsidised Dental Treatment for Pensioners.*

Mr. ROSS HUTCHINSON asked the Minister for Health:

As a large number of country pensioners are unable to avail themselves of the excellent services given through the Perth Dental Hospital, and as many will be unable to avail themselves of the service that will be given through the proposed decentralised services in some large country towns, will he curtail the "consideration" that has been going on for some years, and take action to provide a subsidised service for these deserving people?

The MINISTER replied:

It is hoped to provide for the needs of all pensioners by the extension of these facilities.

*(c) Cost of Subsidised Dental Service.*

Mr. ROSS HUTCHINSON asked the Minister for Health:

(1) Will he state the extent, so far, of the estimates made of the initial and annual costs of providing a subsidised dental service for country pensioners?

(2) Can he state when the final estimate will be completed?

The MINISTER replied:

Pensioners throughout the State number 41,000 but it is impossible to determine how many need dental treatment to provide an estimate as asked for by the hon. member.

## EDUCATION.

*Building of Primary School, Pinjarra.*

Hon. Sir ROSS McLARTY asked the Minister for Education:

When is it expected that the building of a primary school at Pinjarra will be commenced?

The MINISTER replied:

At this stage it is expected that the erection of the new primary school at Pinjarra will commence during November.

## NATIVE WELFARE.

*Death of Native, Warburton Reserve, Identification, Murder Theory, etc.*

Mr. GRAYDEN asked the Minister for Native Welfare:

(1) If the native whose body was found on the Warburton native reserve earlier this year was "well known to the missionaries" (as per answer to Question No. 20 in the Legislative Assembly on the 15th August, 1957) what was the native's name?

(2) In view of the fact that the body could not be identified by Europeans or aborigines up to, and including, the time of burial, how has the native's identity now been established?

(3) What mission did the native come from?

(4) What were the circumstances under which he left the mission?

(5) Is credence given to the murder theory by the Police Department, and if so, what action to investigate the matter is contemplated by that department?

(6) What "offences against tribal lore" were committed by the deceased native?

(7) What "tribal lore" is referred to in reply to Question No. 20 in the Legislative Assembly on the 15th August?

(8) In what area of the central reserve do the natives who have expressed an "opinion" on the matter, reside?

The MINISTER replied:

(1) The hon. member was told in answer to his questions on the 15th August, that "it was suggested that the native whose body was found on the Warburton Range reserve may have been murdered." If the contention was correct, the deceased native's name was Freddie Numbo and he was well known to missionaries.

(2) It has not been claimed by any person or authority that identity of the body was firmly established. See answer to No. (1). Circumstantial evidence and native rumour support the suggestion that the body may have been that of the missing Freddie Numbo.

(3) Freddie Numbo came from Ernabella mission.

(4) It is stated that Freddie Numbo left the mission because of tribal trouble over a woman.

(5) No. No action contemplated.

(6) See answer to No. (4). If the body found is that of Freddie Numbo, he may also have been trespassing on hostile tribal country.

(7) See answers to Nos. (4) and (6).

(8) Not known to this department. Rev. Trudinger, of Ernabella mission, expressed the murder belief after hearing rumours to that effect from natives.

## LA PORTE INDUSTRIES LTD.

### *(a) Tabling of Files.*

Mr. ROBERTS (without notice) asked the Premier:

Will he lay on the Table of the House all departmental files dealing with the negotiations between the Government and La Porte Industries Ltd., London, and their Australian associates, La Porte Chemicals (Australia) Pty. Ltd., Sydney?

The PREMIER replied:

The Government would be prepared to lay these files on the Table of the House provided the directors of the appropriate companies have no objection.

### *(b) Trade Mission to London.*

Mr. ROBERTS (without notice) asked the Premier:

In view of the millions of pounds involved, will he arrange to send a trade mission to London at the earliest possible date, in an endeavour to get the directors of La Porte Industries Ltd. to reconsider their present decision not to establish their factory in Bunbury?

The PREMIER replied:

The Government intends to take this matter up immediately in the first place with the managing director of the Australian company.

### *(c) Effect of Unfair Trading and Profit Control Act.*

Mr. ROBERTS (without notice) asked the Premier:

During the negotiations with La Porte Industries Ltd., were any of the provisions of the Unfair Trading and Profit Control Act, 1956, ever discussed, mentioned, considered or looked into?

The PREMIER replied:

No. I might add that I have no doubt that the hon. member, or someone else will, before long, be putting this Act forward as a reason why the American tennis authorities are refusing to agree to play the interzone tennis final in Western Australia this year.

Mr. Owen: I think it must be a racquet!

## ROADS.

### *Cape Riche-Warriups Turn-off Section.*

Hon. A. F. WATTS (without notice) asked the Minister for Works:

(1) During the last three years have any amounts been made available to local authorities concerned for improvement of the section of the road running westward from Cape Riche to what is known as the Warriups turn-off?

(2) If so, what were the amounts of those grants, in connection with what work were they made, and to what local authority were they made available?

(3) Were the whole of such grants expended and, if not, was any of the money reallocated and, if so, to what work?

(4) Is the Minister aware that the portion of road in question is still said to be in very bad order and has he given, or will he give, favourable consideration to early work being done on the road to improve it?

The MINISTER replied:

(1) Yes.

(2) A grant of £1,000 was made available in 1954-55 to the Albany Road Board for improvement work.

(3) Yes; the whole of the grant was expended—

£815 in 1954-55;
£185 in 1956-57.

(4) A recent inspection revealed that the road was in poor condition, but favourable consideration will be given to the provision of £500 for the stabilising of sandy sections.

## LEIGHTON BEACH.

*Future Use.*

Mr. ROSS HUTCHINSON (without notice) asked the Premier:

In regard to a letter I wrote to him on Friday last on the subject of the future of Leighton beach—

(a) is he prepared at this stage to make a public announcement; and

(b) will he cause to have published, in a diagrammatic lay-out, the rival schemes proposed by the North Fremantle Municipal Council and the Fremantle Harbour Trust?

The PREMIER replied:

Investigations are being made in connection with this matter, and as soon as I am in a position to do so, I will make information available to the House.

## CHAMBERLAIN INDUSTRIES.

*Progress of Debentures Proposal.*

Hon. D. BRAND (without notice) asked the Premier:

Some time ago I questioned what progress Chamberlain Industries had made with their expressed intention of raising public moneys through debentures. Is the Premier in a position to say just what progress has been made since that time?

The PREMIER replied:

Chamberlain Industries Pty. Ltd. have not yet made any move to raise any money by the suggested method. Some proposals are under consideration at present and will be decided in the very near future.

## CHARCOAL IRON INDUSTRY.

*Establishment in South-West.*

Mr. ROBERTS (without notice) asked the Premier:

Will he lay on the Table of the House all departmental files dealing with the establishment of a charcoal iron industry in the South-West portion of this State?

The PREMIER replied:

Not at this stage.

## SWAN RIVER.

*(a) Effect of Mount Lyell Works.*

The MINISTER FOR LANDS: The week before last the member for Fremantle brought to this House a sample bottle of reddy-brown water from the Swan River and I told him that I would have the matter investigated and make a report. With your permission, Mr. Speaker, I will give members this information. The report reads as follows:—

> The sample jar of discoloured water exhibited by the Hon. J. B. Sleeman, M.L.A., in the Legislative Assembly on the 6th August, 1957, is a sample of the natural storm water seepage from the hillside behind Rocky Bay. In furtherance of its beautification scheme, Cuming Smith & Mt. Lyell Farmers Fertilisers Ltd. have made a french drain at the foot of the hill to collect the seepage and deliver it to the river at one point to improve the appearance of the river bank and the recently levelled 20 link strip between the company's lease and the bank. It is not an effluent from the company's works.

It is intended to make a further personal investigation either at the end of this week or next Monday.

*(b) Inquiry and Report.*

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

As it is nearly a fortnight since I asked the question, I think departmental officers have had plenty of time to find out what is in the water. From another analysis that we have had made, we find that there is acid, and quite a lot of it, in the water. I would like the Minister to push on with the inquiry because we have already had a reply from one analyst; and if we can do it, surely the Minister should be able to get information from his officers.

The MINISTER replied:

If the hon. member will provide us with a sample so that we can have an analysis made, we will be quite happy to do so. The reason why I have not mentioned the matter earlier is because I was not in the House last week.

## NARROWS BRIDGE.

*Appreciation of Parliamentary Inspection.*

Mr. COURT: Would it be in order for me at this stage, Mr. Speaker, to express appreciation on behalf of those members who were fortunate enough to be conducted on a tour of the Narrows Bridge project on Friday? Our thanks are due to the Minister for arranging the trip, and to Mr. Leach and his staff, and to the consultants and contractors for what I consider to have been a most interesting and well-conducted trip.

Obviously they had planned it well. It was in logical sequence and the simplicity of their explanations left nothing to be desired, having regard to the fact that, in the main, they were dealing with laymen.

Regardless of what differences one may have with respect to certain contentious aspects of the scheme in the early stages of its conception, it would be unfair to offer anything but praise for the people who showed it to us on Friday. It is obvious that their hearts and souls are in the job, and they are anxious to produce an edifice that will be a credit to the State.

It is only right and proper that we should record our appreciation to the Minister and the officers concerned. It was a credit to them.

## BILLS (2)—THIRD READING.

1, Country Areas Water Supply Act Amendment.

2, Stipendiary Magistrates.

Transmitted to the Council.

## BILL—JURIES.

Reports of Committee adopted.

## BILL—AUDIT ACT AMENDMENT.

*Second Reading.*

**THE TREASURER** (Hon. A. R. G. Hawke—Northam) [4.56] in moving the second reading said: The sections of the Audit Act which this Bill seeks to amend became law in 1904. The object of the Bill is to eliminate a great amount of detailed inspection work which has developed as a result of the growth of Government departments, both in number and in size, since 1904. Members will quite easily understand why in that year the departments of government were small in number and size; therefore the detailed inspections which were provided for in the Act were capable of being carried out in a reasonably easy way. Today, and for several years past, the situation has been very much different. It has been impossible for the Auditor General and his staff to carry out the many detailed inspections which are provided for in the parent Act. One of the provisions in the Act is that a cash book shall be kept at the Treasury. The need for that—

Hon. D. Brand: Is obvious.

The TREASURER: —has almost disappeared. But, in addition, the Act states —and this is the important part from the point of view of the Auditor General—that there shall be a daily inspection and a daily check of the cash book at the Treasury. That procedure has not been possible for quite a long time past; and it would not be possible in the future unless action were taken to increase very greatly the staff of the Auditor General's department.

So the amendments contained in this Bill aim to eliminate the legal necessity for the Auditor General and those who serve with him to carry out these multifarious daily and detailed inspections. The amendments in the Bill have been recommended to the Government by the Auditor General himself. I think all members are aware that the Auditor General is an officer of Parliament, and not an officer of the Government, and therefore the recommendations which he has made to the Government have not been made as a result of any suggestion, indication or influence by the Government, but are suggestions which he has put forward as a result of his own practical experience in carrying out, or trying to carry out, these detailed examinations from day to day and from time to time. Therefore, I move—

That the Bill be now read a second time.

On motion by Mr. Court, debate adjourned.

## BILL—NURSES REGISTRATION ACT AMENDMENT.

*Second Reading.*

**THE MINISTER FOR HEALTH** (Hon. E. Nulsen—Eyre) [5.0] in moving the second reading said: This is a small Bill that has come to us from another place. The measure went through that Chamber without very much discussion and no amendments were made to it. The reason for it is that recent experience has shown that the Nurses Registration Act is deficient in two respects, and, until recently when attention was drawn to the matter, the Nurses Registration Board has acted without the necessary authority in these matters.

The first concerns the remission of portion of the training period in midwifery for students who hold certain nursing certificates. Section 5 of the principal Act provides that students who hold a general nursing certificate and who are taking their midwifery course, may be granted some remission of the training period which is set down for this course. Acting under the impression that it could do so, the board adopted the practice of granting a similar remission for nurses holding a children's nurse's certificate and a remission of six months for those holding a mental nurses certificate, providing that the latter had passed the first year professional examination of the general course. The board has been asked to refrain from granting the remissions in cases where it is not empowered to do so. Wishing to continue the practice it has adopted, the board has asked that the principal Act be amended to enable it to do so.

The next point that needs adjustment relates to qualifications which students are required to hold before they are accepted for training. Until recent years, the board conducted an entrance examination for nurses. It now requires students to hold minimum educational qualifications, such as the junior certificate. The Act does not

authorise the board to do this, or to require any other qualification that could be considered necessary for several of the courses.

It is very desirable that a certain standard of qualification be maintained, and to this end it is proposed to extend the regulation-making power in Section 16 of the principal Act to authorise the board to prescribe the qualifications to be held by persons desiring to be accepted as students, regulating the training of students and prescribing the classes to be attended and the examinations to be passed, as well as the minimum age at which training may be commenced.

This is merely a corrective measure. Hitherto, without being aware of the fact, the board has been doing something which is not in accordance with the Act, and this Bill proposes to bring its actions within the scope of the Act to enable those actions to benefit nurses and the people of the State generally. I move—

That the Bill be now read a second time.

On motion by Mr. Ross Hutchinson, debate adjourned.

## BILL—FACTORIES AND SHOPS ACT AMENDMENT.

*Second Reading.*

**THE MINISTER FOR LABOUR** (Hon. W. Hegney—Mt. Hawthorn) [5.5] in moving the second reading said: As members will observe, this Bill seeks to further amend Section 100 of the Factories and Shops Act, which is the one dealing with trading hours for petrol stations. It will be recalled that last year the old Section 100 was repealed and a new section was inserted. This Bill seeks to clarify a few of the provisions of that measure, and also to ensure that the Royal Automobile Club shall be enabled to carry on its emergency service.

I would like to outline briefly the clauses of the Bill. There is provision for a penalty which will act as a deterrent against repeated offences against the Act and will make for uniformity in regard to extraordinary trading hours whether on the recommendation of the recommending authority or by the Governor directly. It will restrict the sale of requisites—and the definition of "requisites" is set out in last year's Act—to those petrol stations open outside ordinary trading hours, in relation to the regulations governing the zoning system. It will exempt public ambulances from the provisions of Section 100, and it will, as I have already said, restore to the Royal Automobile Club the right to engage in its emergency service, as it has done hitherto.

In the Act prior to its amendment last year, provision was made for the section not to apply to the Royal Automobile Club in connection with the rendering of its emergency service to its members. I am sure nobody, least of all myself, would suggest that the Bill passed last year should preclude the R.A.C. from performing this service, but to remove any doubt in that regard, this provision has been inserted. Those are the main provisions of the Bill.

Mr. Bovell: Was last year's Bill promulgated?

The SPEAKER: Order! There is far too much noise, and I cannot hear the Minister.

The MINISTER FOR LABOUR: Those are the main provisions of the Bill, but I would like to take this opportunity of explaining to the House why the Bill passed last year was not proclaimed; and here the member for Vasse has anticipated me a little. To a letter dated the 16th November, which I received from the Automobile Chamber of Commerce, a statement was attached part of which I read to the House on the 19th December, 1956. This appears at page 3634 of Hansard of 1956. I have no hesitation in saying that anyone reading that statement would certainly gather the impression that there would be provision for 24-hour trading.

Later on, the Chief Secretary, in another place, made a statement on similar lines. He took his statement from my second reading speech and I would like to say at once that whatever responsibility attaches to the position is mine entirely. The Chief Secretary is in no way culpable. If I had deliberately misled members, I would be the first to make an apology for having done so. I have no apology to make, however, but I do wish to make a brief explanation of the position.

As I have said, on the 19th December I quoted what I thought was a relevant extract from the statement by the secretary of the Automobile Chamber of Commerce, and if members desire to read the statement, I could let them have a look at the file. The Government, at that time, had not drafted the Bill and in the statement appearing on the same page of Hansard that I mentioned previously, the Automobile Chamber of Commerce indicated that it was whole-heartedly in favour of the implementation of the recommendations of the Royal Commission in relation to trading hours. I will not quote what those hours were. Members will know the position because references to the hours were embodied in last year's Bill.

In addition, the Royal Commission recommended that emergency supplies should be obtained per medium of a certificate from a police officer. When the Government gave consideration to this part of the Royal Commission's report—that was at about the end of November—a Bill was drafted which provided for a system of zoning, and that, of course visualised a roster system under which

motorists would be able to obtain their petrol outside trading hours, should the occasion warrant it.

The Bill was passed, and early in 1957 when arrangements were being made to implement the Act and garage proprietors were invited by the Automobile Chamber of Commerce—which was the recommending authority—to indicate their willingness to have their names included on the roster system, a few of those garage proprietors would not accede to the request of the chamber. I do not intend to mention any names, but a few of them would not accede to that request. Arrangements, however, continued to be made to implement the amended Act.

Later—I think it was early in March—reference was made to Cabinet on the basis that two Ministers had made statements in their respective Chambers which indicated that round-the-clock trading would be permitted. That was quite true; the statements are recorded in Hansard. When the Government reviewed the position, it had no hesitation in postponing the implementation of this Act. I have discussed the matter with the secretary of the Automobile Chamber of Commerce and it is quite clear that it was only a misunderstanding.

The Automobile Chamber of Commerce had indicated in its letter of the 16th November and in the statement, that it understood, or gathered the impression, that the Government would introduce a Bill on the lines of the Royal Commission's recommendations. We have done that, but in addition, we have provided in last year's Bill for the zoning system to operate, and it will be at once admitted, I think, that where zoning and a roster system is to operate, there must be uniformity in regard to trading hours outside ordinary hours.

Mr. Court: In other words, you are making it clear to the House that you do not propose to have round-the-clock trading hours.

The MINISTER FOR LABOUR: No, the member for Nedlands is anticipating me a little bit on this matter. That is a very good tip he has given.

Mr. Court: That is what we wanted you to say.

The MINISTER FOR LABOUR: I will give the hon. member the reason why the Government is not implementing this Act; it is because of the undertakings given by the two Ministers. We believe that the honest and straightforward attitude to adopt is to come to this House before the Act is implemented and explain the reason for the misunderstanding. That is fair enough. I do not think that any Government, in the light of those circumstances, would have proclaimed the Act. Probably members on both sides of the House received some mild criticism earlier in the year from garage proprietors for not having been relieved of the very long trading hours, a relief to which they are entitled under the Act.

Let me make the position clear. Having made that explanation, it is to be understood that the Government will proclaim this measure at the earliest possible moment. We believe that we have kept faith with all garage proprietors—those who trade around the clock, those who are willing to go on the roster, and those who have refused. The Act is there. A few appropriate amendments are required to tidy up the position, and as soon as possible the Government will proclaim the Act. We have no apologies to make in this regard. The whole position will be clarified if this Bill is passed by both Houses. I move—

That the Bill be now read a second time.

On motion by Mr. Roberts, debate adjourned.

## BILL—BEE INDUSTRY COMPENSATION ACT AMENDMENT.

*Message.*

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

*Second Reading.*

**THE MINISTER FOR AGRICULTURE** (Hon. E. K. Hoar—Warren) [5.17] in moving the second reading said: Members may recall that when I introduced a Bill to amend the Bees Act some two or three weeks ago, I made a reference to the necessity for complementary legislation which would involve the amendment of the Bee Industry Compensation Act. Only one or two minor amendments are required. In view of the modern method of sterilising equipment in use today, rather than always destroying the equipment, it is now a question of whether persons willing to have their equipment so sterilised should be brought under the compensation fund, in the same way as beekeepers who are compelled to destroy all their equipment.

This Act is not a very old one. It was only passed in 1953 with the object of creating a compensation fund to assist beekeepers who were compelled to destroy their equipment. The scheme is administered by a committee of three, the chairman being a departmental officer and the other two being beekeepers. By that means the Beekeepers' Association and all those who are associated in any practical way with beekeeping in this State, actually have control of their own fund at all times. That is a good thing.

The scheme is a compulsory one and compensation is paid to beekeepers from a fund which is financed by contributions

on the basis of a certain amount per hive. In the first year of operation, through the fund having no money at all, the very maximum that was allowed under the Act was charged as a levy. That was 6d. per hive and a fairly substantial amount of money was collected. In the second year, because disease had not struck the bee industry to any great extent during that year, the levy was reduced to 1d. per hive. At the beginning of this year, it was found necessary to increase the levy to 3d. The fund is entirely under the control of the beekeepers themselves, and it is working very satisfactorily from everyone's point of view.

Under the Act, compensation is paid to a beekeeper at the rate of two-thirds of the monetary value of the equipment which has to be destroyed. That compensation covers bees, combs, honey, hives and other types of equipment used in the industry. The very fact that the compensation fund has been established as a safeguard under which a call can be made in times of distress, has been responsible for the wonderful system of co-operation existing between the beekeepers and the Department of Agriculture. It can be truthfully said that in every known case of American foul brood, which is one of the principal diseases to destroy so much of the wealth of the beekeepers, the infection or disease has been reported by the beekeepers themselves. This shows that there is the utmost co-operation in regard to the administration of this Act.

A meeting of the fund committee in 1955, however, resolved that the Act be amended so as to permit a refund of a portion of the expenses incurred by a beekeeper who chooses to have his equipment sterilised, instead of being destroyed completely. The committee's resolution arose from the chairman's report that today the modern method of sterilising is in what is termed a large autoclave, where 20lb. of steam pressure is applied for a period of 20 minutes. This system has been developed to such a high degree of efficiency that at Northam and in the Redcliffe areas, there are autoclaves sufficiently large to enable the sterilisation of the huge quantity of beekeepers' equipment to become a practical operation.

The Act itself—and this is the reason why it ought to be amended—provides compensation only in the case of total destruction; it makes no provision at all for a beekeeper who wants to play the game and have his equipment sterilised rather than destroyed. So a typical case would be one where a beekeeper reports a suspicious condition in any of his hives. They are then immediately inspected by an officer of apicultural section of the Department of Agriculture. The beekeeper concerned is given the choice of three alternatives. The first is complete destruction; the second is the destruction of combs, lids, bottom boards, and sterilisation by fire of all boxes; the third is the new modern method to which I have just made reference, that is, sterilisation by 20lb. of steam pressure for 20 minutes in a sealed autoclave.

If the third alternative is chosen, and a good many of the beekeepers are choosing that method, arrangements are made immediately by him with some private firm which has a suitably large autoclave, generally in the city area. The beekeeper then has to meet all his expenses in regard to such sterilisation. Those expenses alter or vary considerably according to the number of hives that require sterilisation, or according to the distance his truck must travel to bring this equipment to Perth.

Mr. Nalder: Would it be an advantage to have the equipment sterilised as a preventive measure?

The MINISTER FOR AGRICULTURE: The equipment could not be made permanently immune from disease by sterilisation.

Mr. Nalder: If sterilisation is carried out, would that be a preventative.

The MINISTER FOR AGRICULTURE: If it were done periodically, it would be a tremendous burden on the beekeeper because he would have to kill off his bees by petrol as a rule, and fire them. He has to bring his equipment to Perth and if possible to take it away the next day. There is a tremendous amount of cost which cannot be covered by any compensation fund. It is considered an advantage, and I think it is a very good idea also, to provide some compensation for the expenses incurred by beekeepers who choose to have their equipment sterilised instead of having it destroyed.

Mr. Bovell: Are there very many instances where sterilisation is necessary?

The MINISTER FOR AGRICULTURE: Yes. I shall give some figures in a moment to show how this fund is drawn on each year and to illustrate that there is need for what is suggested. The proposal in this Bill is that a beekeeper who has to sterilise his equipment shall be paid up to two-thirds of his expenses. This amount of two-thirds will bring him into line with the beekeepers who must, of necessity, have their equipment totally destroyed, and who also, under this Act, recover two-thirds of their cost.

There will have to be a ceiling limit in regard to the proposed amendment because of the varying distances some beekeepers have to travel in relation to others. One could easily arrive at a situation where two-thirds of the expenses of a beekeeper could be well above the total cost of new equipment. Therefore a ceiling must be fixed. The ceiling proposed is to limit such compensation of two-thirds of the expenses incurred to a maximum equal to two-thirds of the value of the equipment.

Whichever method is chosen by the beekeeper—either total destruction, or sterilisation—the maximum benefit in each case will be the same.

This fund was commenced in the year ended the 30th June, 1955, under the Bee Industry Compensation Act which was proclaimed to come into operation on the 19th March, 1954. As a result of charging the full amount of levy under the Act in the first year, which was 1955, an amount of £620 7s. 1d. was collected; under the levy of 1d. in the second year, £263 9s. 5d. was collected; and up to date this year, with the levy being struck at 3d., £419 13s. 2d. was collected. The total collected during those three years was £1,303 9s. 8d. The compensation payments in 1955 were nil; in 1956, £253 19s. 8d.; and this year £281 11s. 8d., a total of £535 11s. 4d. Therefore at the 30th June, 1957, there remained a credit balance in the fund of £767 18s. 4d.

It is to be hoped, and I feel sure it will be so, that this amendment will continue to encourage beekeepers to report diseases the moment they are recognised, and by so doing, aid their eradication, and, furthermore, reduce inspection costs. Quite apart from that, a beekeeper who is prepared to play the game—and he should know that he is able to receive reasonable compensation—will by his own action prevent the spread of the very virulent disease of foul brood which not only devastates his own hives but might contaminate the hives of other apiarists in other districts. I commend the measure to the House and move—

That the Bill be now read a second time.

On motion by Mr. Owen, debate adjourned.

## BILL—COAL MINERS' WELFARE ACT AMENDMENT.

*Second Reading.*

Debate resumed from the 15th August.

**MR. MAY** (Collie) [5.30]: This Bill, which is a very small one, seeks to amend the Coal Miners' Welfare Act, and there is very little to argue about in connection with it. When the Act was first passed, it allowed as a royalty 1½d. per ton on all coal that was mined at Collie, and that money was paid into a fund for the purpose of providing amenities for miners and their families. The money so obtained over the years has been well and faithfully applied by the welfare board: and as a consequence, the district of Collie has benefited.

There was one point mentioned by the Minister when introducing the Bill with which I did not agree. He said that the coal companies paid this 1½d. per ton. The companies do not pay it—not from their own funds. Certainly, the money is collected through the coal companies; but, if my memory serves me right, the 1½d. per ton comes from the price of coal; and, as a consequence, the consumers pay that. If the companies were paying it, I would give them all the credit; but it is no such thing, inasmuch as the consumers pay that money to the companies, which simply pass it over to the welfare fund.

However, I agree with the reason for the introduction of this short Bill. Instead of the payments being made half-yearly through the coal companies they have been paid during the whole of this year in quarterly amounts. I do not see anything to argue about, and I support the Bill.

Question put and passed.

Bill read a second time.

*In Committee.*

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

## BILL—PUBLIC SERVICE.

*As to Committee Stage.*

**THE PREMIER** (Hon. A. R. G. Hawke—Northam) [5.35]: I move—

That the Speaker do now leave the Chair in order that the Bill may be considered in Committee.

**MR. COURT** (Nedlands) [5.36]: I would like to take this opportunity to oppose the motion on the ground that before we go into Committee, an opportunity should be given for the Opposition to express its views on this legislation. As you will know, Sir, there was some confusion during the second reading debate; and, unwittingly, the motion for the second reading was allowed to go through.

There is no suggestion that there was any breach of faith or anything wrong in that; it was just that there was a misunderstanding at the time. The Leader of the Opposition was expecting the item to be postponed; but the vote was taken on the voices, and no opportunity resulted for the Leader of the Opposition to express his views and the views of those supporting him on this side of the House regarding this measure.

It would be appropriate for me briefly to give some reasons why our views should be considered before you, Mr. Speaker, vacate the Chair for the purpose of the Bill being considered in Committee. The measure is a very important one, and unless the general pattern of argument is understood before the Bill is considered in Committee, I believe that the standard of deliberations in the Committee stages will not be as satisfactory as if the House appreciated the overall approach of this side of the House. We appreciate the importance of a contented Civil Service working under satisfactory conditions. We know

there has been agitation for a considerable time for a three-man board to be established; and, in fact, there have been expressions of agreement with the principle from this side of the House on previous occcasions. However, there has been time for much further thought in connection with this matter, and I propose to put before the House a proposition which I think would meet the ideas of all concerned.

We have had the rather unfortunate experience in recent years of the operation of a three-man commission in connection with the Western Australian Government Railways. Whether it is a matter of a clash of personalities or a weakness in the system has still to be determined. The fact remains that the experience of having three railway commissioners has not been a happy one. Have we any reason to believe that a three-man board—virtually three commissioners—would have any better result in connection with our Public Service?

On one occasion—I am not quite sure whether it was in the 1956 session or during the introduction of the Bill on this occasion—the Premier said he hoped the establishment of this board would result in economies in the service, increased efficiency and, I presume, an overall reduction in the numbers eventually in proportion to the tasks to be undertaken. We have grave doubts whether that would result if the whole of the functions were centred around a three-man board. It is our firm conviction that a better result would be achieved by the Government if it was dealing with one commissioner who would have the whole responsibility for the economy and efficiency of the Public Service.

There is a case within the State Government employment already where the Director of Education is responsible for a staff which, if my figures are correct, is in excess of those who would come under the jurisdiction of the Civil Service Board. I understand it is something like 5,000 employees, whereas the Public Service members to whom this Bill refers would be fewer than that. I can see that the problems of the Director of Education might not be as varied and as involved as those of the Public Service Commissioner, who is dealing with a terrific field of classifications. After all, the main activity of the Education Department is that of education, and no doubt a considerable number of employees would channel themselves into certain clearly defined rules and regulations; but the fact remains that the director deals with quite a large number and seems to handle the matter extremely well as one of the many duties he is expected to fulfil.

This brings me to the alternative—and I trust that the House will find it a constructive suggestion which will meet the wishes of all. A study of the South Australian system reveals that there is a commissioner who is responsible for efficiency and economy within the service. There is behind him a three-man board, one member of that board being the commissioner himself. But the important functions of economy and efficiency within the service are the responsibility of one man. They are the responsibility of the commissioner. The board determines rates and working conditions, plus some other duties which I will enumerate later; but the commissioner is responsible for efficiency and economy.

A further safeguard has been written into the South Australian legislation to provide that should there be an appeal from the decision of the commissioner he is automatically replaced on the board by a fourth member. This fourth member is appointed and is known to all concerned. It is not a question of person A acting on one day, and person B on another. He is a fourth member properly appointed. So if there is an appeal against the commissioner's decision, the board sits quite independently of him. That avoids the vexed question of a person sitting in judgment, as it were, on his own decision.

So the South Australian legislation has provided what we consider to be a very satisfactory pattern—a commissioner responsible for the efficiency and the economy of the service on the one hand; and a board which is sitting behind him looking after the conditions of the service, with the further provision that when there is an appeal from the decision of the commissioner, he does not sit in judgment on his own decision. The fourth member takes his place. If we examine the South Australian legislation we find that the main functions of the commissioner are defined in Section 20a of the Public Service Act, 1936-1949, as follows:—

> (1) In addition to the duties elsewhere in this Act imposed on him the commissioner shall have the following duties:—
>
> (a) To devise means for effecting economies and promoting efficiency in the management and working of departments by—
>
> (i) improved organisation and procedure;
>
> (ii) closer supervision;
>
> (iii) the simplification of the work of each department, and the abolition of unnecessary work;
>
> (iv) the co-ordination of the work of departments;
>
> (v) the limitation of the staff of each department to actual requirements, and the use of such staff to the best advantage;

(vi) the improvement of the training of officers;

(vii) the avoidance of unnecessary expenditure.

(b) To perform such other functions in relation to the public service as are prescribed.

(2) If the commissioner is of opinion that any means ought to be adopted for achieving any of the objects mentioned in paragraph (a) of the last preceding subsection, he shall advise the permanent head of the department of his suggestion or proposals.

(3) If the permanent head does not concur in or adopt the suggestions or proposals he shall, within a reasonable time, inform the commissioner of the reason therefor.

(4) Thereupon the commissioner may, if he thinks fit, report the matter to the Minister administering the department, and if the commissioner's suggestions or proposals are not approved or adopted by the Minister within a reasonable time, the commissioner shall report the matter to both Houses of Parliament either in a special report or in his annual report.

I would point out that here we have one man responsible for the main problems that arise in the actual operation of a service, to ensure greater efficiency and economy. The Government of the day is dealing with one man, who has that responsibility. If it was a board entrusted with these functions, there is grave doubt as to how it would function in practice, without interference from one member of the board with another.

Mr. Johnson: Have you any idea how effective that form of control has proved?

Mr. COURT: The information given me is that it is one of the most effective systems in Australia. The movement of the numbers in the Commonwealth Public Service, where I understand they have a three-man commission or board, has, I believe, been a consistent tendency upwards. It seems difficult to control that, but I am assured that the suggested system has worked well in South Australia and I have heard no complaints from the service there although I have contact with a number of its members. The board has jurisdiction which is set out in Section 29 of the South Australian Act as follows:—

(1) For every office other than an office of the first division, the board shall have jurisdiction from time to time to make returns—

(a) classifying each office in the public service by assigning it to its appropriate section and division, namely, to the second, third or fourth division, and to the professional, clerical or general section:

(b) fixing the minimum and maximum salary payable to the holder of such office, the amount of the annual or other periodical increments of salary of such office, and the salary payable to the holder of such office at the time of the making of the return:

(c) fixing any special payment or allowance for any special circumstances connected with the work of any office:

(d) determining the conditions upon which officers shall be entitled to increments in salary:

(e) varying or adding to any return previously made by the board or rescinding any such return and making a new return in lieu thereof:

(f) determining any other matter connected with the employment of officers if such matter is referred to the board by the Minister or the commissioner:

Provided that, subject as mentioned in this section, every officer whose office is dealt with by the board in any return shall be entitled to receive an annual increment of salary of the amount fixed by the board in such return until the officer is receiving the maximum salary fixed by the board with respect to the office held by such officer.

And so it goes on to detail the jurisdiction of the board. I will not read it all, as it is lengthy, unless some member particularly desires me to do so. I have read sufficient to demonstrate that the board has responsibilities in fixing the remuneration and conditions of service. Those matters are taken away from the commissioner except to the extent that he is a member of the board, with the added proviso that if there is a dispute against anything that he has decided, he automatically retires from the board for the purpose of that appeal being considered.

I do not want to over emphasise that, but I consider it a vital principle—that the commissioner does not sit in judgment on his own decisions. We come now to Section 8 of the Act which sets out the appointment of the member for hearing appeals. It reads as follows:—

(1) If the Public Service Commissioner is appointed as a member of the board (whether as the chairman or as an ordinary member) the Governor shall appoint a person as a fourth member of the board.

(2) The Public Service Commissioner shall not sit on the board on the hearing of any appeal under Section 52 or Section 69 of this Act against a decision given by himself but on the hearing of every such

appeal the board shall be constituted of the two members other than the Public Service Commissioner, and the fourth member appointed under this section.

(3) If the Public Service Commissioner is chairman of the board, the fourth member shall sit as chairman on the hearing of the said appeals, and if the Public Service Commissioner is an ordinary member of the board the fourth member shall sit as an ordinary member on the hearing of those appeals.

(4) The fourth member of the board shall not act as a member except as provided in this section.

That is the broad approach that we submit to the House in connection with the appointment of the board. It is possible that a board functioning on those lines with the responsibility for efficiency and economy in the hands of the commissioner, would severely reduce the volume of work that is to be done by the board. It would avoid full-time appointments to that board and would make a considerable saving in expense, because the members of the board can satisfactorily function as members of the service with rearranged duties, and at the same time be on the board. It would not call for three full-time board members satisfactorily to undertake these duties.

I think I have said sufficient on that point to demonstrate that we are not opposing the principle of the three-man board deliberating on the conditions of service, the rates of pay and the like, and to hear appeals from the commissioner's decisions, but we feel that our proposition has the added advantage that the actual efficiency and economy of the service is concentrated in the hands of one man.

There are one or two other provisions in the Bill that I will not labour now but to which we take exception and in connection with which amendments have been placed on the notice paper. We consider that the method of election proposed by the Government for one of the members of the board is unsatisfactory and we feel that the method proposed in our amendments, which will be dealt with in Committee, improve the situation by giving the Government some degree of latitude in the matter. It adopts the principle that is already adopted by this Parliament and which is available to members in the State Electricity Commission Act. I will not read that at the moment but propose to deal with it when the Bill is in Committee.

Suffice it to say that there is provision there for three names to be submitted to the Government in respect of the various appointments that are made to the State Electricity Commission and the Government of the day is given some latitude of selection. It is not a new principle and, furthermore, it overcomes any suggestion of what might be called political conduct—I do not mean party political conduct as we know it in this House, but political conduct within the service itself, either by a person who is seeking election or a person who is already on the board, in his approach to decisions that have to be made, or in his approach to seeking re-election.

A further objection we have to the Bill in its present form, and in regard to which we have amendments on the notice paper, is the clause which provides virtually for compulsory unionism. It sets out that a man must be financial—and this is important—at the time of the offence, for him to have an appeal under this provision. That seems strange to us because there is a procuration system which works effectively, so the Civil Service Association cannot claim that it is having difficulties in collecting its fees. At page 3 of the issue of the "Civil Service Journal" of the 31st July, 1957, I notice, in the annual report, that there are only 43 members of the association who pay their fees direct, for various reasons.

Hon. D. Brand: It is about 1 per cent. of the total of over 4,000 members.

Mr. COURT: I think these must be the easiest of all association dues to collect, because it is apparent that the procuration system is almost 100 per cent. effective. From the interjection of my leader, it will be seen that the number, 43, is only about 1 per cent. of the total strength of the service, and I think approximately 26 of those are people stationed in positions where it is impracticable for the procuration system to work. For all practical purposes, there is a 100 per cent. coverage. At the moment the legislation provides that a person must have membership of the association if he wants to appeal in respect of promotion. Under the Bill that will apply to all such matters as promotion, supersession, salaries, punishments or dismissals.

In conclusion, I wish to say that although amendments have been placed on the notice paper to give effect to our desires in respect of the last matters I have referred to—that is, the method of appointing a representative of the association to the board and compulsory unionism—it is impracticable at this stage for the private members' draftsman to complete the intricate amendments to the Bill which may be necessary to give effect to the proposition of a commissioner with a public service board working together. It will be appreciated that this introduces a new principle into the legislation, and I can only apologise to the House for our inability to have the legal drafting completed in time to make a submission during the Committee stage. However, I wanted to deal with the principle that we propose.

It may be that some way can be devised to deal with this new principle. It is obvious that in drafting a Bill of this size for a service such as this, the draftsman would set about the legal construction in a manner to give effect to the directions of the Government; but when a new principle is introduced, it would distort much of that drafting. I feel sure that, given time, it can be reconstructed without a complete redraft of the whole Bill and at the appropriate time we will endeavour to bring forward those amendments. I thank you, Mr. Speaker, for your tolerance in allowing me to deal with this matter.

**MR. JOHNSON** (Leederville) [5.59]: In supporting the motion that you leave the Chair, Mr. Speaker, for the purpose of the Bill being considered in Committee, for reasons similar to those given by the member for Nedlands, I wish to make a few observations on the measure. As is known to all members, the Civil Service Association uses me as its mouthpiece, as far as is possible, for making known in this Chamber its attitude, in particular in relation to Bills of this nature. I have been present at several of its annual general meetings, have had consultations with the members of its board and I have a fairly general knowledge of the association's attitude towards this Bill.

Mr. Ross Hutchinson: When were you appointed its mouthpiece?

Mr. JOHNSON: At an annual general meeting about four years ago, following the retirement of the late E. Needham, former M.L.A. for North Perth, from politics.

Mr. Ross Hutchinson: It was done by motion, was it?

Mr. JOHNSON: Yes, it was.

The Premier: And carried unanimously, too.

Mr. Ross Hutchinson: I don't know why, do you?

Mr. JOHNSON: Even that matter is on record in Hansard some four years ago, and I understand that the reason for my appointment was on account of my background in banking circles. Being in the clerical business, I had a good understanding of their problems. That does not necessarily mean that in putting forward their ideas, I am completely in agreement with all of them. I have some reservations in regard to the association's desire for a three-man board.

However, to turn to the point I wish to make at this stage of the debate: The Bill which is before the House is the result of long negotiations between the Civil Service Association and the Government. They have been proceeding not for the past two or three weeks but for the past three or four years, and advocacy of the principle of board control has been official among members of the Civil Service Association for a very long time. Negotiations resulted in a Bill being drafted. This was presented to this House last year and it was agreed to. It was then transmitted to another place where it was discarded on the argument that there had not been sufficient time for its consideration.

I am therefore more than a little surprised to find, at this late stage, the Deputy Leader of the Opposition putting forward a brand-new principle which he has not had time to put in writing or to phrase in legal form. The principle of which he has spoken might be completely acceptable to the Civil Service Association or it might not be. However, so far as I can ascertain, the principle has never been discussed by the association. Whilst I consider that there is a good deal of merit in the proposal, I cannot see any merit in the way it has been submitted. Nor can I see any reason for its being produced in such a hasty manner, especially when it is on something which we know was before us 12 months ago. It appears that hasty research has been done in the last week or two purely with the idea of finding some stick with which to beat the Government and not with any bona fide attempt to improve the legislation.

Hon. A. F. Watts: You will be making a long debate out of this if you are not careful.

Mr. JOHNSON: That is not my intention, but I feel that points which rise so freely to the surface as they do in this case, should at least be mentioned.

Mr. Ross Hutchinson: I think they should be skimmed off.

Mr. JOHNSON: I reiterate that the Bill as presented to the House is quite satisfactory to the association following its negotiations with the Government over a long period. That does not mean to say that it considers the Bill to be ideal or that it proposes to give the association everything that it would like on a platter, because it does not. The association can think of many improvements. Being comprised of a fairly practical group of people and, being in close contact with the conduct of affairs, they realise that the Bill, as presented, is a very reasonable compromise between their desires, the responsibilities of the Government and practicability.

Hon. D. Brand: Is the Civil Service unanimous in regard to wanting a board of management?

Mr. JOHNSON: I should imagine it is not unanimous. If the idea of a board were so strong as to be the unanimous desire of some 4,000 to 5,000 persons, I cannot imagine there having been any dispute about it. However, it is the policy of the association, subscribed to over a number of years, and I think it would

be fair to say that whilst not unanimous the opinion is that of a very large majority. It certainly has been confirmed at the last three annual general meetings at which I was present. I think it has been confirmed at previous annual general meetings before that, but I cannot speak with authority with regard to them.

Mr. Ross Hutchinson: What do you think of the proposal by the Deputy Leader of the Opposition concerning modifications of the constitution of the board?

The SPEAKER: I suggest that the hon. member should not discuss that aspect at this stage.

Mr. JOHNSON: I do not think we should discuss that at the moment. If the proposal is put forward in the form of an amendment, we can discuss it in Committee. I do not believe that the proposed change from election to selection of the association's representative on the board will be completely acceptable to those concerned, and I therefore intend to oppose that amendment and various others that are on the notice paper when we go into Committee. I support the motion.

Question put and passed.

*In Committee.*

Mr. Moir in the Chair; the Premier in charge of the Bill.

Clause 1—Short title and citation:

Mr. COURT: I was considering the desirability of moving an amendment to this clause to introduce some detail that we have not been able to place on the notice paper in respect of other clauses. However, I do not think it will be necessary after considering Standing Orders and the import of the Title clause.

As I explained during the second reading, it is not practicable to place on the notice paper amendments to give effect to our general proposition of a commissioner being responsible for the economy and efficiency of the service, as distinct from a board which would be responsible for the fixation of rates of pay, general conditions of service and the hearing of appeals. I am now informed that it will be possible, given the time, for the private members' draughtsman to prepare amendments to give effect to those two particular items, namely, the commissioner and the public service board.

It is a major piece of redrafting and it will be impracticable, during the Committee stage I presume, for those amendments to be submitted to the Committee to be debated. However, I want to give further notice at this stage of our desire to write into the Bill this new principle. I regret that I am unable to give notice of the actual wording of the amendments at this stage.

Clause put and passed.

Clauses 2 to 11—agreed to.

Clause 12—Offices on the board:

Mr. COURT: I move an amendment—

> That the word "elected" in line 32, page 8, be struck out and the word "selected" inserted in lieu.

It is considered preferable that there should be a system whereby there will be some selection by the Government of a representative of the association from a panel of names similar to the procedure followed by the State Electricity Commission. Under the system proposed by the Bill there will be on the board a chairman, an appointed member of the board as representative of the State and an elected member of the board as a representative of the association. There is, of course, subsequent legal procedure for the election of that person.

*Sitting suspended from 6.15 to 7.30 p.m.*

Mr. COURT: In submitting this amendment, it is necessary for me to state some of the reasons why we favour selection instead of election. In doing so, I have to anticipate something that would normally be dealt with in the next clause, but this is the appropriate time to deal with what is involved in the system we propose through the series of amendments on the notice paper.

It would mean that the Civil Service Association would submit to the Government a panel of three names, and, from that panel, the Government would make a selection. We consider that method has many advantages and there is precedent for it which we presume works satisfactorily or, otherwise, the Government would have sought to amend it. If we refer to the State Electricity Commission Act, it will be found that the employee representative is appointed in accordance with Section 8, Subsection (3) (b) which reads as follows:—

> (3b) (a) Where the Minister intends to nominate a commissioner mentioned in paragraph (b) of subsection (3) of this section as representative of the employees of the commission, he shall, before making the nomination, give written notice of that intention to the general secretary of the body known as the Western Australian branch of the Australian Labour Party.

Thus, it is left to that body to select the three names and we consider the representative body of the employees in this case is the Civil Service Association. At the time of the consideration of that measure, there was some debate in regard to the inclusion of the Western Australian branch of the Australian Labour Party as the nominating body of the employees' representative on the State Electricity Commission. However, it was agreed by the Chamber that no better body could be nominated for the employees' representative on that commission, and

it was adopted by Parliament. We consider this submission is on all fours and therefore the system of selection from a panel of three names, nominated by the Civil Service Association, has much to commend it in preference to the Government's proposal of one name. It will give greater freedom to the Civil Service Association if the series of amendments are adopted, in the method of selecting their own nominations for the panel of three names. At the same time, it gives the Government some latitude in which to make a selection after the panel of three names is submitted.

The PREMIER: There is an important difference in principle in the system now set out in the Bill and the one proposed by the Deputy Leader of the Opposition, and the question to be decided by the Committee is whether it would be better to have a representative of the Civil Service Association elected by a secret ballot of members of that association, or call upon the Civil Service Association to submit a panel of three names to allow the Government to choose one of the three to represent the organisation.

It will be appreciated that there is a vital difference between the election of an employees' representative to this proposed board and the selection of a representative of the employees of the State Electricity Commission to that commission. In the case of the public service board, there is only one association of employees involved, whereas with the State Electricity Commission, there would probably be at least six or eight different industrial organisations with employees working for the commission.

Therefore, the taking of a ballot to select a representative for the employees of the State Electricity Commission could produce any kind of result and would certainly give to the union with the biggest number of employees in the service of the commission, an odds-on chance of getting a member of that organisation elected to the commission. In the event of the election method of choice remaining in the Bill, only a member of the Civil Service Association could be elected to represent the association on the proposed board. So far as I can understand the amendments proposed by the Deputy Leader of the Opposition relating to this principle, there does not appear to be set out any method of selection.

Presumably the executive of the Civil Service Association would be the body to forward to the Minister the three names which he would consider and from which he would choose one name as the person to represent the association on the board. That method might not prove to be acceptable to the rank and file members of the association. They might very much prefer to have a voice themselves, as individual members of the association, in deciding who should represent them on the board.

Therefore, the point to be decided in this matter is whether we favour a rank and file selection of the person who is to represent the rank and file of the association on the board or whether we would prefer to leave the choice of three names to the executive of the association and thereby allow the Minister some discretion in the final choice of the person who would represent the organisation on the board. This matter has received a good deal of consideration previously by members of Cabinet.

More than one alternative to the present proposal in the Bill was put forward and, after much consideration and taking into calculation the strongly expressed views of the Civil Service Association, it was agreed that the method now contained in the Bill should be the method which the Government should recommend to Parliament to be used to obtain a representative from the association to be a member of the board. I know there are some advantages and disadvantages in either of these two systems which we are now considering.

It might be possible, before the Bill is finally considered by both Houses of Parliament, for serious consideration to be given to the possibility of still providing for a submission of a panel of three names to the Government from which one should be chosen and, at the same time, still allow the rank and file of the association a voice in the selection of the three names to be submitted for consideration by the Minister. Speaking for myself at this stage, I think the Government would not be opposed—certainly not strongly opposed—to giving a suggestion of that kind very careful consideration.

Naturally, we would discuss such a suggestion if it looked like becoming practical politics with representatives of the association for the purpose of obtaining the view of the executive and for the purpose, subsequently, of presenting the executive's view to Parliament. We would all know that in an election to choose one representative, who would automatically become the association's representative on the board, the best person might not win the election.

Mr. Court: That is our great concern.

The PREMIER: I can understand that. But where do we stop in trying to safeguard against the ever-present possibility? It comes very close home if we take the principle a bit further. It opens up all sorts of mischievous possibilities for discussion in regard to amending, may be, the Constitution Act, and perhaps the Electoral Act.

As I say, my present view and that of the Government is to try to maintain in the Bill the system now included there, indicating at the same time that the Government would be prepared, before the Bill is finally considered and decided by both Houses to look carefully at the idea

that there might still be an election in which all members of the Civil Service would participate, and by which they would elect three names instead of one, and from those three names the Minister finally would make a selection. In that event, of course, the final responsibility to choose one name from the three would rest upon the Minister, but, by and large, Ministers have much heavier responsibilities than that, and I think the prospect of carrying that responsibility would not worry any person who happened to be the appropriate Minister at the time.

I quite agree with what the Deputy Leader of the Opposition said about the great importance of this proposed office and of the responsibility which would attach to it; and I quite agree that we would not want the wrong person to become the representative of the association on the board. I think we all know from experience in another direction in recent months that one member of a board of three, if he is that type of person, can become very difficult, awkward and upsetting because of the influence he might exercise.

So there might be a good deal of merit in the idea of a panel of three names from which a final selection would be made, but I still think we should leave to the rank and file of the association a voice in the selection of the three names, if that, finally, becomes the principle in the Bill. Even in the choice of these three names in a secret ballot we might still not get the best person who would otherwise be available, but nevertheless from three names we would, I think, certainly be able to obtain one person who would be satisfactory.

Actually, as a Parliament, we should be able to rely upon the good sense and wisdom of a majority of the rank and file of the Civil Service to choose a good person, if not the best possible one. It would, I think, be a sad reflection upon a majority of members of the association if, in a secret ballot held for this purpose, they chose someone who was not suitable or acceptable. However, we have all had sufficient practical experience in matters of this kind to know that all sorts of influences can operate, and we all know, too, that at times an election becomes more of a popularity poll than a decision by a majority of people to choose the most capable man available.

Still, that is democracy. It seems to me it is not good enough on our part to praise the voice of democracy when it suits us and to have doubts about it and to criticise and condemn it when it does not suit us. However, as I say, I would be prepared to ask members of the Government to have a look at the suggestion I have made, which is based, to some extent, on the suggestion put forward by the Deputy Leader of the Opposition. In the event of the Government being able to see its way clear to adopt a proposition of that kind, we could have arrangements made for the appropriate Minister in the Legislative Council to move amendments accordingly.

I do see one particular difficulty in the event of the Government putting into the Bill an amended system such as the one I have mentioned, if both Houses of Parliament afterwards agree to it. The difficulty is that as a result of such a ballot one person would receive the top number of votes, the second person would receive the second top number and the third person the third top number, and the Minister, as a result of inquiries, knowledge, experience and so on might feel that the most suitable of the three was the one who received the least number of rank and file votes in the ballot. However, if that were so, the Minister, as I said before, would be the person to take responsibility; and afterwards, the members of Cabinet, if they endorsed his opinion, would share it with him. In the meantime, I propose to vote against the amendment.

Hon. D. BRAND: The position of the assistant commissioner or the employees' representative on the board of management of the Civil Service is a most important post if the system under the proposed scheme is to work satisfactorily. It is natural that the members of the Civil Service as a whole desire the right to appoint their representative and no doubt, from their angle, they feel that the system of election would be the simplest, particularly if the Bill is to become law. But as the Premier has pointed out—I am sure he had second thoughts on this matter—if there were to be a choice of three, then it would be difficult to arrive at a result through a system of election.

Therefore it has been suggested by the Deputy Leader of the Opposition that a panel of three be requested from the association, and we would not be concerned about the method the association adopts to decide its three nominees. It might still hold separate elections for the three and therefore obviate the problem which, the Premier pointed out, might easily follow an election resulting in a preference of one, two and three, and the Minister deciding in favour of number three.

If this system works in obtaining the employees' representative on the State Electricity Commission, then, in spite of the arguments put forward by the Premier, that a number of unions were involved, I feel it should work quite as satisfactorily for the Civil Service; not forgetting that in the Civil Service we have the clerical section, the engineering section and I daresay other general sections. Therefore, the argument put forward by the Premier in opposing our idea for the Civil Service as against the system used to obtain the employees' representative on the State Electricity Commission falls down.

Thus, if we are to proceed with the provision in the Bill for the election of an employees' representative for five years, I believe that the issue could be one in regard to the policy of the candidates. This position, I am given to understand, will be a worth-while and well-paid permanent one and, no doubt, will be eagerly sought after by members of the Civil Service. Therefore, it could be that a candidate who desired to obtain the highest salary and perhaps the best conditions—extravagant conditions—might obtain the vote and as a result bring about a situation where the best man was not elected in the interests of the employee or the employer.

Therefore I hope that the Premier will have a second thought with respect to his opposition to the amendment and will sleep on the matter because I am sure that as a result of what he said tonight, he feels it would be a safeguard if a panel of three names were presented to the Government for ultimate selection. I support the amendment.

Mr. JOHNSON: I oppose the amendment for reasons identical with those given by the Premier. I also wish to say that I have spoken with officials of the association on this matter and they do not feel that the proposal would be an improvement. They have asked me to express their disapproval of the proposed amendment. I intend to vote against it.

Mr. POTTER: The Opposition need not be alarmed about this method of electing a representative because, after all, the Civil Service Association is a responsible body. I can see difficulties, as the Premier has pointed out, in both methods. We have had examples of Government selection previously. As a matter of fact, just recently examples have come before this Chamber of persons selected by a previous Government. That shows that the idea of selection is not infallible. Furthermore, in relation to the State Electricity Commission such a multiplicity of unions is involved that no other method is practicable, really, than for the Minister to select from a panel of three names.

I feel the Opposition need have no fear about this method of election because after all, this association does quite often elect its members by secret ballot, and that has been successful. As a result, the association has got on its executive some worthwhile representatives who are solid members of the community. I suggest the association would be doubly sure of the member they elected to this board. Therefore, I oppose the amendment.

Mr. COURT: I was interested in the proposition put forward by the Premier that one of the reasons why there is a vital difference between the S.E.C. and the Civil Service is the fact that the S.E.C. is composed of a conglomeration of several unions. I well remember the debate on this particular issue. The fear expressed by the Government was that there would be a loading of the ballot in favour of a particular nominee because he came from the union with the biggest numbers. The Premier has reiterated that fear this evening.

The fact remains that we rejected the principle of allowing the rank and file of the employees of the S.E.C. to elect a person they wanted to represent them and in its place the most practical suggestion was considered to be the nomination of a panel of three names from the Western Australian branch of the Australian Labour Party, with a statement that the panel had been approved by the State executive of that body. One argument which had merit on that occasion, and which has equal merit tonight, was that the State executive has to be elected by the rank and file—or I presume it does.

Hon. D. Brand: The member for North Perth nods his head.

Mr. COURT: I am pleased about that, but the Premier seems to be a little reluctant to say yes or no.

The Premier: I am listening.

The Minister for Labour: They are mostly elected by district councils on a numerical basis.

Mr. COURT: But surely at some point the rank and file of the Australian Labour Party elect their office-bearers and they graduate through to members of the State executive.

The Minister for Labour: I think it is on a slightly different basis from the election of the Liberal Party executive.

Mr. COURT: When considering the State Electricity Commission Bill, we accepted the principle that the State executive, being representative of the rank and file, would take a responsible attitude and would nominate three sound nominees for consideration by the Minister. We are advocating precisely the same thing in this regard. The executive of most of these bodies are men who graduate to that office because of their services in the movement, and they must acquire the confidence of the rank and file. Is it not sound to assume that the executive of the Civil Service Association would devise ways and means of submitting three desirable names to the Minister for consideration?

After all, if the State executive of the Civil Service Association makes a mess of its nominations, it will not be long before those office-bearers feel the full blast of the voting strength of the members in their organisation. They conduct regular elections for office-bearers and if favouritism was shown or there was some irresponsibility regarding nominations, the members of the association would soon deal with the position and new office-bearers

would be appointed. We would be very unfair if we assumed any other state of affairs.

A good deal of emphasis has been placed on the fact that the Civil Service Association prefers the method of a straightforward election. But no emphasis has been placed on the position of the Government of the day or the responsible Minister. After all, the Government of the day is virtually the employer, and the Minister is the man who has to work in close contact with his commissioner and with the board. Therefore it is only reasonable that the Government should have some say, within statutory limits, as to who the men will be.

It is normal, unless there is something inherently wrong with the man nominated as No. 1, that the Minister selects that person. Surely, we are not proposing too much when we ask for a panel of three names because it gives the Minister some scope to overcome clashes of personality and internal politics within the organisation itself! It is not possible to stop certain types of people coming into prominence in organisations as large as the Civil Service Association. But I think our amendment will ensure a democratic setup. Under the method proposed by the Government the man who is elected will be in an untenable position—worse than that of a member of Parliament looking towards the next election—and I do not think it would make for a good performance of his duties.

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

| | |
|---|---|
| Ayes .... .... .... .... | 17 |
| Noes .... .... .... .... | 23 |
| Majority against .... | 6 |

Ayes.

| | |
|---|---|
| Mr. Ackland | Sir Ross McLarty |
| Mr. Brand | Mr. Nalder |
| Mr. Cornell | Mr. Oldfield |
| Mr. Court | Mr. Owen |
| Mr. Crommelin | Mr. Roberts |
| Mr. Grayden | Mr. Watts |
| Mr. Hearman | Mr. Wild |
| Mr. Hutchinson | Mr. I. Manning |
| Mr. W. Manning | *(Teller.)* |

Noes.

| | |
|---|---|
| Mr. Andrew | Mr. Lawrence |
| Mr. Evans | Mr. Marshall |
| Mr. Gaffy | Mr. Norton |
| Mr. Graham | Mr. Nulsen |
| Mr. Hall | Mr. O'Brien |
| Mr. Hawke | Mr. Potter |
| Mr. Heal | Mr. Rodoreda |
| Mr. W. Hegney | Mr. Sewell |
| Mr. Hoar | Mr. Sleeman |
| Mr. Johnson | Mr. Toms |
| Mr. Kelly | Mr. May |
| Mr. Lapham | *(Teller.)* |

Pairs.

| Ayes. | Noes. |
|---|---|
| Mr. Perkins | Mr. Jamieson |
| Mr. Mann | Mr. Tonkin |
| Mr. Bovell | Mr. Brady |
| Mr. Thorn | Mr. Rhatigan |

Amendment thus negatived.

Mr. COURT: This clause deals with the three members of the board, namely, the chairman, the appointed member of the board as representative of the State, and the elected member of the board as a representative of the association. It is impracticable to move an amendment to give effect to a reconstituted board. However, I want to record the fact that while we are not opposed to the form of the board as we tried to have it made, we consider that superimposed on it should be a commissioner who is responsible for the actual efficiency and economy of Civil Service operation, and supporting him should be a board which is responsible for fixing the remuneration and the terms of employment. I would be interested to hear from the Premier, because he had no chance to reply to my speech on the motion that the Speaker leave the Chair.

It is our considered opinion that the Minister directly responsible and the Government generally would find it much easier to deal with a commissioner as regards efficiency and economy than it would be to deal with a board; but the board could be responsible for conditions of employment and remuneration. It would not be subject to the influences and decisions of the commissioner because, under the setup that I envisage, the commissioner would retire from the board when there were appeals from his decision and his place would be taken by a fourth member previously nominated and well known to the Government. I would like to hear from the Premier in regard to this point.

The PREMIER: The consultations required to be held from time to time by the appropriate Minister would, in the majority of instances, be held with the chairman of the board and not with the board as a whole. There would be very few occasions when it would be necessary for the Minister to hold a conference with the full board. Obviously, he would look to the chairman for information and it would be with the chairman that he would largely hold necessary discussions. The view of the Government in regard to efficiency and economy is that both the chairman of the board and the member of the board appointed to represent the State would pay a great deal of attention to both those angles. In fact, I should hope that the person appointed to represent the State would concentrate largely on that particular job.

In addition, I would entertain the opinion that the person finally chosen to represent the association would be one with a sufficient sense of responsibility to co-operate to a reasonable extent with other members of the board in promoting efficiency and reasonable economy. It would be a pity if the person who became the representative of the association went on to the board solely for the purpose of trying to advantage the members of the Civil Service all

the time. Accordingly, I think the angles referred to by the member for Nedlands are quite well covered.

The point as to whether it might not be better to have a public service commissioner, as at present, with full authority, and also a public service board, which would be advisory to some extent, and which would also be a body to which appeals could be made, leaves room for a lot of argument. For instance, if the appeal authority were inclined to uphold appeal after appeal, we might find the authority and standing of the public service commissioner undermined in those circumstances. He might lose confidence in himself and in his ability.

The member for Nedlands has said that this system operates quite satisfactorily in South Australia as far as he has been able to find out. It might, though I have not sufficient knowledge of the South Australian system. However, I think the step it is proposed to take in this Bill is worthy of a trial. It will attend effectively to the angles of efficiency and economy which are extremely important. We should give the new system a trial for at least three or five years, and if it is found that some alterations are required, the matter could be brought to Parliament at a future date.

Mr. COURT: The Premier has really touched on the main strength of the proposition I submitted. He says the Minister would have the majority of his dealings with the chairman of the board. That is true. But the chairman is only one of a board and he has to work in concert with that board. I feel the board system will be very cumbersome to ensure the everyday operation of the service and its efficiency and economy, but if there is a commissioner who could give effect to these things, it will be more satisfactory from the Government's point of view, because the Minister will know that the man with whom he is dealing has the power to act. The civil servants will be protected by this board which could fix the conditions of their employment, both remunerative and otherwise. It is also an appeal board on which the commissioner would not sit in hearing appeals against his own decisions.

The other point I wish to make in conclusion is that the elected man would probably want to take a responsible and detached view. On the other hand, we must accept the fact that now that the Committee has not agreed to the principle of selection, we have a man who is entirely dependent on his popularity when he faces election in a few years' time. That man would be in an untenable situation. The position would not be as difficult if there were this method of selection instead of election. So we have the situation where the chairman of the board will either have to act on the policy decisions of the board or consult the board, while one of that board will be elected. I think the method put forward by the Opposition would be much more practical and satisfactory.

The PREMIER: I do not agree with the concluding remarks of the member for Nedlands. The proceedings of the board will not be held in public and the members of the Civil Service Association will not know what their representative on the board does in regard to every matter. They will know of the decisions of the board on some matters. I have no doubt they will know what attitude their representative would adopt, because obviously on some issues he would support the outlook and attitude of the Civil Service Association itself. To some extent, that would be what he would be there for. He would not have very much to fear in the normal course of events from the decisions and policy of the board itself.

The members of the Civil Service Association have some sense of responsibility. They would know he would not himself be the board; that he would be only one member of the board of three and that he could, on a vital issue, be outvoted by the other two. We could, of course, quote instances to support the view put forward by the member for Nedlands and others to disprove it. So much depends on the circumstances and the type of individual. It could happen that the Civil Service Association would elect a man whose only objective would be to popularise himself 100 per cent. with the rank and file with a view to remaining their permanent representative on the board. We have seen that sort of thing tried in public life, and we have seen that type of individual coming to grief because it has become obvious to the people concerned that his only purpose is to popularise himself with those whom he represents; and that he pursues that objective without achieving any good for them, on some occasions quite the contrary.

I think the representative of the association on the board would follow a responsible course. He would naturally try to establish a reasonable place with the chairman and the other two members of the board. On a board like this, no one member would want to be regarded by his colleagues as a no-hoper, or as being a one-eyed and irresponsible supporter of a particular point of view all the time. If this board were appointed as proposed in the Bill, I am sure it would prove itself to be responsible.

Clause put and passed.

Clause 13—Appointments to office:

Mr. COURT: The amendments in respect of this clause are directly related to the principle of selection versus election. I have no intention of moving each and every one of them because the Government has defeated the first amendment and I

am sure a similar fate will await the amendments to this clause that I have on the notice paper. The amendments would be consequential on the attempt to have selection substituted for election in Clause 12 and would provide that three names be submitted by the association. It is also important to mention that the names of the three persons would be those who are members of the association. That would have been the intention had we been successful with our amendments. I mention this because the Premier implied that the selected person might be someone other than a civil servant.

The Premier: No, I did not suggest that.

Mr. COURT: I wanted to make sure that only a member of the association, presumably a civil servant, could be one of the selected members put forward in the panel of names. I invite the attention of the Committee to those proposed amendments but I have no intention of moving them in view of the fate of Clause 12.

Clause put and passed.

Clauses 14 to 18—agreed to.

Clause 19—Salaries of members:

Mr. COURT: This clause provides as follows:—

> (1) The chairman is entitled, subject to Subsection (4) of Section twenty-four of this Act, to receive for his services as such a salary at such rate per annum as the Governor determines and is hereby authorised to determine from time to time whenever he thinks fit.
>
> (2) The appointed member and the elected member are each entitled, subject to Subsection (4) of Section twenty-four of this Act, to receive for their services as such a salary at such rate per annum as the Governor determines and is hereby authorised to determine from time to time whenever he thinks fit.

I am assuming from the Premier's comments when introducing the Bill that the three board members—that is, the chairman, and two other members, one appointed and one elected—will be full-time appointees.

The Premier: That is so.

Mr. COURT: Under the scheme we envisage, they would not be full-time appointees, and only the chairman would be a full-time appointee. If I remember correctly, in a previous Public Service Bill that was introduced, the emoluments of office were enumerated. On this occasion, the Government has left it to be determined by the Governor-in-Council from time to time. Can the Premier give some indication of what is expected to be the cost of the three members of the board, excluding the staff that will have to be engaged, which will vary according to the circumstances from time to time?

The PREMIER: This is a matter which naturally has to be decided by the Government and subsequently approved by the Governor-in-Executive Council. It is not the policy to announce in advance what the Governor-in-Executive Council is likely to approve. This sort of thing has happened now and then without thought, and naturally enough on each such occasion the Governor, not necessarily the present Governor, has taken the view that, as the direct representative of Her Majesty the Queen, he was being demeaned to some extent and was, in fact, being made a rubber stamp, because the decision which he was expected to confirm and agree with had already been announced to the public and to the world by the appropriate Minister or by the Government. I would think off-hand, and without making any attempt to approximate the likely costs of the salaries of the three members of the board, that the total amount could range between say £7,000 and £8,000.

Mr. Court: Will they be full-time appointments?

The PREMIER: Yes.

Clause put and passed.

Clauses 20 to 23—agreed to.

Clause 24—Suspension and removal of members:

Hon. A. F. WATTS: I notice that this clause provides as follows:—

> Where a member of the board has been so suspended the Minister having the administration of this Act shall cause a full statement of the grounds on which the member was suspended to be laid before each House of Parliament within six sitting days of the House after the day of the suspension.
>
> If within fourteen sittings days after the statement has been laid before the House, each House of Parliament declares by resolution that the member should be removed from office on the board, the Governor shall cause the member to be removed from the office accordingly but if within that period each House does not so declare, the Governor shall cancel the suspension and thereupon the member shall be restored to the office.

I would suggest to the Premier that 14 sitting days could quite easily be insufficient. If he looks at other statutes where there is a similar provision to this, he will find that a greater period has been provided for. I understand also that the custom is for a resolution to be moved in one House, to be carried there and then transmitted to the other. If members were to discuss the resolution in both Houses, quite a time would be taken up in ascertaining as much of the circumstances as the members could, so that they might be in a position to record a proper verdict in such an

important instance. I suggest that the time might be extended by at least 50 per cent. I move an amendment—

That the word "fourteen" in line 29, page 3, be struck out and the word "twenty-one" inserted in lieu.

The PREMIER: I have no objection to the amendment.

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

Clauses 25 to 39—agreed to.

Clause 40—Jurisdiction of board to hear and determine appeals and applications relating to classifications and reclassifications:

Mr. COURT: I move an amendment—

That Subclause (10) be struck out.

A study of this clause by members will make it apparent that it is a form of compulsory unionism. It is true that in the present Public Service legislation, there is provision that an officer must be a member of the association if he is going to appeal against promotion; but under this particular subclause it would mean that such an officer could not appeal against promotion, supercession, salary, punishment or dismissal unless he was a financial member of the association—and this is important—at the time of the offence appealed against. In other words, he cannot come along and agree to become a member and so go before the appeal board, if he wants to be a member after the offence has been committed.

We find any form of compulsory unionism objectionable, and we consider this provision is a very bad example of forcing people to become members of an association or union against their conviction. It is apparent that the Civil Service Association is not suffering any disability in collecting its fees. It has a procuration system which has worked very effectively. As I explained in speaking earlier this evening, the Public Service Association's annual report dated July, 1957, discloses that there are only 43 members who are not paying their dues through the procuration system.

Hon. J. B. Sleeman: Forty-three too many.

Mr. COURT: I explained at the time that 26 of those 43 are unable to use the procuration system through no fault of their own but because the peculiar circumstances were such at the time that they could not have the advantage or use of the procuration system. So the number is brought down to something like 17 people who are not, but who can be using that system. It is almost a 100 per cent. result. Therefore the collection of subscriptions does not present a problem as in the case of other unions in which collecting dues is quite a business. The subclause includes, among others, the following provisions:—

(a) Where an officer proposes to bring an appeal or to make an application under this Division of this Part of this Act, whether alone or as one of a class or group, under a right to bring an appeal or to make an appliation which he claims arose at any time, whether before or after the coming into operation of this Act, when he was a member of the Association and informs the Association of his proposal and requests a certificate as to his membership of the Association, the Association shall cause to be issued to him a certificate signed by the Secretary of the Association.

(b) Notwithstanding that the right exists to bring the appeal or to make the application to The Public Service Appeal Board or to The Public Service Board, as the case may be, neither Board shall hear or determine the appeal or application unless such a certificate purporting to have been so signed is produced to the Board and shows that at the time when the right arose, the appellant was a member of the Association.

There are people who, for very sound reasons, have a conscientious objection to belonging to certain organisations. Even in the defence of the country in time of war, we, as British people, have acknowledged the right of the conscientious objector. The person who does not want to fight for his country usually has to appear before a magistrate and go through certain procedures to establish beyond reasonable doubt that his convictions are genuine. But there is no machinery provided in this Bill for a man to object on conscientious grounds. He could be a thoroughly reliable servant of the Government and yet have conscientious objections.

The Minister for Justice: Then he should object to taking any advantages.

Mr. COURT: That could be taken to absurd conclusions. We recently had the case of Warder Thorne, whose services were terminated before his retirement date. For many years he had belonged to a union, but because of religious convictions had to resign. It was never suggested by the Chief Secretary in debating that matter that Warder Thorne was anything but a conscientious objector, but he was not allowed to continue in employment. Surely there are exceptions that must be acknowledged! If an association or union is doing a first-class job for its members and is keen on recruitment of membership, it will get a following of members. There will always be one or two who will poll on any organisation; but in the main, an organisation will get the members.

The PREMIER: The principle to which the hon. member raised objection is already the law of the State in relation to appeals against promotion. It applies not only to members of the Civil Service Association, but also to members of other industrial organisations concerned. Therefore, Parliament has already approved of this principle in regard to appeals against promotion, and there is nothing revolutionary about that proposal and nothing new about it.

The one thing I can never understand about these conscientious objectors to joining the appropriate association or trade union is why they do not take employment in non-association or non-union fields. That appears to me to be the logical conclusion to be reached in a close examination of this situation.

Mr. Court: There is such a wide coverage of unionism in industrial circles that it is well-nigh impossible for a man to get into such an industry.

The PREMIER: There are still fields—not very large maybe—where the employer can please himself as to what salary or wages he pays, and the hours his employees shall work, and their conditions of employment; and it seems to me that people who object to becoming members of the trade union or association which operates, should go to a place where conditions and salaries and so on have not been built up year after year by strenuous organised effort on the part of the union or the association concerned. I find it hard to develop any real practical sympathy for that type of individual.

Naturally, I respect the religious convictions of any person; but where his religious conviction is so deep that he is not able to join with his fellow employees in a protective association, it seems to me that the religious objection should go a bit further, and should prevent him from taking the advantages in regard to wages and working conditions, leave and the dozen and one other things which have been established to some extent, if not largely, by the efforts over the years of those who have been prepared to combine together; who have been prepared to maintain organisations; who have been prepared to ensure that, by virtue of the association and the team work of those who believe in a protective association, beneficial protective conditions of employment and wage and salary adjustment are secured.

Hon. D. BRAND: Even if we admit that Parliament has accepted this principle in respect of promotions, I ask why we should extend it at this stage. Even if it was thought fit at the time, in respect of an appeal against a promotion, that one should be required to belong to a union, why carry it any further? The principle of compulsory unionism was discussed at the biennial Labour conference at Brisbane when, I believe, the Federal president of the Australian Labour Party indicated that he was not in favour of compulsory unionism and felt that the voluntary member was much more worth while.

Hon. J. B. Sleeman: Who said that?

Hon. D. BRAND: Mr. Chamberlain. And what he says goes.

The Premier: It is interesting to hear the Leader of the Opposition quoting him with approval.

Hon. D. BRAND: I feel that on this occasion, being in the minority, we should use the friends of the majority for all we are worth.

Hon. J. B. Sleeman: You would use anything!

Hon. D. BRAND: I feel we should not compel any civil servant, who for any reason at all feels he has any conscientious objection, to become a member of a union. The Premier has put forward the obvious suggestion that such people should go out and find a job in some other field of employment. I do not think that is a very reasonable approach when in respect of this particular association, the membership is almost 100 per cent. voluntary. Why intrude into this legislation compulsion on members to join? The principle is one to which we on this side are very much opposed. Members opposite often refer to freedom of the individual. I consider that this is yet another freedom that we should retain.

Mr. JOHNSON: The principle contained in this clause is already contained in legislation covering this subject and in a number of other Acts, and it is not compulsory unionism.

Mr. Court: Rubbish!

Hon. D. Brand: What is it, then?

Mr. JOHNSON: It may possibly be described as urging people towards joining the association in their own interests.

Hon. D. Brand: Join up, or else!

Mr. JOHNSON: It must be remembered that the people who have conscientious objections which stem from true conscience, are people who are prepared to suffer for their beliefs. The degree of suffering likely to be caused to any person by not belonging to the association, however, is not very great. It does add a handicap possibly, but not necessarily. It is completely unfair to complain that this is compulsory unionism, because there is plenty of room for the person who does not want to belong to the association to not belong. The majority believe that they should have an association, and the majority do belong; and those who do not want to belong are not forced to.

In fact, they are assisted, because they are entitled to put into their pockets the contribution to the association which everybody else supplies and to share the

benefits of salary scales and the conditions achieved by the organisation. The only thing they are stopped from doing is using facilities that are obtainable but for which they have not paid. I think that is normal, ordinary, commercial justice. If a person does not pay for something, he should not have it. If it happened in a shop, it would be regarded as shoplifting.

Mr. Court: You are romancing there.

Mr. JOHNSON: This concerns the right of appeal. They have no right of appeal; they cannot be heard by the board if they are not members of the association. It will be recalled that the right of appeal was achieved some years ago at a time when the Civil Service took action of a rather dramatic kind. The members had a strike; and it was as a result of the strike organised by the association that the right to appeal was achieved.

Hon. J. B. Sleeman: The Liberal Government sacked some of them for striking.

Mr. JOHNSON: It was a very dramatic action for civil servants to take.

The Premier: I think the man who led the strike was a member of the Liberal Party at the time, and later became a member of the Federal Parliament.

Mr. JOHNSON: The right is one that was achieved by the association; and surely anybody whose conscience is so delicate, so fragile a flower that it fades in contact with an association that got him the right to appeal, is going to object to using that channel. If not, then that conscience does not stem from any moral principle higher than the pocket.

Mr. Roberts: What about the chap who has given good and faithful service for many years in a particular organisation and then, because of new-found religious beliefs, does not believe in being a member of an association?

Mr. JOHNSON: I feel sure that anybody who suffered that kind of sudden change would find any contact with such earthly matters as appeals utterly beyond him. I think he would be looking for other forms of employment. It would be so unusual as hardly to warrant consideration and we know that all legislation must cause some small hurt to some persons. The association believes people should be urged and assisted to join it, but does not ask for compulsion. If it did, it would have sought legislation in a form different from this, which can be regarded only as persuasion and preference.

Hon. D. Brand: What is the possibility of the association affiliating with the A.L.P.?

Mr. JOHNSON: I would like to think there was a chance of it, but in view of the membership of the board and the political composition of the association's membership, I do not think it likely. Knowing that the association serves whatever Government is in power, I am certain that while the present board remains it will not recommend affiliation with any political party, because it does its utmost to keep the service of its members to office hours and their politics to hours outside office hours.

Mr. Ross Hutchinson: As their mouthpiece, have you to preserve a neutral attitude in these things?

Mr. JOHNSON: I do my best to put forward their views although they might be coloured by my personal views to a slight extent. I am certain that the association will remain neutral and unpolitical although there are examples to be had in other States to which I might give consideration at a later date.

Hon. Sir ROSS McLARTY: When a similar measure was before the Chamber last session I took exception to this provision to which the Leader of the Opposition and the Deputy Leader of the Opposition are also objecting, because I have no doubt it amounts to compulsory unionism.

The Premier: No.

Hon. Sir ROSS McLARTY: The Premier says "No" and shakes his head, but I am not convinced by that denial. Compulsory unionism has become a major question in Australian politics. I have read some election speeches from the recent Queensland elections and in them compulsory unionism was freely discussed. I also read in "The Sydney Morning Herald" a speech in New South Wales by a union leader on the question of compulsory unionism. He said he did not believe in it as he thought union leaders should be given an incentive to inspire confidence so that employees in industry would join unions without compulsion. The proposal before us which is that a man must be a financial member of the Civil Service Association before he can exercise certain rights, is nothing but compulsory unionism.

The Premier: If there was compulsory unionism in the Civil Service, we would not need this provision.

Hon. Sir ROSS McLARTY: As the Deputy Leader of the Opposition pointed out, few people are affected. We know that large numbers of people who join unions in this country strongly object to part of their fees being paid to a political party, and that is understandable. They should be allowed to hold their political principles without being compelled to contribute to a political organisation with which they may have no sympathy. I am glad this important issue must be debated not only here but also in another place. The Premier knows I am now a back-bencher and do not exercise the influence I may have had in the

past, and I make no threats, but I may put in a word here and there that will carry some weight.

I think that on this vital principle the Premier might well give way if he wants to get this legislation through. The Opposition has been co-operative and an amendment here and there will do no harm, particularly where it would affect so few and could have no detrimental effect on the principles of the measure generally. I do not agree with the Premier who says a person who as a matter of principle will not joint a union or association, should look elsewhere for work, because the field unaffected by awards is far too small. Nearly every industry in the State is covered by some industrial award and I do not know of one that is not.

Mr. Johnson: Accountants are not.

Hon. Sir ROSS McLARTY: I repeat that a man's chances of obtaining work in a field not affected by some award would not be bright. I support the amendment.

Hon. J. B. SLEEMAN: I am surprised at the ex-Premier and ex-Leader of the Opposition trying to say this is compulsory unionism, as it is nothing of the sort. In many places union members will not work with non-unionists but they do in the Civil Service. At all events, who obtained the right of appeal? The association, of course, but these people who do not belong to the association want to take advantage of it. I can remember when the Civil Service had no right of appeal and could only strike. The Opposition were not the Liberals then but were called the Win-the-War Party, and then later the Nationalist Party, and then the Work-for-All Party. Now it is called the Liberal Party again, and it is a job to keep up with them and remember just what their name is.

Mr. Ross Hutchinson: You are embarrassing the Premier.

Hon. J. B. SLEEMAN: At all events, they sacked one of the head men of the association and he afterwards got into the Federal Parliament as a reward for what he did when the Public Service was on strike, so let us hear no more about compulsory unionism.

Hon. D. BRAND: I can hardly agree with the member for Fremantle that if one wants to appeal in any matter, he must join the association. If that is not compulsory unionism, I do not know what is. I do not think the principle should be carried further in this legislation than it has been taken to date.

The PREMIER: The Leader of the Opposition tells only one-quarter of the story. He and his deputy have said during the debate that there are civil servants who are not members of the association—

Mr. Ross Hutchinson: Very few.

The PREMIER: If there are only two, compulsory unionism does not apply in regard either to entry to the service or to remaining in it. The Leader of the Opposition says that if these few people are not given the right of appeal, we will by imposing compulsory unionism on them, but that is not so. They get the same rate of salary and work the same hours that the efforts of the association have won for civil servants generally. They have the same annual leave, long service leave and other benefits as the financial members of the association receive, despite the fact that almost all those benefits have been won by the teamwork and effort of those prepared to combine and work for improvements in salaries and working conditions. My experience of non-unionists and non-association members is that most of them are too miserable, financially, to join an association.

Mr. COURT: Having heard the debate on this question, I am more than ever convinced that the subclause should be struck out. There has been considerable harping on the benefits these people accept without membership of the association. That is about the only argument I have heard put forward in favour of compulsory unionism, namely, that there is somebody who might be leaning heavily on other people. It has been disclosed that the Labour Party itself has at least accepted the principle that it is better to have a man who has been induced to join an association on its merits than to compel him to join. As the member for Murray mentioned, not only is it better for the worker, but it is also better for the union itself because the union would have the driving force to convince others that they should join the association or union.

It is quite apparent that there has been a driving force in the Civil Service Association because I have here a copy of its journal dated the 31st July, 1957. On page 3 it shows that in 1952-53 the total membership was 3,847 and that in 1956-57 the total membership had risen to 4,290. That must be just about 100 per cent. of the members of the Civil Service because we were told that those employed in the Public Service now approximated 4,000. In the next paragraph on page 3 of this journal under the heading of "membership subscription" the following appears:—

> The collection of subscriptions is most satisfactory, in a large measure due to the procuration system of payment which provides a most convenient method both from the members' and the Association's point of view. Forty-three members pay direct and twenty-seven of these are employed where the deduction system does not operate, therefore, only sixteen of the

> original members when the method was introduced, are not having the deductions made from their salary.

This part is interesting and it should make the mouths of former union secretaries water because it reads—

> The amount of arrears of subscriptions as shown in the financial statement of £369 included £196 in course of transit, since received and also £52 paid since, leaving arrears really now £121.

That is not too bad from a membership of 4,290.

Hon. J. B. Sleeman: What has that to do with it?

Mr. COURT: It has plenty to do with it. Members opposite want to increase still further the size of the gun held at the backs of civil servants to force them to join the association.

Hon. J. B. Sleeman: Those who are not members are allowed to work alongside the unionists.

Mr. COURT: How far are they going to get under the proposed new setup? They will not be able to appeal against promotion or supercession. Put another way, the word will get around, if somebody is going to supersede a particular officer who, for good reason will not join the association that he will be superseded and it will be known that he cannot appeal. He cannot appeal against his salary nor against his punishment.

Hon. J. B. Sleeman: He can draw his pay and he is permitted to work there.

Mr. COURT: He cannot appeal against his punishment no matter how unjust it may be or against dismissal no matter how unjust that may be. The hon. member knows how easy it is to provoke situations in an organisation such as this and if a man were sacked the hon. member would be the last to deny a man the right of appeal.

The Minister for Justice: Why should we not get compulsion under this? Why should the association foster bludgers?

Mr. COURT: The reverse should apply. The association, through its own merits, naturally attracts membership. It is obvious that this association has done a fairly good job. Why should we interfere with it? I oppose this provision.

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

| | | | | |
|---|---|---|---|---|
| Ayes | .... | .... | .... | 17 |
| Noes | .... | .... | .... | 23 |
| Majority against | | | .... | 6 |

| Ayes. | |
|---|---|
| Mr. Ackland | Sir Ross McLarty |
| Mr. Brand | Mr. Nalder |
| Mr. Cornell | Mr. Oldfield |
| Mr. Court | Mr. Owen |
| Mr. Crommelin | Mr. Roberts |
| Mr. Grayden | Mr. Watts |
| Mr. Hearman | Mr. Wild |
| Mr. Hutchinson | Mr. I. Manning |
| Mr. W. Manning | *(Teller.)* |

| Noes. | |
|---|---|
| Mr. Andrew | Mr. Lawrence |
| Mr. Evans | Mr. Marshall |
| Mr. Gaffy | Mr. Norton |
| Mr. Graham | Mr. Nulsen |
| Mr. Hall | Mr. O'Brien |
| Mr. Hawke | Mr. Potter |
| Mr. Heal | Mr. Rodoreda |
| Mr. W. Hegney | Mr. Sewell |
| Mr. Hoar | Mr. Sleeman |
| Mr. Johnson | Mr. Toms |
| Mr. Kelly | Mr. May |
| Mr. Lapham | *(Teller.)* |

| Pairs. | |
|---|---|
| Ayes. | Noes. |
| Mr. Perkins | Mr. Jamieson |
| Mr. Mann | Mr. Tonkin |
| Mr. Bovell | Mr. Brady |
| Mr. Thorn | Mr. Rhatigan |

Amendment thus negatived.

Mr. COURT: I move an amendment—

> That the word "not" in line 7, page 35, be struck out.

This is the start of a series of amendments which will affect the prohibition of legal practitioners which the Government has included in this clause. At the moment the clause provides that a party to proceedings before the public service board shall not be entitled to be represented by an agent, whether a legal practitioner or otherwise. Paragraphs (b) and (c) then go on to say that such a party can be represented by an agent but in each case the paragraph concludes with the words "but not by a legal practitioner." For some reason or other there must be some inherent objection by Government supporters against the services of a legal practitioner being obtained by an individual who appears before legal tribunals. I cannot see the reason for that because the person who stands to lose most is the employee.

There are many instances where the benefit of a trained legal assistant has been the means of bringing to the fore a proper legal argument to support a case. One Minister has on his staff a person who, had it not been for a legal practitioner, would not have won her case. This clause provides that one can have an agent, who normally would be the association representative, acting as one's advocate. I am not suggesting that the association's representative should be denied the right to be the advocate if the appellant

so desires, but it should be the right of the parties to engage properly trained legal assistants should they so desire.

Remarks made by some people concerning legal practitioners are rather damaging. Some of the usual cliches are that legal practitioners are all out for fees only. We have a highly developed legal system and need trained legal practitioners. This amendment, which is the first of many, seeks to make it possible for trained legal practitioners to appear for appellants should they so desire.

The PREMIER: I oppose the amendment. There are places and situations in which lawyers have the right to appear and where they should have the right to appear. There are other places and situations where it would not be advisable, by any stretch of the imagination, for them to appear. Cases which will come before the proposed board and the tribunals involved will be those to be decided very largely, if not entirely, on the merits of the claims of those involved.

To inject into a situation of that kind legal and semi-legal argument and disputation would, I think, in the majority of instances, have only the effect of lengthening the proceedings unduly and would not, in any way, make a worth-while contribution to the settlement of a claim or dispute that was being heard. Therefore, I think Parliament is justified in this situation in endeavouring to make sure, in this legislation, that these claims, applications and appeals are heard and decided on the basis of merit and not on the basis of legal argument. It could easily be that one person could not afford to engage counsel who was well known, whereas the other person might be able to engage the best solicitor in the land. Therefore, a situation could develop of placing a premium on the person financially able to engage the services of the best solicitor. I know some of the same arguments could apply to our law courts generally, but there is not any need to spread that principle or system into arguments and cases before this board or before the related tribunals.

Mr. Court: What is the position if there are two members of the association and they are both appellants and want representation from the association? What would happen then?

The PREMIER: I foresee no difficulty in that regard. The association, as an association, would not take sides as between one person and another, and would be in a position to provide a non-legal representative for each of the persons concerned. Nobody could raise any legitimate objection to that course.

Mr. COURT: I cannot agree with the arguments advanced by the Premier when he says that we should not allow legal representation. It is true that if two people seek legal representation, one may be able to get the services of an outstanding man whereas the other party may have to accept the services of a less experienced person. The question of money could come into it. It is also logical that there will be disparity of ability between agents just as with legal practitioners, but in the former case it could be even more marked.

Hon. D. Brand: There could be disparity between the ability of the appellants themselves.

Mr. COURT: Yes. One of the appellants could be knowledgeable and thoroughly able to handle his own case and put it over the agent produced on behalf of the other person by the association. There is less likelihood of having disparity between the ability of trained legal practitioners. Therefore, the safest thing is to make it possible for appellants to have a legal practitioner if they so desire. In practice, I think they would use the services of the association, but there will be cases where a trained legal practitioner would be in the interests of the appellant and should be retained in the law.

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

| | |
|---|---|
| Ayes .... .... .... | 17 |
| Noes .... .... .... | 23 |
| Majority against .... | 7 |

Ayes.

| | |
|---|---|
| Mr. Ackland | Sir Ross McLarty |
| Mr. Brand | Mr. Nalder |
| Mr. Cornell | Mr. Oldfield |
| Mr. Court | Mr. Owen |
| Mr. Crommelin | Mr. Roberts |
| Mr. Grayden | Mr. Watts |
| Mr. Hearman | Mr. Wild |
| Mr. Hutchinson | Mr. I. Manning |
| Mr. W. Manning | *(Teller.)* |

Noes.

| | |
|---|---|
| Mr. Andrew | Mr. Marshall |
| Mr. Evans | Mr. Moir |
| Mr. Gaffy | Mr. Norton |
| Mr. Graham | Mr. Nulsen |
| Mr. Hall | Mr. O'Brien |
| Mr. Hawke | Mr. Potter |
| Mr. W. Hegney | Mr. Rodoreda |
| Mr. Hoar | Mr. Sewell |
| Mr. Johnson | Mr. Sleeman |
| Mr. Kelly | Mr. Toms |
| Mr. Lapham | Mr. May |
| Mr. Lawrence | *(Teller.)* |

Pairs.

| Ayes. | Noes. |
|---|---|
| Mr. Perkins | Mr. Jamieson |
| Mr. Mann | Mr. Tonkin |
| Mr. Bovell | Mr. Brady |
| Mr. Thorn | Mr. Rhatigan |

Amendment thus negatived.

Clause put and passed.

Clauses 41 to 85—agreed to.

Clause 66—Service required of notice of punishment of officer concerned:

Mr. COURT: I move an amendment—

That Subclause (5), page 65, be struck out.

The significance of this amendment is that a person who would otherwise have the right of appeal cannot appeal unless he obtains a certificate from the association saying that at the time of the commission of the offence in respect of which punishment was imposed, he was a member of the association and this certificate has to be produced to the public service appeal board. It is a further leg on the matter to which we took exception some few clauses ago, inasmuch as it makes it obligatory for a man to be a member of the association before he can have the right of appeal in respect of punishment. There is no need for me to reiterate the arguments used before because they are identical in this particular case.

Hon. J. B. SLEEMAN: It seems that there is a hypocritical condemnation of the Bill. The member for Nedlands apparently has a bad memory. Last year he was advocating the very thing he now opposes. He was championing the right of the chartered accountants and said that unless a man was a member of the chartered accountants organisation he could no longer get the job.

Mr. Court: No. There were two bodies of accountants—rival bodies.

Hon. J. B. SLEEMAN: He said that unless a man was a chartered accountant he could not be a local government auditor. But now he is putting forward the right of a non-member of the association to get all the benefits. Does he mean what he said last year or what he says tonight?

Mr. COURT: The member for Fremantle probably forgets that in connection with these auditors, there was a provision that a man could be a member of rival bodies. The reason was that there had to be some particular qualifications for the jobs to be filled.

Hon. J. B. Sleeman: You cannot get out of it that easily.

Mr. COURT: I do not expect the hon. member to accept the argument, but when he cogitates on it a little, he will realise the merit of what I say. Also in that instance there was reference to the Australian Society of Accountants.

The CHAIRMAN: Order! I think the hon. member had better forget the accountants and get back to the amendment.

Mr. COURT: I was only trying to answer the member for Fremantle. I claim there is no inconsistency. One instance is dealing with a position calling for particular qualifications which the Minister for Justice insists on under the Companies Act.

Hon. J. B. SLEEMAN: It is certainly not acceptable to me. On the 18th December, 1956—

The CHAIRMAN: Order! The member for Fremantle had better stick to the amendment under discussion.

Hon. J. B. SLEEMAN: The member for Nedlands says he has replied to me, but he has not. In December last year he claimed that a chartered accountant who, through being a conscientious objector and deciding to get out of the chartered accountants organisation, could no longer be an auditor. That is what he was going to do with the man who has a conscientious objection. Tonight he is putting up this piffle and it makes me sick to listen to him.

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

| | |
|---|---|
| Ayes .... .... .... | 17 |
| Noes .... .... .... | 22 |
| Majority against .... | 5 |

Ayes.

| | |
|---|---|
| Mr. Ackland | Sir Ross McLarty |
| Mr. Brand | Mr. Nalder |
| Mr. Cornell | Mr. Oldfield |
| Mr. Court | Mr. Owen |
| Mr. Crommelin | Mr. Perkins |
| Mr. Grayden | Mr. Roberts |
| Mr. Hearman | Mr. Watts |
| Mr. Hutchinson | Mr. I. Manning |
| Mr. W. Manning | *(Teller.)* |

Noes.

| | |
|---|---|
| Mr. Andrew | Mr. Lawrence |
| Mr. Evans | Mr. Marshall |
| Mr. Gaffy | Mr. Moir |
| Mr. Graham | Mr. Norton |
| Mr. Hall | Mr. Nulsen |
| Mr. Hawke | Mr. O'Brien |
| Mr. W. Hegney | Mr. Potter |
| Mr. Hoar | Mr. Sewell |
| Mr. Johnson | Mr. Sleeman |
| Mr. Kelly | Mr. Toms |
| Mr. Lapham | Mr. May |
| | *(Teller.)* |

Pairs.

| Ayes. | Noes. |
|---|---|
| Mr. Wild | Mr. Jamieson |
| Mr. Mann | Mr. Tonkin |
| Mr. Bovell | Mr. Brady |
| Mr. Thorn | Mr. Rhatigan |

Amendment thus negatived.

Clause put and passed.

Clause 67—Interpretation:

Hon. A. F. WATTS: There are some curious provisions here. Clause 68 deals with the powers of the board to suspend and otherwise deal with civil servants who are charged with what are called statutory offences. A statutory offence is defined as "whether an indictable offence or a simple offence." The clause provides that if an officer is convicted of an offence he is ipso facto dismissed from office and is not entitled to salary, etc., unless the board directs otherwise. Under the provisions of Subclause (8), if he is acquitted he is still liable not to get his salary.

So, under the clause if a charge against a person has been withdrawn, the board may deal with that person, in respect of salary, the same as it can with a person who has been convicted. Even if a person has been convicted of an offence, it is somewhat unjust to deprive him of his accrued leave; and that is implicit in Subclause (5). It does not seem completely just to deprive him of his salary between the time he is alleged to have committed the offence and the time when the offence is proved. This seems to be a reversal of the British system which says that a man is innocent until he is proved guilty. The clause is going part of the way towards saying he is guilty before he is proved guilty.

While I am not competent this evening to suggest a remodelling of the clause to fit in with what I reckon are the basic principles that should apply here, namely, that drastic punishments should only follow conviction and that there should not be included in those punishments loss of pay and leave due long before conviction, I feel that the draftsman, the Government or the Premier, should go into the clause again to ensure that no departure is made from the principle that man is not guilty until he is proved so.

The PREMIER: I will certainly make some inquiries along the lines suggested by the Leader of the Country Party. I would be surprised to find that the effect of any part of the clause would be to take away from any officer rights which had accrued to him before he committed an offence. If the clauses as drafted provide for that, then I certainly would be agreeable to having them altered. It is as far as I know, the set policy of all the legislation, dealing with situations of this kind, that rights which have accrued prior to the commission of an offence or misdemeanour, shall still be claimable by the person concerned; and we would not in a Bill of this type wish to depart from that principle. I undertake to have the matter discussed with the draftsman and with those who have been responsible for instructing the draftsman.

Hon. A. F. WATTS: I do not want to delay the matter because I am satisfied with the Premier's undertaking, but I point out the provisions of Subclause (5). Under Subclause (6) the board need not do any of the things set out in Subclause (5); and I do not think it should be left in that somewhat doubtful position.

Clause put and passed.

Clauses 68 to 89, Schedule, Title—agreed to.

Bill reported with an amendment.

*House adjourned at 10.5 p.m.*

# Legislative Council

Wednesday, 21st August, 1957.

CONTENTS.



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

## QUESTIONS.

### SCHOOL HOLIDAYS.

*Accommodation on Trains and Buses.*

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

As the school holidays commence at the end of this week, would he be prepared to have a system instigated of listing the numbers of tickets sold on various buses and trains, so that these numbers can be checked with the seating available on each train or bus, in order to obviate the disorganisation which occurs each school holiday period at the Perth railway station?

The MINISTER replied:

The information gained from tickets sold in advance is used by the Railway Department in the provision of buses and extra coaches on trains. But as many of the travellers do not purchase their tickets until shortly before departure time, the complete information is not available in sufficient time to be of full assistance. Extra buses and additional coaches are held in reserve and there is no evidence of disorganisation.