If we were to apply that reasoning, however, to our assessment of salaries in other posts, I am afraid we would get into an awful tangle. We must endeavour to provide emoluments which will be sufficiently attractive to get the right people to offer themselves, and which, at the same time, having regard to all other standards, will be adequate recompense for the work being done.

I do not think there can be any argument at all against giving an increase. It only becomes a question of whether we consider that the amount of increase will be adequate and satisfactory. No doubt the Premier, as he has said, has had this position examined throughout and the Government has concluded that these amounts are reasonable in all the circumstances.

It is unfortunate that we have reached a stage where recent happenings have necessitated a number of new appointments, which means we will have comparatively new and inexperienced men on the bench. But this is unavoidable. I would say, however, without any hesitation, that one person already appointed has our complete confidence, because we have a very clear appreciation of the skill he has shown in his practice first as a lawyer and subsequently as a barrister; and if the Government is able to secure men of similar calibre we will be well served on the bench.

It is most important, however, that whoever is appointed should be a logical thinker; he should have the power properly to detect weaknesses in an argument and, above all, he should have in his makeup that spirit of mercy which will enable him to temper justice with mercy, because we would hate to have a situation where the punishment being meted out was such as to be more than a deterrent; or that it should be of a nature as would sour people and be no encouragement to them to mend their ways.

We have no objection to the Government's proposals at all, and we accept the Government's assurance that inquiry throughout has enabled it to come to the conclusion that these are reasonable amounts which ought to be offered in the circumstances. I support the Bill.

MR. BRAND (Greenough—Premier) [5.59 p.m.]: I would like to thank the Leader of the Opposition for his support of the measure, which is clearcut so far as I am concerned. As the Leader of the Opposition has said, we have made a thorough examination of the position; and again, I repeat, unless we are prepared to pay reasonable and attractive salaries we will not only fail to attract the best of our own people, but the likelihood is that we will lose them to the other States and, maybe, even to the Commonwealth, which is always on the lookout for people of outstanding ability.

Whether we like to admit it or not, the salary we receive and the conditions under which we work play a very important part in the decisions we make.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Brand (Premier), and transmitted to the Council.

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. BRAND (Greenough—Premier) [6 p.m.]: I move—

> That the House at its rising adjourn until 11 a.m. tomorrow (Thursday).

Question put and passed.

CLOSING DAYS OF SESSION

Thursday Sitting

THE SPEAKER (Mr. GUTHRIE) [6.1 p.m.]: Before the Premier moves the adjournment of the House I would mention for the benefit of members that I do not propose tomorrow to take questions when the House sits at 11 a.m. I think it would be more convenient if I took the questions at 2.15 p.m. after the luncheon adjournment. The luncheon adjournment will be from 12.45 to 2.15 p.m. and I understand that it is intended the House will adjourn at 4 p.m., so there will be no afternoon tea break.

House adjourned at 6.2 p.m.

Legislative Council

Thursday, the 24th April, 1969

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 11.30 a.m., and read prayers.

QUESTIONS ON NOTICE

Postponement

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [11.34 a.m.]: Ministers are not in a position to answer questions at this stage of the sitting and, therefore, I move—

> That answers to questions be taken at a later stage of the sitting when they are available.

Question put and passed.

CHIROPRACTORS ACT

Disallowance of Rules: Motion

Debate resumed, from the 23rd April, on the following motion by The Hon. C. E. Griffiths:—

> That Rules 10A, 10B and 10C made by the Chiropractors Registration Board under Section 18 of the Chiropractors Act, 1964, published in the *Government Gazette* on 12th November, 1968, and laid on the Table of the House on 25th March, 1969, be and are hereby disallowed.

THE HON. J. G. HISLOP (Metropolitan) [11.36 a.m.]: In the few hours I have had available to go through these rules, I have done my best to analyse their disability or otherwise. The legislation covering chiropractors does, in the main, give the privileges of a board of registration to these people which, I think, we all agreed in 1964 was generous. To debate the rules of the board would be to reiterate what the mover of the motion has said. I will therefore just deal with one or two of them.

If we could really get together as a group we might be able to achieve something. The first thing I would like to discuss is whether these people should be given a higher title than that for which they have qualified. They want to be called doctors. Rule 10C(1) reads—

> A chiropractor shall not describe himself by—
>
> (a) the title "Doctor" or use any abbreviation of that title; or
>
> (b) in any other way describe himself or hold himself out to be other than a chiropractor, except with the consent of the Board.

I do not think we should alter that because I do not know of any other way we can distinguish the various fields of medicine. If we allow chiropractors to use the term "doctor," many other similar groups, such as physiotherapists, would feel entitled to do the same. Only those who have obtained the necessary qualification by examination should be permitted to use the title "doctor."

I cannot stand here and say that I would like to see chiropractors referred to as "doctor." I have heard of some of the various American schools and universities and, indeed, I do not think that members of Parliament would be justified in taking the view that titles given by them should apply in Western Australia.

If a person who has been given such a title at, say, an American University, comes to Western Australia, I consider the same conditions should apply to him as apply to people who have gained their experience in Western Australia. I was in America some time ago, long before it was thought that people in the chiropractic field would be coming to Western Australia from America. The idea held at the time I was there was that if a man had been working through an organisation, he should get a title. That is the kind of condition that applied, and that was some years ago. There may be other titles which have been given in similar ways, but we in Western Australia do not know the real conditions which obtained at the school or the university where the person was doing this work.

The PRESIDENT: Order! Will the honourable member please speak up. The *Hansard* reporter cannot hear him.

The Hon. J. G. HISLOP: What I was attempting to say is that we have really no knowledge, or very little knowledge, of so many of the universities in America with the result that I doubt whether we would be correct in advancing the status of chiropractors.

However, there are two factors which I think must be considered. I know that individuals frequently go to chiropractors and leave with a loss of the pain or disability which they were experiencing prior to going. The relief, sometimes, is afforded very quickly, so much so that one is mystified as to how it could be done. It is not that I have seen just one or two examples of this; because even my own friends have gone to chiropractors. The other evening, when we were discussing certain aspects of the motion, I was told that 39 persons were sitting in the waiting room of a chiropractor that same evening.

I have known individuals to come very long distances from the country to consult me. One person, in particular, said on the way out that he had not told me about a pain in his back, but that he would not be long getting rid of it because he was going to the chiropractor. On his return he said that he had completely recovered from his pain, and he went back to the country quite satisfied.

Let me say something else which, in fact, gives me much pleasure to say; namely, there are a number of chiropractors of whom I would approve. I will not name any of them, because that might not be fair.

I would like to draw attention to a sorrow which we experienced in this Chamber when one of our colleagues recently passed away. After a doctor had examined his spinal cord he was told that there was nothing very much wrong. He returned home after he had consulted people in another State, but was still no better. Finally he went to a chiropractor who rang me and said that my friend was not all right, and he suggested a possible illness; in fact, his predictions were true. I know of other chiropractors who are really generous to people.

I would not like to think that individual chiropractors might be engaged in battle with one another, because it might be dangerous to the whole community. I consider the parent Act is very good, if it is applied as it has been over the past five years. The members of this Parliament should not look at the Chiropractors Act as something that is facing the wrong way round.

One of the aspects of chiropractic work is whether there is a nervous element involved, which perhaps goes against a person being assisted through normal medical means. It is extraordinary, but a person may suffer a pain for a week or more; he will go to a chiropractor, and will come back in 24 to 48 hours and say that his pain is gone.

The Hon. R. F. Hutchison: That is true enough. I have been to them.

The Hon. J. G. HISLOP: This happens, and not in isolated instances but in many cases. Because of this, I personally wonder whether some nervous aspect is involved in the person's condition.

I for one would not attempt to stop the practice of chiropractic, but I would not like to see chiropractors aiming at higher degrees; because we have not had enough experience in this State in this regard. I do not think there is a necessity to expand, shall I say, the "degrees" which they may like to have, because the present structure is all that is necessary. After all, physiotherapists do not make any great claims with respect to advanced status. Of course, it may be suggested in the years to come. However, these institutions are helping the public and personally I would never contemplate trying to prevent them from working in Western Australia.

I think it would be wise for the board to meet chiropractors who are not satisfied and report back to the Minister. To my mind that is the only way difficulties could be overcome. The board should not be concerned with small problems; but, if there is a real problem it should be taken to the Minister who, I am sure, would give those concerned a very good hearing as he, in company with myself, appreciates the work they do in the community.

THE HON. R. THOMPSON (South Metropolitan) [11.48 a.m.]: I rise to oppose the motion. I well recall that some years before the original legislation to register chiropractors came before this House, the idea was strenuously opposed at that stage by the medical profession in particular. I am not referring to the medical profession in total, but there was great opposition from a section of that profession.

As far as I can recall there have always been two groups of chiropractors; namely, those of Australian origin and those of foreign origin. These two groups have competed for many years and for a long time they could not see eye to eye in respect of the legislation. Although they wanted recognition they still would not agree to accept proposed legislation that was put up to them from time to time.

I supported the original legislation, and I support the regulations. To my mind, Mr. Clive Griffiths has fallen down badly. I do not disagree with all of what he said, but he fell down badly on one point; namely, when he kept repeating the word "profession." Chiropractors are not professional people. They are not accepted in the Act as being professional people, and I do not want to see them accepted as such until such time as they come up with the standard of ethics and qualifications that are required to fit them as professional people.

I am not opposed to chiropractors, because I think many of them perform a great deal of work that doctors cannot perform, and I have had some personal experience of that. There are people who hold themselves out as doctors of chiropractic, and based on Australian standards there are people who hold a diploma of chiropractic. There are also others who were accepted under the provisions of the original legislation, because, although they held no qualifications whatsoever, they had been practising chiropractic for several years prior to the introduction of the Act.

The same procedure was followed when the Builders' Registration Act, the Painters' Registration Act, the Dentists Act, the Optometrists Act, and the Physiotherapists Act were introduced. In all these instances there had to be a starting point for the introduction of legislation to govern the activities of the people concerned. Among the chiropractors I feel quite sure that some of them who do not hold qualifications have a larger practice than those who hold a diploma or certificate, probably because of the experience they have gained over the many years they have been practising their work, and of their knowledge and experience of the human body in general.

I think those people render an invaluable service to the community. That is the reason I supported the original legislation, and for the same reason I am supporting the regulations that are now under discussion. Possibly we should ascertain why these people hold themselves out to be doctors of chiropractic when in fact their qualifications are only equal to those of Australian chiropractors. I am basing my remarks on what I have been able to learn about these people. This was some years ago and not of recent date.

If it is found that there is a division between those who claim to have overseas chiropractic qualifications, it will also be found that they are not united so far as the board is concerned. The people who

do hold qualifications wish to gain a mean advantage over others who do not by advertising and, as the regulations stipulate, in some instances by touting for custom. They do this merely by the use of some foreign qualification which they claim to have. The Act is quite specific as to who shall be registered; what qualification they shall hold; what courses in the subject they must take, and the places where the courses have to be taken. There is nothing wrong with that.

Some chiropractors continue to mislead members of the public. I have received only one letter dated the 20th April in regard to that. It is signed by two of my constituents, and in the letter they say—

> Dear Mr. Thompson,
>
> I understand that on Tuesday next certain rules will be debated regarding the activities of chiropractors; viz.:
>
> (a) that they should not be allowed to use their qualifications on letter heads, etc.

That is completely untrue. The regulations provide—

> (5) Stationery used by a chiropractor shall not contain any headings other than—
>
> (a) the name of the chiropractor or chiropractors;
>
> (b) Registered Business Name;
>
> (c) "Chiropractor";
>
> (d) Qualifications approved by the Board;
>
> (e) Place of practice;
>
> (f) Hours of practise and telephone number.

The regulation then sets out further particulars to the effect that "except as provided in the rules a chiropractor shall not be a party to any other form of advertisement or display relating to his profession as a chiropractor without the permission of the Board."

If a chiropractor desires to advertise he can apply to the board for permission to do so. Further, if in the future these people want to be recognised as professionals they have to recognise the code of ethics laid down. Now is the right time to request the board to frame regulations which will enforce these people to comply with the code of ethics. The letter I received from my constituents continues—

> (b) that they should not be allowed to distribute any literature on chiropractics, even in their waiting rooms.

I think the Minister for Health gave several answers to that. The type of advertisement and handbill that some of these people are passing round, which is virtually for custom, is against the regulations. This letter continues—

> (c) that listing in the Pink Pages should not be allowed.

The regulations also state that a chiropractor can advertise so long as such advertisement is in ordinary print. The regulations also set out how chiropractors can advertise in the pink pages of the telephone directory, and also under their own names in the telephone directory itself. I think that, possibly, is one regulation which could be extended a little.

I would not be a party to any move that would encourage an American group setting up a list of doctors of chiropractic in an endeavour to oversell themselves as against those who hold diplomas or certificates. As the Minister for Health pointed out, the letters "D.C." after a person's name could be taken to mean "Diseases of Children." In fact, according to our own standards, no chiropractor is allowed to use the letters "D.C." after his name. I think a little more latitude in regard to advertising in the pink pages of the telephone directory could be permitted, and perhaps the lettering could be in bolder type, but this should be governed by what the board considers is correct.

I do not intend to speak for long on the motion, but, in particular, I refer the Minister to the Medical Act, because I consider that these regulations, although I am supporting them at this stage, are of little value unless an amendment to subsection (3) of section 19 of that Act is made. That subsection reads—

> From and after the passing of this Act no person other than a medical practitioner shall be entitled to—
>
> (3) Advertise or hold himself out, directly or indirectly, by any name, word, title or designation, whether expressed in words or by letters or partly in the one and partly in the other (either alone or in conjunction with any other word or words) or by any other means whatsoever, as being entitled or qualified, able, or willing or by implication suggests that he is able or willing or in any manner pretends to practise medicine or surgery in any one or more of its or their branches or to give or perform any medical or surgical service attendance, operation or advice or any service, attendance, operation or advice which is usually given or performed by a medical practitioner.

The important part is the proviso, which states—

> Provided that this paragraph shall not apply to a person practising as a dietitian or as a chiropractor who gives advice or service to persons requiring dietetic or chiropractic advice or service.

The Hon. G. C. MacKinnon: The reason for that is that we have a Chiropractors Act, and this was incorporated into it. It is a virtual repetition of section 23 of the Chiropractors Act.

The Hon. R. THOMPSON: I am not always right, but I consider that the Medical Act overrides the Chiropractors Act. This says that doctors or other professional people shall not advertise what they are practising.

The Hon. G. C. MacKinnon: I will have a look at this aspect. Section 23 of the Chiropractors Act is repeated in the Medical Act.

The Hon. R. THOMPSON: I cannot agree with the Minister. I am still in favour of the regulations. If the Medical Act overrides these regulations then they are not enforceable. I would like to see the Medical Act changed so that these regulations are enforceable.

I oppose the motion, and I trust the Minister will—perhaps before the motion is put to a vote—clear up this point. The House should not be placed in the position of having to vote for the retention of regulations, in opposition to the motion, and then of finding later that what we have done is wrong. I therefore oppose the motion.

THE HON. C. R. ABBEY (West) [12.3 p.m.]: I intend to support the motion, but I want to make my position very clear as far as it concerns the Minister. I think he is not culpable in any way in tabling the regulations, and I know his strength of purpose and his very great ability in administering his department. It is not meant by Mr. Clive Griffiths, or any member who supports the motion, that his action is a reflection on the Minister's ability or character. I want to make that very clear.

Parliament, particularly in dealing with regulations, is a forum in which members should attempt to put forward certain views—in this instance those of the patient. Professional people are rather inclined to hide their light under a bushel; the reason is so that their ethical standards may be maintained. It is obvious to me, and to many other people, that at times it is quite difficult to determine the right doctor to go to for treatment, because the information available in this respect is very sketchy. As far as I know, the only readily available information is contained in the pink pages of the telephone directory, and that information is also very sketchy.

Unless a patient sees his doctor and makes a request for the doctor to refer him to a specialist, the patient will not know who to go to; often the doctor himself does not know either. Some means should be provided to enable members of the public to approach some authority to obtain this information. I feel it would be better if more information than is contained in the telephone directory was available. That is one of the reasons I intend to support the motion.

I have no desire to see a situation arise where a member of the chiropractic profession is permitted to use the prefix "Dr." That should not be permitted, and I am sure no member in this House would agree to it. However, it is very desirable that the qualifications of chiropractors who possess degrees can be ascertained by those who wish to know. Therefore there is no reason why we should not permit the publication in the telephone directory of details such as these—

Kenneth Richard Todd, D.C.
Doctor of Chiropractic
(U.S.A. degree.)

That will give some indication of the qualifications of this person.

I have no hesitation in saying that I have received relief and benefit from all sections of the chiropractic profession, and not necessarily only from those who possess degrees. Now that there is registration of chiropractors I disagree with Mr. Ron Thompson that their practice should not be regarded as a profession. Certainly it is a very young profession, and we should encourage its members to raise their standards so that they are regarded by all sections of the community as professional people.

In my view it is a great pity that the medical profession does not have within its ranks more members who have chiropractic experience. If there were there would be very little need for the chiropractic profession. I was pleased to hear the comments of Dr. Hislop, his support and coverage of the chiropractic profession, and his reference to it as a useful profession. It shows the great depth of realisation of the position on the part of Dr. Hislop. Perhaps is is a pity that other members of the medical profession have not broadened their views.

One of the main reasons I desire to support the motion of Mr. Clive Griffiths is this: as this is a very young profession there should be much more consultation between its members and the members of the board. I have no doubt that the ethics of the members of the board are of the highest; they are endeavouring to do the best they can under the circumstances, but I do think that an opportunity should have been given to all registered chiropractors to put forward their views for consideration, in a situation where an entirely new set of rules is promulgated to cover their conduct in the future.

We all agree that we must have ethical standards in the profession, but I think that wider consultation with the members of the chiropractic profession would lead

to a much better situation. Therefore I hope that these rules are withdrawn, and that they are redrafted in co-operation with the whole profession. I do not want to see the position where members of the chiropractic profession are able to insert in the Press all sorts of advertisements; far from it. I want to see the position where those members are able to make available to the public readily, on an equal basis, the qualifications that they possess.

The Hon. G. C. McKinnon: If that is desirable, do you not think it should have been put into the original Act, rather than in the hands of the board? It is a little late to instruct the board.

The Hon. C. R. ABBEY: I think not. This is a newly recognised profession in Australia.

The Hon. G. C. McKinnon: But boards are not a new innovation.

The Hon. C. R. ABBEY: That is true, but this profession is a new one. I would imagine there are very few guide lines to be found anywhere in the world; therefore it is fair enough that the practitioners should be consulted, even though they might agree that the rules proposed by the board are acceptable. It is the duty of Parliament to examine those rules in relation to their effect on patients. That is a very important point, and one of the main reasons for my support of the motion.

As we have the situation where both those with degrees and those with experience are recognised under the Act, I personally regard them as being equal in the eyes of the law. From my personal knowledge they are equal in ability in the many cases of which I have had experience. I see no reason why any section of the profession should be given special advantage; and I do not think it is the intention of the mover of the motion that this should be so.

I do not regard the chiropractic profession as necessarily being a part of the medical profession; perhaps it is ancillary to the medical profession. Dr. Hislop pointed out how members of the chiropractic profession, in co-operation with the medical profession, can provide a very good service; but it must be recognised there are many cases which chiropractors are not capable of treating.

That is all I wish to say on the motion. I see no reason why these regulations should not be sent back to the board. I sincerely hope the board will not take exception to this course of action, because it is not intended to be a reflection. This motion seeks to bring about more consultation with members of the profession, and to achieve a result which will be much better for the profession and the patients.

THE HON. J. DOLAN (South-East Metropolitan) [12.14 p.m.]: I will not be long in stating my views on this particular question. When the original Bill was introduced in this House members who were here on that occasion will recall that I supported it, and possibly I played a big part in bringing about the registration of this group of people. They were then placed in two categories; those who had degrees or diplomas, and those who had been practising chiropractic for a long while. I will repeat exactly what I said about them when the original Bill was before this House, and my comments will be found on page 1114 of the 1964 *Hansard*. They are as follows:—

> . . . we have men practising chiropractic in Western Australia who could never pass a course at a recognised training institution.

I do not think anyone will disagree with that statement. Many were practising and in some cases they probably could not have written an answer to a simple question. To continue—

> Yet those same men possess marvellous natural qualities—exceptionally sensitive fingers and hands. I have known some of those men and seen some of the work they have done and I can commend them for their treatment of certain disabilities.

We eventually passed a Bill which brought all these people under its jurisdiction, irrespective of whether or not they had a diploma or a degree. By virtue of the fact that they had practised chiropractic for a certain time, they were entitled to consideration and they were all placed in one group and registered.

However, I do not think that anyone seriously considered that this was a profession. If so, the meaning of the word "profession," as it has generally been accepted, must be altered. How can we class a man as professional if he has not taken an examination? I think the word "profession" should not be used in this regard, although I do hope that the day will come when chiropractic will be recognised as an outstanding profession. I expressed that opinion when I spoke previously. Many of the comments I made on that occasion are in line with what I still feel and I think it is important that I should quote what I said when the Bill was then debated. I want to refer particularly to the establishment of the board. On page 1113 I said—

> The first important feature of the Bill is the constitution of the Chiropractors Registration Board, and I commend the framers of the Bill for reaching the decision that the chairman of the board should be a legal practitioner.

As a matter of fact, in the report of the Royal Commission was the recommendation that the chairman should not only be a legal practitioner but he should be a Q.C.; and that was exactly the position when the

board was established because the chairman was Mr. Wickham, Q.C. If the newspaper can be relied upon, he is to receive further honours shortly. He is an outstanding man in his profession and his role was to guide the other members of the board. Also on the board are four who are practising chiropractic. On the functions of the board, I had this to say in 1964—

> I feel that the members of the board will carry a terrific responsibility in making sure that the profession—

and I used the word "profession" then deliberately in order to give a standing I feel is not merited. To continue—

> —is given its proper place in the community. I feel that the members will regard this matter as a challenge, and they will set the highest possible standard for those they propose to license. Those licensed will receive the earnest consideration of the board at all times.

Further on I repeated myself when I said—

> I repeat: The success or failure of the move to register those people will depend upon the board. The members of the board will regard it as a challenge and they will set the highest professional standard possible. They will not grant a license without the fullest examination from every possible angle, taking into account the qualifications, previous experience, and general standing in the community of the applicant.

My views have not changed. The board was set up to do a job and, in making these regulations, it is fulfilling its objective. I am prepared to stand by the board. I have read the regulations and although I do not entirely agree with all of them—I can see aspects here and there with which I do not agree—I think we should go along with the board at present. The powers and functions of the board are provided for in the Act, and one of those functions is that it shall make regulations prescribing the professional and ethical standards to be maintained by chiropractors. The original set of rules was compiled I think when Mr. Wickham was chairman.

The Hon. G. C. MacKinnon: That is right.

The Hon. J. DOLAN: Those rules have been in force for some time now. The mover of the motion suggested that we should let the rules go for some years before we clamped down on any unethical practices. My belief is that we should start at the beginning and set the standards. We must not wait for certain things to happen and then do something.

The Hon. C. E. Griffiths: I did not make that statement.

The Hon. J. DOLAN: If the honourable member did not make the statement, I apologise, but if he reads his speech he will find that he said the chiropractors should be allowed to carry on for some time before we clamped down on them.

When the board knows these things are occurring, that is the time it must clamp down and make regulations and ensure that the chiropractors comply with them.

I do not want to go any further on the matter. I have the utmost respect for chiropractic and that is one of the reasons I fought so hard to have chiropractors licensed. Now they are licensed and they must accept the fact that they must abide by the rules and regulations the board makes. The board must carry out the functions for which it was established. Should some of the rules be found unsuitable, the board could then look at them and submit amendments or new rules to fit the circumstances. That is the wise course to follow, and I am prepared to go along with the board on this occasion.

The Hon. G. C. MacKinnon: At least the chiropractors have a set of rules which can be altered.

The Hon. J. DOLAN: That is right. I feel the board is carrying out the functions for which it was established under the Act and therefore I cannot support the motion.

THE HON. N. E. BAXTER (Central) [12.22 p.m.]: I listened with interest to Mr. Clive Griffiths when he introduced this motion, and also the Minister for Health and other speakers. To get a proper perspective of these regulations and the legislation we must go back into the history of chiropractic in this State. Mr. Dolan mentioned some of the history. He referred to those people who have a natural aptitude for bone manipulation and sensitive fingers for this type of work.

When the Royal Commission was inquiring into this subject, the situation was that people were practising chiropractic in this State—and this has not been mentioned by any speaker—but were not legally entitled to charge any fee. The position then was that all they could expect legally was a present in money or kind from those they treated. The Royal Commission decided this was not a very satisfactory position, and I believe that was one of the main reasons the legislation was introduced in 1964 and chiropractors were registered.

Under the legislation chiropractors now have the opportunity to charge a fee. However, on the other hand, they must expect some control. The rules were originally introduced, as Mr. Dolan stated, when Mr. Wickham was chairman, and subsequently new regulations were brought into force. Surely with its experience since the changeover from Mr. Wickham to Mr. Ackland, the board should know whether further regulations are necessary. If they were not necessary, the board would not have made them. The members of the

board are aware of what is going on and, in introducing these regulations, they are complying with the Act. They believe they are acting not only in the best interests of the public but in the best interests of the chiropractors themselves also.

When we look at the regulations they appear very stringent, but if we make a study of them, and consider all aspects, as well as the Act, we realise they are quite reasonable. Let us consider the regulation which provides that chiropractors should not use the prefix, "Dr." Compare it with the parent Act and consider what the public of Western Australia normally regard as a doctor. A doctor is a medical man or, as the Minister outlined, someone who is qualified to receive the degree of a doctor in a recognised profession of the sciences. Yet, these people want to come to this State with a degree from certain schools of chiropractic and use the prefix, "Dr." In the main the public of Western Australia, as I have said, regard a doctor as being someone who has something to do with the medical profession, someone who is qualified to treat their illnesses and ailments.

We know that chiropractors certainly treat some ailments, but I do not believe this qualifies them to use the prefix, "Dr."

I do not want to delay this matter any longer. The legislation was introduced to enable these people to charge a fee and to be registered. I think they should be very pleased that this has been brought about and that they are now recognised and registered. I cannot say that I support the motion.

THE HON. R. F. CLAUGHTON (North Metropolitan) [12.27 p.m.]: I have a few remarks to make on this motion. First of all, if we move to disallow these regulations the board will be in the position of not knowing exactly what we think about them —which ones we consider are all right, and which ones we disagree with. The preferable situation is for members to allow the regulations to stand and then the chiropractors themselves, through the board, can submit amendments.

The Hon. C. E. Griffiths: If they read my speech they would know.

The Hon. R. F. CLAUGHTON: One of the main points raised by members concerns the regulation disallowing chiropractors to use the title of "doctor," I would like to quote from *The University of Western Australia 1967 Calendar*. With regard to the degree of Doctor of Dental Science, a student is required to undergo a five-year first degree course. At page 280 is the following:—

> 24. Candidates for the degree of Doctor of Dental Science must be graduates in Dental Science of four or more years' standing of the University of Western Australia or graduates of like standing of any recognised University who have taken therein the degree equivalent to the degree of Bachelor of Dental Science of the University of Western Australia.
>
> 25. (a) Except as provided in subsection (b) hereof candidates must have passed the examinations prescribed for the degree of Master of Dental Science and must also submit a thesis making an original and substantial contribution to some branch of Dental Science on a subject proposed by the candidate and approved by the Faculty.

With regard to the degree of Doctor of Medicine, the following is to be found on page 315:—

> 9. (a) The Faculty of Medicine may admit as a candidate for the degree of Doctor of Medicine, a graduate who—
>
> (i) holds the degrees of Bachelor of Medicine and Bachelor of Surgery of the University of Western Australia or has been admitted ad eundem statum
>
> (ii) has at least three years standing since graduation as Bachelor of Medicine and Bachelor of Surgery.
>
> (b) A candidate shall submit a thesis not previously presented as a thesis for any degree, embodying the result of original investigations in some branch of Medicine . . . The thesis should be a distinct and substantial contribution to the art and science of Medicine.

These, then, are the standards that hold within Western Australia and, unless chiropractors could show that they have reached the same standard in their degrees then I do not think we should allow them to use the title of "doctor."

Further, because of general usage in our State, the community understands a doctor to be a certain type of person. This fact was mentioned by Mr. Baxter. If people attend a chiropractor who has this title then they may assume that he is qualified to treat other medical complaints besides those covered by chiropractic. With those few words, I oppose the motion.

THE HON. H. C. STRICKLAND (North [12.32 p.m.]: I intend to support the motion because I believe these people should be given the publicity they desire particularly from the public's point of view. Like Mr. Abbey, I disagree that they should be restricted to very small print in the telephone directory.

As the Government has recognised the fact that chiropractors are a necessary adjunct to the medical profession, surely we, the members of this Parliament, do not wish to impose restrictions on them and keep them more or less in hiding from those members of the public who might be looking for some treatment. I cannot see that it is appropriate to stifle the fact

that chiropractors are available for somebody who requires their services when we read in almost every paper that is printed advertisements for patent medicines, sleeping tablets, and tranquilisers which can be obtained from a chemist shop without consulting a physician.

To my mind the rules are too rigid. I think the correct way to treat the matter is to disallow the rules entirely as they stand. Mr. Clive Griffiths pointed out that he did not disagree with all the rules in their entirety but it was his opinion that they should be disallowed in order to have a new set framed. The board would be given the opportunity, which doubtless it would take, to formulate them.

Closed industries—which is what I call them—should be opened up somewhat. Somebody spoke about ethics, but recently I had occasion to see a doctor for a blood test.

The Hon. G. C. MacKinnon: Would you include the waterside workers in "closed industries"?

The Hon. H. C. STRICKLAND: I will tell the House of my experience. Quite recently I was sent for a blood test and when I received the Bill I asked the doctor who had tested my blood to supply me with a copy of the report of the test. He wrote back and told me that he was ethically and legally bound to supply that information only to the referring doctor. I wrote back again and said that as I was paying for the test I expected something in return. I said that I thought it would be ethical if he either gave me the copy of the results of the test for which he had charged me $14 or refunded the fee.

The Hon. F. R. H. Lavery: If he charged $14 for a blood test, that should come under the unfair trading Act.

The Hon. H. C. STRICKLAND: I requested the pathologist to point out to me the Statute which prevented him from giving me the result of the test. Of course there is none.

He wrote as follows—

> There is no legal Statute to prevent me from reporting my findings to you or any other patient. For this error I apologise.

Surely to goodness if people are going to be pushed around in a fashion like that, under the mantle of ethics, we should have another look at what ethics mean.

Certainly we should look at what applies to all sections of the medical profession and the adjuncts to it. I consider that there should be no repression whatsoever on people who are registered, licensed, and approved by Parliament to practise their profession.

I do not see why they should not be allowed to advertise as they wish. After all, the patients are the ones who will sort out the good from the bad; because they will tell other people whether a chiropractor is worth going to, and whether or not he did them any good. That is the way anything of this nature is sorted out.

For that reason I intend to support Mr. Clive Griffiths' motion in the knowledge that if the rules are disallowed through this motion being carried, it would only be a matter of waiting until the next *Government Gazette* when a new set of rules could be published and could operate legally. No inconvenience would be caused to anybody, but it would force the board to have another look at the matter. I support the motion.

THE HON. J. M. THOMSON (South) [12.38 p.m.]: I do not wish to delay the House for any length of time nor do I desire to traverse the ground that has been covered by previous members who have spoken either for or against the motion. As the motion has been submitted to the House, I feel that discussion is justified. I have listened to the thoughts expressed by other members and I have come to the conclusion that supporting the motion is also justifiable.

I do not agree with some of the regulations which obtain under the Chiropractors Act, but I do agree with others. I do not think we should disallow the regulation in connection with the designation "doctor." I would not agree with that.

However, having considered the regulations I have found grounds on which to support the motion. Dissatisfaction has been expressed within the chiropractic fraternity and Parliament is the rightful place for opinions to be voiced and a vote taken. Consequently I do not wish the matter to go to a division before I express my opinion in favour of the motion moved by Mr. Clive Griffiths.

Debate adjourned, on motion by The Hon. C. E. Griffiths.

PROPERTY LAW BILL

Returned

Bill returned from the Assembly without amendment.

JUDGES' SALARIES AND PENSIONS ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Justice), read a first time.

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [12.41 p.m.]: I move—

> That the Bill be now read a second time.

This Bill makes provision for and specifies the increases that are proposed in the salaries that are to be paid to judges, and these provisions are made retrospective to the 1st January of this year.

Judges' Salaries have been reviewed throughout Australia about every second year for many years past. The salaries of judges in some of the Eastern States have recently been increased and the Western Australian State Government considers that this is an appropriate time to reach a decision on the increases and amounts which will apply in our own judiciary.

It has been the practice for a number of years to take the decisions of the Queensland Government and the South Australian Government as guide lines for the amount of the increase proposed to be made here. We have again endeavoured to keep somewhere in line with those States.

It has been suggested that the Chief Justice and the judges in the State of Western Australia carry with them the same responsibility as judges in other States and therefore the salaries might well be comparable. But I think we have to agree that in States of much bigger populations, such as New South Wales and Victoria, there is a need for a greater number of judges who have greater responsibilities which justify large salaries.

Whilst both views are arguable, it is a fact that the Government here has made a decision to continue along the lines which have been somewhat traditional as far as Western Australia is concerned.

The pension schemes in Queensland and Western Australia are non-contributory and in the case of South Australia, a deduction of 5 per cent. is made from the salary as a contribution to pension entitlement. I just mention that in passing. It is desirable that members should be aware of the fundamental difference between South Australia and Western Australia.

The salaries now being paid to the Chief Justice in Queensland and to the Chief Justice in South Australia are $17,300 and $18.430 net respectively and to their puisne judges, $16,625 net respectively. The gross salary of the Chief Justice in South Australia is $19,400 and of the puisne judge, $17,500, and as I have mentioned, in this case 5 per cent. is deducted as a contribution towards pension entitlement.

The Bill proposes the granting of an increase to the Chief Justice, which will bring his salary to $18,000, and an increase to the Senior Puisne Judge to bring his salary to $16,500.

Incidentally, the position of the Senior Puisne Judge in this State differs somewhat from that in the other States, a peculiarity which has existed in this State for a long time.

The puisne judges will receive $16,000 and it is considered that this is an equitable provision; I believe these salaries are somewhat in line with the other States. The Government undertook to review the judges' salaries during last year, so it was decided that the payment would be made retrospective to the 1st January, 1969.

It is a fact that the Chief Justice will retire in a relatively short time but more will be said about that later. The Chief Justice has served this State long and well and it is somewhat regrettable that, at present, he is not enjoying the very best of health. This is an opportune time to mention that the past few weeks have represented a very unfortunate period for our judiciary—two members having passed on—and we will be having a relatively new group of judges.

It seems to me that it behoves any Government to keep the level of salaries to a point where that level will attract the right people. Lawyers are at present enjoying a degree of prosperity; or, at least, taking their fair share of the prosperity which their profession is at present enjoying, and if we are to attract the right men, we must be prepared, as a State, to pay salaries that will attract those people who will do credit to the very high and responsible office of Chief Justice and the office of a judge of our Supreme Court. I commend the Bill to members.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

Sitting suspended from 12.48 to 2 p.m.

ACTS AMENDMENT (SUPERANNUATION) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [2.1 p.m.]: I move—

> That the Bill be now read a second time.

Attention has been given to remedying two serious deficiencies in the superannuation scheme. One deficiency is the inadequacy in the scale of benefits for contributors to the Superannuation Fund where salary exceeds $2,860 per annum and the other is that the pensions paid to former contributors have not risen to the extent the cost of living has risen.

The scale of benefits requires a State share of pension to be 52 per cent of salary where unit entitlement is 20. This applies when salary exceeds $2,600 per annum. Thus, on a salary of $2,601 per annum, a person would receive a pension of $1,352 per annum from the Government, provided his contributions were at the

full entitlement of 20 units. He would also receive $520 per annum from the Superannuation Fund, on the basis of $26 per annum for each of the 20 units, giving a total pension of $1,872 per annum.

With the unit entitlement below 20, the State's share of the pension is higher than 52 per cent. of salary. For instance, with 12 units, it is almost 55 per cent., with eight units, 58 per cent., and with four units, 75.5 per cent. These higher percentages arise from increased benefits granted progressively. These benefits invariably have favoured the smaller unit holder.

The percentage of State share of pension to salary rapidly diminishes in respect of units exceeding 20. It is 38.5 per cent. in respect of 30 units as compared with 50 per cent. applying in both the Commonwealth and Victorian Government services. Therefore, the State share of pension for a contributor under our Act on a salary of $5,201, and maximum entitlement of 30 units, is but $2,002 compared with $2,600 in the Commonwealth and Victoria. The reason for the comparative decline here in the percentage for units exceeding 20 lies in the current scale of entitlement.

A contributor may contribute for one unit for every $130 of salary, up to a salary of $2,600, but with salaries exceeding $2,600, the unit entitlement recedes to one for every $260 of salary.

But both the Commonwealth and Victoria allow one unit for every $130 of salary throughout the scale up to a salary of $5,200. This provides an entitlement to 40 units at that salary compared with 30 here.

Summarised, our scale of entitlements is on equal terms with the Commonwealth and Victoria up to and including 20 units but it recedes thereafter.

One solution would be an increase in the number of units available to contributors earning between $2,600 and $5,200 per annum. The Government considered this possibility, but this would entail an increase in their fortnightly contributions and in many cases, inflict hardship because of age.

A problem then arises, because of the nature of the superannuation scheme itself. Being a benefit purchase scheme, it needs the full employee's share of the cost of additional entitlements taken up to be met by the officer concerned throughout the remainder of his service, however short that might be.

While additional units of entitlement are relatively inexpensive in terms of increased fortnightly contributions for young officers, they become increasingly costly in later years. Therefore, suddenly to grant an employee the right to take out additional units could well prove an empty gesture if payment for those units in many cases was beyond the means of the officer to avail himself of the offer.

Victoria resolved a similar problem in 1966 when that State decided to improve benefits for holders of more than 20 units by devising an arrangement by which a contributor could defer payment for extra units until reaching retiring age.

But, as payment of deferred contributions in a lump sum would also present difficulties to most persons on reaching retirement, Victoria provided a cash option which is the conversion to a lump sum of part of the pension entitlement. A contributor in Victoria can, by this means, cash some units to pay for deferred units.

In effect, the Victorian method could be regarded simply as a means of procuring the Government share of pension for units which a contributor cannot afford to pay for during his service, but is entitled to.

Problems associated with payment for additional units has also affected the Commonwealth Public Service and steps are being taken there to make it possible, within defined limits, for officers to avail themselves of additional unit entitlements on a non-contributory basis. The Commonwealth's scheme is less involved than the Victorian method and we believe that the Commonwealth procedure is more appropriate to conditions in this State.

The value of a contributary unit in both the Commonwealth and Victorian schemes is $91 per annum. This includes $26 paid for by the contributor by way of a fortnightly contribution. The balance of $65 is the Government share of pension. The value of a non-contributory unit is therefore $65 per annum, and this Bill provides accordingly.

It is considered that the State share of pension for salaries up to $5,200 per annum for persons who avail themselves of their full unit entitlement, should be approximately 50 per cent. of salary. This coincides with the position in the Commonwealth and in Victoria.

The existing State share of pension exceeds 50 per cent. of salary for unit entitlements below 21, so there is no justification for the addition of non-contributory units at this point in the scale.

However, for unit entitlements exceeding 20, the percentage of State share of pension to salary falls below 50 per cent. To remedy this, it is proposed to give an entitlement to non-contributory units varying according to the number of contributory units held by a contributor to the fund. The entitlement to non-contributory units will be one for the person who takes out 21 contributory units, increasing to 10 where the unit holding is 30.

The result will be to increase the present State share of pension to percentages of salary ranging from 50.82 per cent. at $2,860 per annum to 51 per cent. at $5,200 per annum. As a non-contributory unit is to be valued at $65 per annum, increases

in pensions will range from $65 per annum where the number of units held is 21, up to $650 for 30 units.

It is proposed to taper the entitlement for unit holdings in excess of 30 to non-contributory units. This will provide for a gradual reduction in the percentage of State share of pension to salary. This is normal practice in other schemes and the Bill provides accordingly.

The State share of pension will fall, under these proposals, from 51 per cent. of salary at $5,200 per annum (30 units) to 39.88 per annum at $10,400 (50 units).

The scale of unit entitlement stops at present at 50. This is the number of units which can be taken out by an officer in receipt of a salary in excess of $10,400 per annum.

With continued wage inflation, the scale of unit entitlements gives inadequate coverage. The Bill therefore lifts the maximum number of units from 50 at a salary of $10,400 per annum to 70 at $15,600 per annum. This has been done by extending the scale in steps of $260.

The proposed scale of non-contributory units has been based on an extension of the unit entitlement scale to 70. The entitlement to non-contributory units for a person on $15,600, if he contributed for 70 units, is 16½ and the State share would be 36.38 per cent. of salary.

The table distributed—copies of the table have been distributed among members—with the Bill shows that the proposed State share gradually tapers from 59.43 per cent. of salary for an entitlement of seven down to 38.38 per cent. for an entitlement of 70, plus 16½ non-contributory units.

The table also clarifies the reasons for not extending an entitlement to non-contributory units to holders of less than 21 units. The existing State share of pension as a percentage of salary is already high, and there is no justification for increasing this.

Actually, the State share of pension for units of less than seven is very high, and particularly so for two units. However, this is somewhat of academic value only in so far as present contributors are concerned because no Government employee could be in receipt of a salary of less than $910 per annum on reaching the age of retirement, so would therefore enjoy a unit entitlement far in excess of seven.

There are many pensioners with only a small unit entitlement and I shall speak of this later.

Our concern at the moment is improvement in the scale of benefits to ensure that the State share of pension represents a reasonable percentage of salary where a person has taken up his full entitlement to units on a contributory basis.

At present, those persons who have entitlements to fewer than 21 units and have taken them up, already receive a State share of pension which is a reasonable percentage of salary, as indicated in the table.

The payment of a supplementary non-contributory pension to those holding 21 or more units will ensure that they also receive from the Government a reasonable percentage of their salary towards their pension.

In respect of those who, for one reason or another, do not take up their full unit entitlement, the State share of pension will be a smaller percentage of salary, and there is little that can be done.

Various methods have been tried to increase pensions for former Government employees to counter the rising cost of living, but no real solution has emerged, at least in this State, from their application.

Such increases as have been granted have favoured persons holding a small number of units and this explains why values are so high at the lower end of the scale. The problem is not resolved by increasing the value of the unit of pension. The result of that type of adjustment is to increase the pensions of persons who have just retired by as much as or by a larger amount than that accorded those for many years. Also, an increase in unit values would apply equally to contributors and would result in raising the percentage of State share of pension to salary to an unreasonably high level.

It is more equitable to seek a method of adjusting pensions to give the relatively largest pension increase to those who have been on pension for the longest. To this end, the updating scheme introduced by the Commonwealth, and also applied by Victoria for the purpose of lifting the pensions of retired officers, was examined.

This method provides for the adjustment of pensions to accord with movements in the unit entitlements of employees still in Government employ. In effect, it provides that a pensioner be paid an additional sum equivalent to the Government share of units that he would have been able to take up but for his retirement. However, more than 50 per cent. of pensioners would not benefit from the application here of the method used by the Commonwealth and Victorian Governments.

There are two main reasons for this. Firstly, many pensioners in this State only took out a small fraction of the units to which they were entitled and accordingly the *pro-rata* State share of the updated unit entitlement is often less than the pension now received. Secondly, both Victoria and the Commonwealth updated on the basis of a Government share of pension of $65 per annum per unit, which is

much lower than this State's share of pension for units at the lower end of the scale.

For example, the State share of pension for two units is $146.90 per unit, and for four units it is $98.15 per unit. Therefore, updating on the basis of $65 per unit would result in decreased pensions in many cases.

Tasmania, in the meantime, has examined the problem and has arrived at a cost-of-living adjustment of pensions which I believe has considerable merit and is suitable in this State. That scheme provides for an adjustment to be made to the State share of all contributors and widow pensions payable on account of the retirement or death of a contributor on or before the 31st December, 1967, according to movement in the Consumer Price Index for Hobart back to 1960. The extent of the adjustment depends on the movement in the index since the time the contributor became eligible for pension.

Tasmania has also limited the cost-of-living adjustment to movement in the Consumer Price Index since 1960, but because we have a large number of pensioners who went into retirement many years ago with small unit entitlements, it is considered that we should take the adjustment back to 1953.

The year 1953 has been chosen because unit values were increased both in 1948 and in 1951, which acknowledged the increase in the cost of living in the early post-war period. Subsequent pension increases, however, have failed to keep abreast of rising living costs.

The Consumer Price Index number for Perth for the December quarter, 1953, was 102.1, and for the December quarter, 1968, it was 144.7. This is an increase of 41.72 per cent., and is the percentage increase which will apply to the State share of a pension which was first paid in 1953 or earlier.

At the other end of the scale we have those persons who retired during 1967. In their case, the increase in the State share of pension will be 2.41 per cent., which is the movement in the Consumer Price Index between the December quarter, 1967, and the December quarter, 1968.

The pensions of persons who retired during 1968 will not be subject to adjustment at this stage. It will be realised that until the Consumer Price Index number for the December, 1969, quarter is known, it is not possible to calculate the percentage increase in pension which should apply.

It will be necessary within the next 12 months to introduce further legislation to cover future movement in the Consumer Price Index, and the manner in which this should be done is under study.

I earlier mentioned that only the first $1,352 of the State share of pension is to be subject to adjustment. Thus, there is a maximum payment to which any pensioner will be entitled under the provisions of the Bill.

For those who retired before 1954, the maximum will be 41.72 per cent. of $1,352, which is $564. For those who retired during 1960, the maximum is $267; and for those who retired as recently as 1967, $33. There is a large number of pensioners who retired before 1954 who only hold four units of pension. In their case, the increase in pension will be $164 per annum, being 41.72 per cent of the existing State share of pension. This will lift the State share of pension from the present figure of $393 per annum to $557 per annum and with the addition of the fund share of pension of $114, will result in a total pension of $671 per annum.

A pensioner with eight units who retired before 1954 will receive an increase of $252. This will lift his total pension from $832 per annum to $1,084 per annum. A 20-unit pensioner will receive the maximum increase of $564 which is also 41.72 per cent. of the existing State share of pension.

A 21-unit pensioner, however, will only be entitled to the maximum of $564 which is the same cost-of-living increase as the pensioner with 20 units but in addition, the former will receive a further $65 per annum by way of one non-contributory unit.

Pensioners who receive benefits under the 1871 Act, are to be treated in a like manner to those under the 1938 Act and the Bill provides accordingly. In these cases all of them retired before 1954 and they will therefore receive the maximum increase of 41.72 per cent. subject to the sum so calculated not exceeding $564 per annum.

The widow of a former contributor will receive twenty-two thirty-fifths of the increase which her husband would have received under the Bill but for his death.

The proposed increases in pensions are substantial, particularly in the case of those who retired many years ago, and the cost is therefore high. It is estimated that about $1,000,000 is the order of cost in a full year for persons now in receipt of pension.

The Bill proposes that the increases apply to the first fortnightly payment of pension in January this year and, of course, to every such subsequent payment. The estimated cost in this financial year is $500,000 which can be met from the provision in the 1968-69 Budget for pension increases.

There are three other items referred to in the Bill which I shall explain briefly. The Act was amended in 1967 to provide that any person who became a contributor

to the Superannuation Fund after the 29th December, 1967, and upon retirement had 10 years or more but less than 20 years of aggregate service, would have the State share of his pension reduced by one-twentieth for each year by which the aggregate service of that person is less than 20 years. This amendment was to ensure a reasonable length of service before full benefits were paid.

It was not intended to vary the rights of employees who were eligible to join the fund prior to the 29th December, 1967, but a number of cases have come to notice where persons could have joined the fund before that date but did not do so until later. This does not affect the position where the persons concerned will have served for 20 years on reaching the age of retirement, but there are several who will have less than 20 years and they will therefore suffer a reduction in the State share of pension as the Act now stands. It is therefore proposed that the limitation imposed by the 1967 amendment be not applied to a person whose period of service commenced on or before the 28th December, 1967, and the Bill allows for this.

Another proposed amendment to the Act deals with the payment of the fund share of pension to a contributor who on attaining the age of 65 years continues on in the service. Provision already exists in the Act for payment of the fund share of pension to such a person in what could perhaps be described as normal circumstances, but a situation has arisen where a contributor turned 65 on the 1st June, 1967, and because he then held a statutory office, no authority existed to pay the fund share. This is due to the operation of other provisions in the Act. There is no good reason for withholding payment of the fund share in this case, as the moneys held in the fund represent contributions paid by the officer. An amendment to the Act is therefore proposed to allow payment of the fund share to the officer concerned, together with interest which would be paid from the fund as it has had the use of the moneys in the meantime.

The final item requiring comment concerns the payment of the State share of pension to a person who has retired on a pension and is re-employed by the Government. Under the provisions of the Act a contributor, on reaching the age of 60, can retire and receive both the State and fund shares of pension. If he is re-employed by the Government even shortly after his retirement, he can receive the salary fixed for the position plus his full pension.

There is no objection to this in those cases where the fee or salary fixed plus the State share of pension is less than the salary previously paid to the officer. There are many cases of retired officers who serve on boards and receive a relatively small fee which supplements their pensions and there is certainly no intention to disturb these arrangements.

However, a situation can arise where the retired officer is re-employed in the position he retired from and as the Act now stands it is possible for him to receive full pay plus a full pension, and this is difficult to justify.

Take a case of two persons employed, for example, on similar work in the railways. Both turn 60 years of age and one retires on pension. The other carries on in the service of the railways and accordingly continues to receive salary but, of course, no pension. The retired man after two weeks holiday decides to seek re-employment in his former position and if he is reappointed, he would be entitled to full salary and would continue to draw a full pension, including the State share. This is an anomalous situation which has actually happened.

A similar situation would arise if a member of Parliament resigned his seat, drew pension, and was then allowed to continue to draw that pension on his re-election to Parliament. I do not think anyone would be happy about that, other than the person concerned. But of course it cannot happen here because the relevant legislation prevents such an occurrence. It is also desirable to prevent this happening in the Government service and the Bill aims to do this.

Although the State share of pension would cut out when salary received on re-employment equalled or exceeded a pensioner's previous rate of salary, the fund share would continue to be payable.

The logic of the proposal lies in the fact that this in effect is what happens when a person who, on attaining the age when he can retire on a pension, continues in Government employment without a break in service. Such a person receives full salary but no pension, and this is as it should be.

It is not proposed to disturb any arrangement in respect of employment of a pensioner which may have been entered into before the coming into operation of the proposed amendment to the Act, but it is intended to withhold, during the period of employment, any increase in pension in those cases where the salary paid plus the existing State share of pension is greater than the current equivalent of the salary previously paid to the officer.

Although the introduction of this measure has been delayed, it will be appreciated that the search for a satisfactory solution to the superannuation problem has caused this. Much work had to be done and a great deal of thought exercised before proposals could be presented to members.

We have broken new ground with the proposed cost-of-living adjustment to pensions in this State, and also with the non-contributory pension scheme. I trust that

both will be favourably received and I commend the bill to the House.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

QUESTIONS (4): ON NOTICE

LIGHT INDUSTRIAL BLOCKS

Kwinana-Rockingham Area

1. The Hon. R. THOMPSON asked the Minister for Town Planning:

   Due to the large number of applicants for light industrial blocks in the Kwinana-Rockingham area, and the long delay in the allocation of them, will the Minister ascertain from the Minister for Lands and the Minister for Industrial Development, what number is ready for allocation, and when the allocation will be made?

   The Hon. L. A. LOGAN replied:

   I must apologise for the delay in answering this question, but apparently it had to be referred to two different departments. The answer is as follows:—

   Sixty-seven light industrial lots at Rockingham have been surveyed for release. Method of release of these lots is at present being considered.

EDUCATION

Book Subsidy: Fifth-year Students

2. The Hon F. R. H. LAVERY (for The Hon. R. Thompson) asked the Minister for Mines:

   (1) Is it true that children who are repeating fifth-year education full time at technical schools are not being paid the book subsidy of $10?

   (2) If so, why are they being denied this grant at a time when emphasis should be on higher education?

   The Hon. A. F. GRIFFITH replied:

   (1) Yes.

   (2) The grant is confined to students in secondary schools.

LOT 271 BENT STREET, CANNINGTON

Purchase by State Electricity Commission

3. The Hon. J. DOLAN asked the Minister for Mines:

   (1) When can the owners expect the State Electricity Commission to complete purchase of Lot 271 on plan 2209—Certificate of Title 52/74A—Bent Street, Cannington?

   (2) What amount will be paid for the land?

   The Hon. A. F. GRIFFITH replied:

   (1) When agreement on purchase price can be reached.

   (2) See (1).

SLOW LEARNING CHILDREN

Fremantle Area: Education Facilities

4. The Hon. F. R. H. LAVERY (for The Hon. R. Thompson) asked the Minister for Mines:

   (1) Would the Minister ascertain from the Minister for Education and advise the number of children from—

   (a) State schools; and

   (b) private schools

   in the Fremantle area who cannot be accommodated at the present time in special retarded classes?

   (2) Are there any schools in the same area where vacacanies exist for these children?

   (3) If the reply to (2) is "Yes," at which schools are the vacancies?

   The Hon. A. F. GRIFFITH replied:

   (1) At the end of 1968—

   (a) 27.

   (b) 2.

   (2) Yes.

   (3) Beaconsfield—1 vacancy.
   Bicton—6 vacancies.
   Willagee—5 vacancies.
   Hilton Park—1 vacancy.
   Allocation of children to these vacancies is at present being arranged.

AIR NAVIGATION ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [2.34 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to delete from section 8 of the Air Navigation Act a reference to sections 45, 46, and 47 of the State Transport Co-ordination Act, 1933-1940. Section 8 was inserted into the Air Navigation Act in 1945.

However, the State Transport Co-ordination Act 1933-1961 was repealed by the State Transport Co-ordination Act of 1966, and the 1966 Act contained no provisions of a nature contained in the old sections 45, 46, ad 47.

As related to aircraft, these sections contained the State licensing provisions in conformity with State functions as affecting aircraft and relating to authorisation, licensing, and regulation of air services within the State.

However, on the date on which the State Transport Co-ordination Act of 1966 came into operation, there came into operation also the Road and Air Transport Commission Act of that year, and the relative State provisions in respect of aircraft are contained in division 4 of part III of that Act.

It is necessary, therefore, to delete from section 8 of the Air Navigation Act the obsolete reference to sections 45, 46, and 47 of the State Transport Co-ordination Act, 1933-1940, and insert in their place a reference to division 4 of part III of the Road and Air Transport Commission Act of 1966.

The Bill before members contains no other provision. In retrospect, I might comment that the Air Navigation Act is the measure by which the State, along with other States, transferred to the Commonwealth the power to exercise control over intrastate aircraft operations only; that is, those functions associated with the control of aerodromes, flight operations, and aircraft safety generally. These controls are exercised by the Department of Civil Aviation and are standardised throughout Australia. I think it is agreed it is a good thing for centralisation of control in these matters.

On the other hand, it is desirable to ensure that such provisions do not empower the Commonwealth to encroach on other State functions relating to authorisation, licensing, and regulation of air services within the State; and, as mentioned previously, the Road and Air Transport Commission Act deals with the power of the State to control and regulate by license the routes, fares, and timetables of intrastate air services. Members will recall having passed a Bill in the first half of this session to provide an alternative method of licensing some types of aircraft, with a view not only to reducing operators' fees, but also to reduce substantially the accounting requirements as affecting both the operator and the Transport Commission, to the mutual benefit of each.

I commend the Bill to members.

Debate adjourned, on motion by The Hon. R. F. Claughton.

POLICE ACT AMENDMENT BILL, 1969

Second Reading

Debate resumed from the 23rd April.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [2.37 p.m.]: This Bill can be divided into two parts. Firstly, a portion of it deals with promotions within the Police Force itself. Promotions apparently are being standardised throughout Australia—with the exception of Queensland at the moment, but it is firmly believed that Queensland will also be taking a similar step in the near future.

The alterations mainly concern the qualifications of commissioned officers in the department, from the position of 3rd-class sergeant upwards. These promotions have apparently been approved by the members of the Police Force themselves. They have also approved of the benefit of continuity of title throughout Australia. I think the promotions involved are covered by the new titles, and it would appear to me that there could be no reason whatever to think that this move is not a good one from the point of view of consistency in the Police Forces throughout Australia, and also because of the fact that it gives a further and better entitlement to officers in senior positions.

The second portion of the Bill deals with averment, and does away with the necessity to have a police officer's identity as a policeman verified by another senior police officer in a country court. The Minister cited a case at Northam as being one which was responsible for bringing about the proposed change.

If this part of the Bill means simply that it will be possible for a written submission to be made by a senior officer of the Police Force to verify that such and such a person is not a member of the Police Force then, I think, it is a simple, clear, and helpful amendment. It will save much cost in the future, because it is obvious that considerable costs will be involved if a person has to be sent to the country to verify that such and such a person is not, in fact, a member of the Police Force. It is quite reasonable for a letter to be signed by a responsible person and submitted to the magistrate to this effect.

If we go a step further, however, the impersonation of a policeman could have many varied consequences and there could be the possibility of our reversing the procedure of the prosecution having to prove that a man is guilty rather than the defendant having to prove otherwise. If this is so, it cuts across a principle which I would not support.

The onus of proof could quite easily be on the defendant in the case of a statement being made that a single person has endeavoured to impersonate a police officer. There are many circumstances where this could apply. We had one such case recently outside a night club in which a man suffered such an accusation. He vehemently protested that he did not impersonate a police officer and the matter went before the court.

Let us consider what really does constitute impersonation. One could let one's imagination run riot in this connection. We might even say that a person who walks into a room and asks for names and addresses is guilty of impersonation.

I think there is some possibility that this part of the Bill could offend a very highly regarded principle which has been

written into our English law and which has remained there for a long time. If it refers simply to the case of a person being haled before a magistrate for impersonating a policeman, and there is the simple action of deciding by means of a letter from a senior officer that such person is not a policeman, then I think it is all to the good. From that point onwards it should have no further effect on the case.

The Hon. F. J. S. Wise: The onus of proof is very distinct and important.

The Hon. W. F. WILLESEE: It must lie clearly with the prosecution. I daresay this could be tested in the course of time on the innumerable and somewhat irrelevant types of impersonations apparent in the structure of our society. This could be severely tested.

I will be pleased to hear the Minister say that this provision in the Bill does limit the matter entirely at this stage and that it goes no further. We must have a clear situation that Mr. So-and-So is registered and the person before the Bar is not registered. If it goes no further than that I will support the Bill.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [2.45 p.m.]: I do not think I can give the honourable member such a clear undertaking. Proposed new subsection (2) in clause 4 reads—

> (2) On the trial of a person charged with an offence under subsection (1) of this section the averment in the complaint that he was not at some particular time a member of the Police Force is sufficient evidence of the fact until the contrary is proved.

One could have such a case and, in fact, there was such a case recently. Let us say the circumstances were these: A person was charged with impersonating a policeman when he was not a member of the Police Force. No evidence was led against the person charged that he was not a member of the Police Force and counsel for his defence submitted at the end of the case that there was no case to answer because of the lack of evidence that the man was not, in fact, a member of the Police Force. That submission was upheld and the case was dismissed.

We then find ourselves in the position that in these circumstances it would be very difficult, if not impossible, for the Crown to sustain a charge of this nature against such a person. Personally, and in the main, I am not in favour of the onus of proof being placed on the accused, but the principles of law have it that there are occasions when the onus of proof should rest with the accused person and, in fact, it does.

The Hon. F. J. S. Wise: With the exception of the gold stealing legislation there are very few now.

The Hon. A. F. GRIFFITH: The two Acts which come quickly to mind are the gold stealing one relating to where the onus of proof is on the accused, and the unlawful possession of goods legislation.

The Hon. F. J. S. Wise: It has been taken out of a lot of our laws.

The Hon. A. F. GRIFFITH: It has not been taken out of the legislation dealing with the unlawful possession of goods. So far as I am aware, in such case it is up to the person to prove he was lawfully in possession of the goods.

Whilst I am not generally in favour of the onus of proof lying with the accused as distinct from the police proving with evidence that the accused was or was not guilty, I believe this is a case where we should follow the practice of the onus of proof being as in those other instances I mentioned.

For a person to say that he is a policeman, or to imply that he is a policeman, when he is not, is a serious offence; it could have serious consequences. It is a different matter if it is done just for a prank.

The Hon. W. F. Willesee: It could be serious and it could be frivolous.

The Hon. A. F. GRIFFITH: It certainly could be serious, and if it were frivolous the court would exercise its usual discretion in deciding the matter. The fact remains that at the present time, with the precedent of the case of which we have been speaking, no charge can be sustained against a person because no proof was submitted by the prosecution that the person in question was not in fact a member of the Police Force.

I cannot give Mr. Willesee an undertaking that the Bill is intended to read that some evidence will be adduced before the court that the man was not in fact a police officer. The Bill does not say that. The onus of proof would be upon the accused person to prove it for himself. In this particular case I do not think it is unfair to place such responsibility upon the accused person.

The Hon. W. F. Willesee: In your own opinion would you be prepared to say that averment should go no further than the establishment of whether a person is or is not a member of the Police Force?

The Hon. A. F. GRIFFITH: As I understand it, that would change the context of the clause.

The Hon. W. F. Willesee: I do not think so if you read on to paragraph (b).

The Hon. A. F. GRIFFITH: I am reading paragraph (b) as that proposed new subsection is the operative one.

The Hon. W. F. Willesee: I am referring to paragraph (b) on page 3 where the word "averment" is used.

The Hon. A. F. GRIFFITH: My colleague says this provision saves a witness from having to travel a long distance.

The Hon. W. F. Willesee: We know that.

The Hon. A. F. GRIFFITH: It does that. It could be said that it would be relatively easy to produce the evidence when, in fact, it may not be. I suggest that as we have other business before the House this afternoon we proceed with the second reading of the Bill. If that is agreed to I will not proceed with the Committee stage. This will enable me to confer with my colleague, the Minister for Police. The Committee stage can be taken at another time. Is that satisfactory to Mr. Willesee?

The Hon. W. F. Willesee: Yes, thank you.

Question put and passed.

Bill read a second time.

AGENT GENERAL ACT AMENDMENT BILL

Second Reading

Debate resumed from the 22nd April.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [2.52 p.m.]: I suppose this could be termed a small Bill, inasmuch as it deals with an increase in the remuneration that is paid under the Act to the Agent General of Western Australia in London; and, according to the Minister, it deals with an increase in the allowance to be paid to that office, which will be effected administratively.

I think we must approach the Bill on the basis that if we want to have efficient representation for Western Australia by an Agent General—and we do—then we must be prepared to see that he receives adequate remuneration. We must be prepared to see that he can at least financially compete with his competitors—in this instance, Australian competitors, being representatives of the various States of Australia. We must do this so that Western Australia can at least receive its share of migration and advertisement; and to prove, through this representation, the truth of the capacity of Western Australia to achieve all of the undertakings that it takes upon itself.

Therefore, I regard this Bill as an important one. It is important that we keep the standard of the Agent General at a high level. Over the years, Governments have delegated a senior Minister to this position as it has become vacant; and that in itself would imply that the person who takes on this responsible position should not suffer as a result. He takes upon himself full responsibility for the liaison between Western Australia and this other land. The importance of the job is manifest, and there must be a multitude of problems in its application.

One would not need a great deal of imagination to think of the pressure that must be applied in business circles when a company or an entrepreneur is being cultivated in an endeavour to attract an industry or gain some financial assistance for Western Australia as against some other part of Australia.

This office is important, when we consider that we must get an intake of migrants in fields of employment that cover building, road-making, architecture, and so on.

In the organisation that has been built up in this regard, there has to be a complete command of the situation by the person concerned, and those employed with him, in order to present at all levels the best possible viewpoint of Western Australia. When one considers that this office is held by one man, who is the lone representative of the Western Australian Government, one must appreciate that he holds a very important position. I support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

MECKERING DISASTER

Inadequacy of Relief: Motion

Debate resumed, from the 22nd April, on the following motion by The Hon. N. E. Baxter:—

> That in the opinion of this House, the contributions by the State and Federal Governments to provide relief to the people of the State, particularly Meckering and surrounding districts, for losses suffered as a result of the earthquake disaster which occurred on the 14th October, 1968, were totally inadequate, and requests both Governments to reconsider the problem and make further greater contributions; furthermore, this House registers its disapproval of the assessment, allocation and distribution of the Lord Mayor's Relief Fund.

THE HON. L. C. DIVER (President—Central) [2.59 p.m.]: Mr. Deputy President, it is indeed with sadness in my heart that I find it necessary to walk on to the floor of this Parliament for the second time in 10 sessions; and it is because, in

this year of grace, 1969, I find that my country has no way of protecting its people in their hour of need.

During the course of my remarks I shall allude to the Lord Mayor's Relief Fund as the "Disaster Appeal Fund," but at no stage do I want anyone to think that I am not appreciative of our Lord Mayor and the way he conducted the appeal for funds and the success that was attained by the wonderful way the people, not only of Western Australia, but throughout the whole of Australia, responded to that appeal.

Indeed, I think our Lord Mayor has proved himself, as an individual, to be a very charitable man; indeed, a philanthropist. From what I am about to say I do not want anyone to think I am casting any reflection on the Lord Mayor, or on his relief fund.

You, Mr. Deputy President, moved a motion in this House and I think the chronological record of events to which it had reference may be referred to as follows:—

Meckering Township was the centre.
The date—Monday, October 14th, 1968.
The hour—11 a.m. but one minute.
The weather—cloudy with wind gusty.
Rumbling noise as of thunder, the like none had heard before.
The earth convulsed for just one minute, cracked and rolled,
Leaving an epitaph for generations that follow.
Mute testimony of Nature's might.
Trees and shrubs appeared to dance.
Humans felt as in a trance.
Homes, shops, yes buildings all, swayed cracked and fell.
Fences moved 6 feet off line or more.
Great steel rails of broad gauge fame stretched, torn apart as string.
In just one minute dashed were the hopes and plans of many a man.
Life's work badly torn.
No home in which for mate repose.
No comfort be.
In place, shelter poor,
Only flies and dust.
From tap no water come.
Privations as of years gone by,
Left population stunned.

From the events which occurred on that dreadful day has come the necessity for the motion now before us. I regret that we, as a people, with our forward thinking and our great expansion, have not evolved a method whereby people in such distress as I have mentioned, can be adequately catered for.

In the *Minutes of the Proceedings of the Legislative Council* the heading to your motion, Sir, reads "Earthquake Damage—Allocation of Financial Relief." Let us look at other forms of nature's capriciousness which we meet, and which we expect to meet from time to time. I refer to cyclones, storms, tempests, and floods which are a part of our way of life, not only in Australia, but throughout the rest of the world also.

The Commonwealth Government, from time to time—and rightly so—provides for people who suffer the effects of those forces of nature. Only recently we heard Mr. Berry portray the circumstances of the cyclone damage at Carnarvon some years ago. The Government helped on that occasion, and rightly so.

I think it is high time our nation made a far more practical approach to these events. In 1950 we witnessed the great floods in the Hunter River valley where the town of Maitland was submerged. There was 15 feet of water in many of the buildings. On that occasion the Commonwealth went to the aid of the people, and rightly so.

We have also seen assistance given, from time to time, when other disasters have occurred. However, in the case of cyclones, storms, tempests, and flooding, we are forewarned. As residents of this country we do all we possibly can to diminish the serious results of one of these freaks of nature should they recur.

I will refer to fire, and we all know that fire is a terrible master. But what have we seen in the past? We have seen the shocking fires at Dwellingup, and in Tasmania. In those instances, especially at Dwellingup, officialdom was the culprit because officialdom would not listen. On many occasions I heard a former member of this House, Mr. Jim Murray, absolutely imploring the authorities to autumn-burn the forests in order to prevent fire. But, no! Such simple action was not taken. Such action is taken today, thank heavens, but only after the fire at Dwellingup, and the dreadful catastrophe in Tasmania.

On both occasions the Lord Mayor's Relief Fund and the whole nation responded. Also, Governments made their contributions.

Drought is another scourge which is always with us in some part of Australia. As a farmer with experience over half a century I challenge any man to say that by good husbandry and proper conduct of one's property one cannot eliminate most of the severe effects of drought. Yet, the Commonwealth assists those affected by drought. Those who are not provident may need that assistance.

However, in the case of the first major earthquake in Australia a small population is torn asunder. It would be very difficult for any other member of the public to realise how those people must have felt. There is nothing like an earthquake not only to level buildings, but to level bank balances as well. I know of a man who is

experiencing great difficulty. Normally he plans pretty well but at the moment no-one wants to lend him funds.

It is on this very point that as a people I say we should lift our sights. It seems strange that during the last war, when the enemy attacked the shores of Australia, we had war damage insurance almost overnight. War is something which is man-made. Man-made bombs blow towns and cities to pieces. However, overnight we had war-damage insurance. But in this case, where something happens most unexpectedly in dimensions never known before, no. No substantial contribution has been made to a fund to look after the people affected, and I think it is beneath the dignity of the Prime Minister to say, in his correspondence with our Premier, that the Commonwealth Government was not prepared to provide free insurance. Ye Gods! Those people took the first lesson on behalf of Australia in experiencing an earthquake, and they are told that.

As a matter of fact, I have on my desk a report titled *Geological Survey of Western Australia*. On the top of that report appears the word, "Restricted." If ever there was a document that should be publicised by the Press, television, or any other news media, this is it. Its contents should be widely publicised so that people can take the necessary steps to ensure that they are adequately covered for any future earthquake damage.

The Hon. A. F. Griffith: Mr. Diver, I am afraid you are on the wrong side. That was a report submitted to me by a geologist. He was hurried to the spot to do a survey, and it was restricted at the time. Subsequently, other advice has been given.

The Hon. L. C. DIVER: Then I think it is high time the label "Restricted" was taken off it.

The Hon. A. F. Griffith: Don't suggest it is a restricted document for the purposes for which you are using it.

The Hon. L. C. DIVER: I would not have quoted it outside. I thank the Minister for his information, but I do not know how anyone could get any other idea with that reference on it.

The Hon. A. F. Griffith: I am sitting so close to you that you could have asked me the question.

The Hon. L. C. DIVER: The point I want to make is this: Is it not high time that we had a national attitude to disasters such as the one to which I am now referring? We have the Lord Mayor's charitable fund, but expenditure involved in rehabilitating people affected by the earthquake should be at cost to the nation. The same position should apply to all similar disasters, and at this late hour I appeal not only to the Premier but also to the Prime Minister to ensure that the people, especially those whose homes received almost mortal damage—if it is possible to have such a thing—are granted the greatest possible assistance.

The people who lived in the area covered by the report to which I have just referred had their way of life almost totally destroyed. I said at the start of my speech that I was sad and, really, I am dreadfully sad to think that with all the intelligence we have in this country no progress whatever has been made in the direction of alleviating the suffering of those affected by national disasters. I hope that my few words this afternoon will perhaps jog someone into doing something about it—and it will have to be somebody at a high Government level.

As I started to say a few moments ago, the Lord Mayor's appeal fund is based on charity—Christian love to fellow man. It should be used to help the afflicted, surely! An appeal fund such as that is to help the distressed, and surely that term would cover the sufferers from the Meckering earthquake—those living around Meckering but not necessarily throughout the rest of Western Australia.

Let us see what the dictionary has to say about the word, "Distress." It states—

> Severe pressure of pain, sorrow, etc., anguish; want of money or necessaries; straits, dangerous position; exhaustion, being tired out, breathlessness.

In the sense of the earthquake I would say that there are two types of people: those distressed and those not distressed. Those distressed would cover the people in the Meckering district who not only lost their homes, but also their other possessions. Those whose houses collapsed and who did not have homes in which to live. They had to find makeshift residences. The farmers in that area had their water supplies cut off; their telephones were useless as, indeed, were the telephones throughout the Meckering district. Their electricity was cut off and they had no operative facilities at all—this applied to many of the people in the district.

I claim they are the people who could be classified as "distressed" and it is at that source that I think the assistance should have started. Such assistance should have started with he who is on the lowest rung of fortune's ladder until such time as the funds ran out. In that way at least we would have done something for those who were the most distressed.

As regards those who are not distressed, this term would cover people whose homes were not really damaged. Speaking from my own experience, the home on my property at Yorkrakine—and it was a relatively new home—had a few cracks in it and these cracks opened up wider as a result of the earthquake. The same applied to several of the older homes in those

areas. But the flywire doors and windows were intact. No discomfort was caused to the housewives in the areas further out from Meckering. The farmers' water supplies were still working; all the septic systems, with one exception, and that was on my farm, still worked and, as regards the work in the field, those farmers did not miss a beat.

Yet, contrary to what the Minister would indicate, I know of instances, and I reported them to one of the members of the committee, where people who were not disturbed by the earthquake, although their homes were damaged—I do not think anyone escaped some damage, even those who made contributions to the Lord Mayor's fund in the belief that the money would be used to help the people of Meckering—received $300 and $400. I want this matter recorded and if the same thing ever happens again I will make sure that another examination is made of the position. We find men of substantial wealth who were granted the sums of money to which I have just referred to enable them to repair their homes.

How does that come about? Surely that is not charity. That is debasing charity, and that is the part that cuts me to the quick—to think that charitable funds are given to the wealthy. That should never be. I think statutory declarations should have been made by those who were in need. How on earth those so far away from the earthquake could be assisted in the way they were is beyond me.

It was suggested that the list of disbursements from the fund should be tabled. I go along with that 100 per cent. I know of only a couple of isolated instances, but if we had a run down of those who had been assisted I am sure the information would be enlightening. While I know there is an endeavour to soft-pedal this matter, the damage has been done—great damage—in the country as regards charity appeals. This is too serious.

We must try to repair the position and ensure that when subscriptions are made to a fund of this nature those who need the money most get it. Mention has been made about free insurance. I was talking to my son on this matter only yesterday. We were insured but we would not dream of accepting a penny from the fund. My son said to me that we should take a broad view of the position, because those who got money from the fund were about 50 per cent. better off than those who were insured. The Minister talked about how well insurance treated people.

The Hon. A. F. Griffith: I beg your pardon, I did not.

The Hon. L. C. DIVER: The Minister implied this to be so, but perhaps I heard him wrong.

The Hon. A. F. Griffith: I think you did.

The Hon. L. C. DIVER: I have taken up a good deal of the time of the House, but I make no apology for doing so. As I have said, I spoke to one official and in recent hours I have heard him indicate that if an approach were made in the future, similar to the one we are discussing, the whole structure would be amended. I do not know to what extent it can be remedied, but this must not happen again; because, if it did, people would be avoiding and destroying charity, which I am sure we will all agree is one of the noblest things in life. I thank members for their attention and I think that what I have said amply covers the situation.

Point of Order

The Hon. A. F. GRIFFITH: On a point of order, Mr. Deputy President, would you kindly ask the President to resume the Chair?

The President resumed the Chair

The Hon. A. F. GRIFFITH: Mr. President, I rise on a point of order and I hope you will forgive me, Sir, but I was obliged to ask the Deputy President to invite you to resume your former position purely because I wanted to be in a position to direct my question to you and not to the Deputy President.

My question to you, Sir, is that in view of the fact that you, as President, have addressed members from the floor of the House and have indicated support for the motion before the House, what provision exists to protect the impartiality of the Chair in the event of there being an equality of votes when the motion before the House is put?

The PRESIDENT: While the Minister has given me no prior indication of this, I can assure him that if there is an equality of votes I will not exercise my casting vote and the motion will therefore be lost. The Minister has never known it to be otherwise.

Debate (on motion) Resumed

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [3.25 p.m.]: It was exactly six months ago today that Mr. Tonkin wrote an article in *The West Australian* dated the 24th October, 1968. To my mind this article showed very advanced thinking in connection with the earthquake that had occurred. Mr. Tonkin's article reads as follows:—

> It was reported last Monday that people who had sustained damage to their property as a result of the earthquake on the previous Monday had asked for assistance totalling more than $1,760,000 from the Lord Mayor's Distress Relief Fund and that this was by no means the full amount of claims to be made.

More than 400 people had sought assistance for wrecked or damaged buildings and furniture, and additions to this number were expected.

This forecast was borne out on Tuesday as claims for an additional $100,000 had then been received with the certainty of still more to be made.

Damage from the earthquake is very widespread. Meckering suffered most extensively as within a radius of ten miles less than 1 per cent. of homes are habitable. However, there has also been much damage sustained in York, Northam, Southern Brook and Greenhills.

Generous

Providentially there has been no loss of life and therefore the ruin which has resulted is not irreparable. However, if anything approaching real relief is to be provided, the response to the Lord Mayor's Relief Fund will require to be on a most generous scale.

The State government's contribution of $50,000 is not adequate and should be substantially increased. The government should have realised from experience that it is customary for the Commonwealth, when making contributions for the relief of hardship to give dollar for dollar with State governments and a real opportunity was lost to obtain a much larger amount from Canberra. However, apart from this, as the government gave $25,000 to the Tasmanian Relief Fund in 1967, surely this State's own immediate need merits a sum much greater than double that amount.

It is a new experience for Western Australia to have a disaster of the magnitude of the present one but its occurrence is a reminder that we may not continue to be so fortunate.

Invariably after a catastrophe resulting in loss to a number of people, a public appeal is opened and a substantial sum obtained enabling some compensation to be made to the victims. This is necessary and commendable, but it raises the question why no fund is available from which to compensate similarly those individual cases of loss or severe hardship which are frequently, but separately, occurring in the community.

Just as Great

The need is just as great to the individuals concerned, whether it results from some disaster experienced by them alone, or in common with a large number of other people. Yet, unless some local effort is made to provide a small amount of help in individual cases, the unfortunate people are left to struggle along as best they can.

> When the present disaster has been provided for satisfactorily, steps should be taken to establish a permanent fund for the purpose of assisting individuals who experience hardship resulting from causes beyond their control. There are many such people in the community who are over-burdened with debt and are facing a lifelong struggle.

How prophetic those words have proved to be, and how sensible is the basic idea of a national disaster fund.

The motion divides itself into two issues. We have the question whether sufficient money was made available to the fund for distribution on an equitable basis to the people concerned; and further, we have some criticism of how the money has been spent.

In fairness to the Government, its allocation of $50,000 was made within 48 hours of the disaster having taken place. Subsequent to the main earthquake, 27 further tremors were felt. As, of course, was to be expected, the damage caused by the initial disaster was made a great deal worse by the 27 subsequent tremors.

It is obvious the original grant was not enough and I support the motion on the basis that we should put through this Parliament a request that both Governments—that is, the Commonwealth and State Governments, with the initiative in the hands of the latter—should reconsider the position as it relates to the original grants that were made.

An initial statement of an amount of money to be contributed is very uplifting to the people who are involved in the elements of fracture and danger and also is an incentive to those who wish to contribute; but it is not possible, in an enormous situation such as this one—one that developed and worsened almost daily from the initial quake—to establish what the true amount of liability will be. For example, considerable damage to this House was evident, and it is situated a long way from Meckering. I am told that the second tremor felt in Perth could easily have resulted in an immense disaster, had it continued for a fraction of time longer. However, not many of us are aware of that.

Therefore, if we accept the fact that the No. 1 situation was an earthquake—it involved the Commonwealth, and made worldwide news—we must agree that flood, fire, and even famine in certain areas of the country are the responsibility of the people. Therefore now is the time to make some move to establish a fund at the source of collection, if necessary, by taxation, so that in the future there will not be a need to call upon any Government to give money other than that which it gives freely as a means of alleviating distress.

Relief from distress is one thing, but rehabilitation is another. Rehabilitation varies from individual to individual and it is absolutely impossible to get any group of men to sit in judgment on a situation and with a limited amount of money available say that such-and-such an amount must be distributed equitably.

The motion is unfair when it criticises those people who, to the best of their ability, have taken on a responsibility at the request of the Government. They have even stated that they will look further into the problem if people come forward and say they require further help.

The Hon. A. F. Griffith: It does not stop an attempt being made in Parliament.

The Hon. W. F. WILLESEE: They have advocates in Parliament who support them; and some members represent different people from others.

The Hon. A. F. Griffith: We all represent the same people in different ways.

The Hon. W. F. WILLESEE: The Minister is splitting straws again. I feel it is not too late to say to the Government of this State that it should make another approach to the Commonwealth Government in regard to this matter, notwithstanding the fact that a previous case was put up. I say quite definitely that it would have been a most adequate case, because the Treasury officials in this State are the equal of any in Australia.

In the light of all that has happened; and because of the fact that there has been so much hardship to individuals and their families, each case could almost merit a file of its own. If this case were again presented in its total concept, it would be absolutely unanswerable as far as the Commonwealth Government is concerned. Never mind about governments not being free insurers. They freely collect taxes from individuals; and if the time comes when within a minute everything a man has is taken from him, there is a great moral responsibility on the part of State Governments and the Commonwealth Government to see that that person is rehabilitated to the position he was in beforehand.

If there is no capacity in law to help people in these circumstances it is the bounden duty of governments to cope with situations of this kind. Otherwise there will always be this carping criticism that there is insufficient money to help, and that it has not been spent wisely. I have heard it said often enough during my short career in public life. I do not know of one case where a man got more than he should have done, while many individuals known to me did not get enough.

Who can recompense the man who has worked his land year after year, who has a big overdraft, and who is raising children, when a flood occurs and he is ruined within a period of 24 hours? He knows in his heart he would not be able to repay the debt if he lived to be 100.

Amendment to Motion

It is not my wish to delay the House, therefore I move an amendment—

> Delete all words from and including the word "furthermore" down to and including the word "Fund".

THE HON. J. DOLAN (South-East Metropolitan) [3.38 p.m.]: Like other members, I feel the time is long overdue when Australia should have a national disaster fund. It is something which has been established in the United States; and when a disaster, such as the one at Meckering and surrounding districts occurs, an immediate examination is made and the provisions of the Act are applied.

I know of a former senator who has fought this matter in the Federal Parliament for over 20 years, but never had the satisfaction of getting anything done. I think we should make our Federal members aware of the way we all feel. The time cannot be far distant when a Commonwealth disaster fund will be set up and events similar to those which have caused this motion and the amendment to be moved will be remedied without the necessity for discussions to take place.

THE HON. R. THOMPSON (South Metropolitan) [3.40 p.m.]: I support the amendment moved by my leader. In doing so I think I can speak generally about this disaster which was faced by so many people in Western Australia, but by those in Meckering in particular.

I have listened with interest to all speakers. I disagree with some of the views expressed although, in general terms, I do not disagree with the motion as it is now before us. The adequacy of the $50,000 donation from the State Government, together with matching money from the Commonwealth Government, is something that should be reassessed, and fresh approaches should be made to the Commonwealth Government.

Point of Order

The Hon. A. F. GRIFFITH: On a point of order, Mr. President, might I suggest that the honourable member should speak to the amendment and then having spoken to the amendment, if he so chooses, at some later stage he will be in a position to speak to the motion. I think he is speaking to the motion and, with respect, the question before the House is the deletion of certain words. I do not want to delay the honourable member but I do think it is necessary to maintain the proper order of the debate.

Debate (on amendment to motion) Resumed

The Hon. R. THOMPSON: I was quite aware of those facts, but I think when a member is addressing himself to a question he has to make some type of preamble before getting to the subject matter with which he is dealing.

I was making the point that this part of the donation was totally inadequate to meet the needs of those affected by the disaster. However, those moneys went into the Lord Mayor's Relief Fund. We know that this fund is independent of Government policy or Government dictation. The Government does not administer the fund but it is not denied the right to seek greater aid for the fund whether or not it agrees entirely with the terms of the fund or with the way the fund is distributed.

I therefore come to the subject matter of the amendment which is the deletion of the words—

> furthermore, this House registers its disapproval of the assessment, allocation and distribution of the Lord Mayor's Relief Fund.

I have mentioned that the assessments were carried out by people of high repute, who worked tirelessly. There have been criticisms of those people but, in the main, there will always be a few dissatisfied folk who will not take the trouble to go into town, or be on hand when the assessors are in the district. I have Mr. Ken McIver's file on this matter with me, and I would say he was the most active member of Parliament in the Meckering area. On the day he was away from the area, briefly, the previous member for the area, The Hon. A. R. G. Hawke, represented him there. Mr. McIver gives due credit to the people who made the assessments, and the reassessments. I emphasise: not only the assessments, but the reassessments.

As we know, the original earthquake brought devastation but then followed a series of tremors. Buildings which did not appear to be too bad at first had to be reassessed after the continued tremors because there was a deterioration. The officers were prepared to go back, and they went back, and made reassessments.

Mr. McIver also assures me, and I have letters to this effect on his file, that at no time was he denied entry into Mr. Gabbedy's office. In fact, he was welcomed into that office. He took many people to Mr. Gabbedy, Mr. Hewitt, and the other officers for the purpose of having reassessments made, and on most occasions they were adequately met.

So to criticise these people, I think, is completely unfair and the words should be struck out of the motion. When we come to the allocation and distribution of the Lord Mayor's Relief Fund I think that you, Mr. President, hit the nail on the head when you said that some people, by their acceptance of charity, debase charity. I agree to this point: I consider any charitable fund is for the needy and not for the greedy.

We have no say in the distribution of the Lord Mayor's fund. However, I trust that through your high office, Mr. President, and with your experience you will take this matter up with the Lord Mayor. I sincerely hope we do not suffer any similar disasters in the future but I think this fund must be put on a proper basis. For Parliament to criticise the fund at this stage is not correct. This fault should have been remedied after the Dwellingup fire, or after other disasters when the fund was in operation and allocations had been made.

I agree that the needy should be the first to be looked after, but to criticise a fund at this stage is unfair and unjust and I trust that representations will be made for a change in the policy of the Lord Mayor's fund with regard to the distribution of the funds. Many people are disgusted—as was rightly pointed out by a previous speaker—when they see those who have received full compensation through forms of insurance also receiving charity. I cannot agree with that, either, and this is something we will have to change in the future. We have often heard Ministers say that what has passed is past, and what will be done in the future will be different. I trust a change will be made to the operation of this fund in the future. I support the amendment.

THE HON. H. C. STRICKLAND (North) [3.48 p.m.]: I rise to make my position clear in this matter. When the motion was before the House I spoke briefly and I had the following to say:—

> I just wish to speak briefly to the motion but I do not intend to support it for the simple reason that I believe it would be difficult indeed for those responsible for the disbursements from the Lord Mayor's fund to arrive at a satisfactory amount of recompense to all those affected by the earthquake.

The portion of the original motion with which I disagreed was that portion which Mr. Willesee now seeks to delete. For that reason I want to make my position perfectly clear. I will support Mr. Willesee and that clears my objection to the motion.

Throughout the debate on this question the Lord Mayor's Relief Fund has always been referred to wrongly. The correct name of the Lord Mayor's Relief Fund, from which I have a receipt, is the Lord Mayor's Distress Relief Fund. That is the correct name and I think it is a very good one. That is why I subscribed to the fund; nevertheless I still got into trouble.

Nevertheless, the point was raised by you, Mr. President, and by other speakers, that something should be done to provide more money for the fund, and that there should be a national disaster fund. I think it would be a very good idea if the Government changed its policy towards the State Government Insurance Office. In order to establish a disaster fund the Government might allow the State Government Insurance Office to enter the private insurance field.

Such a fund could be further improved by the State Government Insurance Office entering into the business of life assurance. If this were done the Government could be certain it would have adequate funds upon which to draw when such emergencies arose.

Debate adjourned, on motion by The Hon. V. J. Ferry.

House adjourned at 3.52 p.m.

Legislative Assembly

Thursday, the 24th april, 1969

The SPEAKER (Mr. Guthrie) took the Chair at 11 a.m., and read prayers.

BILLS (2): INTRODUCTION AND FIRST READING

1. Stock Diseases (Regulations) Act Amendment Bill.

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

2. Northern Developments Pty. Limited Agreement Bill.

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

CO-OPERATIVE AND PROVIDENT SOCIETIES ACT AMENDMENT BILL

Leave to Introduce

MR. CRAIG (Toodyay—Chief Secretary) [11.5 a.m.]: I move—

> That leave be given to introduce a Bill for an Act to amend the Co-operative and Provident Societies Act 1903-1947.

Mr. Tonkin: How many more Bills are we going to get?

Mr. CRAIG: This will only be a five-minute job.

Mr. Tonkin: I would like to know what is going on.

Mr. CRAIG: As the Leader of the Opposition will see, this deals with co-operation and I feel sure we can expect this from him.

Question put and passed; leave granted.

Introduction and First Reading

Bill introduced, on motion by Mr. Craig (Chief Secretary), and read a first time.

LAKE LEFROY (COOLGARDIE-ESPERANCE WHARF) RAILWAY BILL

Leave to Introduce

MR. O'CONNOR (Mt. Lawley—Minister for Railways) [11.6 a.m.]: I move—

> That leave be given to introduce a Bill for an Act to authorise the construction of a railway to connect the Coolgardie-Esperance railway to the Esperance land backed wharf and the construction of a spur line to Lake Lefroy.

Mr. Tonkin: This is really over the fence; it is too much.

Mr. O'CONNOR: If the Leader of the Opposition will be patient he will see the Bill is necessary in view of the previous legislation which has been introduced.

Question put and passed; leave granted.

Introduction and First Reading

Bill introduced, on motion by Mr. O'Connor (Minister for Railways), and read a first time.

ACTS AMENDMENT (SUPERANNUATION) BILL

Second Reading

Debate resumed from the 22nd April.

MR. TONKIN (Melville—Leader of the Opposition) [11.7 a.m.]: This is a long-awaited Bill which has eventually found its way to this Chamber. In the meantime there are many people who have had their pensions eroded by increases in the cost of living and who, as a result, have suffered real hardship.

I can fully appreciate the difficulties confronting the Government. I know these matters take time and it is obvious that considerable investigation has taken place in connection with the proposal now before us which, I say without any hesitation, is quite a reasonable one. Perhaps I could point out a few places where the Bill might have been improved, but it is, nevertheless, a reasonable proposal and, I think, shows the amount of thought and time which has been given to its preparation.

That, however, is not much satisfaction to those who have been suffering in the meantime. The Government, from time to time, gave promises of early attention to the matter, but it was not able to fulfil those promises. However, the Bill is here at last.

The Joint Superannuation Committee has given consideration to the Government's proposals and has adopted the following motion:—

> That the Leader of the Opposition be informed that the Joint Superannuation Committee considers the