Legislative Council

Tuesday, 12th October, 1954.

CONTENTS.

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

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

1, Lotteries (Control).

2, Criminal Code Amendment.

3, Potato Growing Industry Trust Fund Act Amendment.

4, Supreme Court Act Amendment.

5, State Electricity Commission Act Amendment.

6, Crown Suits Act Amendment.

QUESTION.

HOSPITALS.

As to Supply of Humidor Cots.

Hon. J. McI. THOMSON asked the Chief Secretary:

In view of the importance attached to the installation of the humidor cot at the Katanning District Hospital on the occasion of the birth of premature twins recently, and the accepted fact that the type of maternity cot heated by a hot water bottle is outmoded—

(1) Will the Government acknowledge that the humidor cot is essential equipment in country maternity hospitals and accept the responsibility for the supplying of same?

(2) If not, will the Minister give the reason for the non-supplying of these units?

(3) In view of the fact that £1,260,310 was collected by the Government from the first year's operation of the hospital benefits scheme, will the Government supply these humidor cots from this fund?

The CHIEF SECRETARY replied:

Special cots were adopted and supplied to hospitals in 1951. These were considered to be suitable for all but the larger midwifery hospitals.

The humidcrib is a new and more elaborate and expensive type. It is impossible, however, to scrap existing equipment whenever a new model is produced. Humidcribs have been supplied by the department to large midwifery hospitals; and in some country districts, the local people have purchased them for their hospital.

MOTION—EXMOUTH GULF OILFIELD.

As to Parliamentarians' Visit.

HON. J. G. HISLOP (Metropolitan) [4.38]: I move—

> That the members of this House desire to place on record their appreciation of the action of the W.A. Petroleum Pty. Ltd., in inviting, transporting, and so generously caring for, and informing them during the visit to the oil field at Exmouth Gulf, and request you, Mr. President, to convey their appreciation to the company, and to express to the Minister for Mines (the Hon. L. F. Kelly, M.L.A.) through whose offices this visit was brought to such a successful conclusion, their grateful thanks.

I move this motion because I believe that there are other members who visited the Exmouth oil field as I did, and who must feel that it would be ungracious to accept such generous treatment as we did on that occasion without making some acknowledgment. To say that we were impressed with what we saw, and with the magnitude of the undertaking, is to speak in restrained terms.

I think what impressed me most—and I am sure it must have impressed others—was the air of quiet confidence held by the executives; a confidence which could have been born only of knowledge and experience, and could have been ingrained in them only by a sense of responsibility, based on a feeling that their work was one in which they had become experts. These men of experience appeared to me to be certain, within the realms of the uncertainty of even modern geology, that they will find oil in that field. They are prepared, using their own words, to stay there and see it through. I am sure that not one of us could have appreciated the magnitude of the task before we visited Exmouth Gulf. Having since seen the immensity of the undertaking, we can appreciate what the search for oil means.

One realises that the task is one calling for almost unlimited capital, especially when one reads a recent issue of the "Petroleum Gazette" in which it is stated that already, at the expense of about £11,000,000, seven holes have been sunk in Papua. Six of these have been closed because they were dry holes; and they ranged in depth from 4,700 ft. to nearly 13,000 ft. One only has to look at the permanent rig at Rough Range—which recently found oil at a shallow depth and then went on as an exploratory measure and is still sinking below 10,000 ft.—to realise that before the work is completed it will cost £1,000,000, which is the expenditure that might be necessary before oil is found in any quantity. I appreciate, as we all do, that the finding of one oil well does not make an oilfield.

It was amazing to realise that even though this rig was regarded as permanent, it was so scientifically constructed that it could be taken down like a meccano set and, within a matter of some four weeks, established at another permanent site. Probably even more wonderful was the fact that the movable rigs could be taken from one hole to start work on another within a matter of hours. To see the country around Rough Range makes one realise how great the expense might be before oil is found in quantity. It also gives one a true appreciation of the amount of expenditure that might be necessary in the more northern fields around Grant Range and the Kimberleys, where all gear and other materials would have to be moved a distance of up to 200 miles from the coast, and would be almost wholly dependent on delivery by ship to the port of Derby. One came away from that area with a feeling that these were big men doing a big task; and, what is more, they realised its magnitude.

None of us could fail to be impressed by the amenities which were provided for the men. I do not know anything about the cost, because I have not learnt it. Hazarding a guess, I would say that the amenities erected for the men up to the present time could not be provided for under £30,000. I do not think that I am far off the actual figure. When one sees the quarters in which these men live, and the arrangements that have been made for the commissariat, one realises that the management knows how to look after its employees in outback areas.

Probably the most privileged moment we experienced was to listen in the evening to two men whom we might accept as leading geologists in the world—Mr. Morgan and Mr. Cunningham. They gave us a lecture on how to find oil. How simple a life-time of learning and experience was made to appear till each one of us believed we could set out and easily become geologists! Then Mt. Stewart and Mr. Walkley gave most illuminating short addresses on the workings of the field itself.

We could not be too appreciative of the hospitality extended to us. One of the features I shall never forget was the way in which Mr. Walkley attended to us on the plane. It was an object lesson of a big man concerning himself with service to others, without losing his dignity. To most of us the last memory of the oilfield was a gastronomical one. At lunch we were provided with almost a Babylonian feast; yet we learnt that this was the ordinary luncheon provided for the men working on the field. It was a truly wonderful experience and one for which I am personally very grateful.

Before I conclude, let me for one moment try to look into the future. Returning from Cape Range, I spoke to Mr. Morgan. He said, "What a wonderful place this could be made into if the field became permanent! We could harness some of those hills and provide a dairy if there was sufficient water available." When one views the beauty of Cape Range, one feels there is a very great possibility that the area could become—probably not in our time, for certainly it would need the permanency of the oilfield—one of the world's greatest tourist resorts. On the banks of Exmouth Gulf there is a magnificent beach, with possibly some of the finest fishing in the world; and certainly there is a great yachting harbour. To wander through the picturesque range, as yet untouched, is something to delight the tourist.

Since I have returned, I have been dwelling on four lines written by Samuel Walter Foss, the American poet. If I may paraphrase his words, he said—

> Bring me men to match my mountains.
> Bring me men to match my plains,
> Men with oilfields in their purpose,
> And new eras in their brains.

I think that would be a fitting description of those men whom we saw at Exmouth. Thanks must go to the executive of the company and to the directors who made this trip possible; to those who looked after us in such a wonderful manner; and finally, but not least, to the Minister for Mines, Hon. L. F. Kelly, who, by his thought for us as members of Parliament, made it possible for us to have this wonderful experience.

HON. C. W. D. BARKER (North) [4.50]: I have pleasure in seconding the motion. Our thanks are certainly due to the company for the delightful outing provided for us, and I am sure that every member who made the visit came away highly informed on the methods of searching for oil. What struck me most was, as Dr. Hislop remarked, the quiet confidence of all concerned. I have stated more than

once that a company that has the courage to go to the North, and spend huge sums of money until the goal is attained, should receive all possible consideration from the Government. I was also pleased that so many members were visiting my province; and I hope that in future we shall be able to show them portions of it from a different angle, which I am sure they will find educational.

HON. E. M. HEENAN (North-East) [4.52]: It is only right and proper that we should carry a motion of this description, and I have pleasure is supporting it. The motion is aptly worded, and conveys the sentiments of all who had the privilege of enjoying the hospitality of the company and partaking of the great experience of seeing oil exploration in operation. The visit was most pleasant, and all members who participated in it have a far better appreciation of the immense possibilities that lie ahead of the State as a result of this exploration. If the results that we all hope and believe may be achieved are realised, the State will benefit greatly; indeed, it is difficult to envisage what the results might be.

I suppose there will be difficulties and disappointments to be faced, that a lot of money will be spent, and that a good deal will be lost. I imagine that the history of prospecting for gold will be repeated in the search for oil; but the impression I gained was that a real effort is being made by the company, and I wish it all the success to which it is entitled, and that is a great deal. I hope that other companies will come along in due course and play their part in what is going to be a great adventure.

HON. F. R. H. LAVERY (West) [4.54]: It affords me great pleasure to support the motion, for two reasons. The first is that for an inexperienced member like myself to be given the privilege and opportunity to visit this field and view the operations there has proved to be an education that will linger with me for the rest of my life, and I hope may be applied for the benefit of the State. I support the remarks of Dr. Hislop regarding the two geologists, Mr. Morgan and Mr. Cunningham. If anyone had any doubts previously as to what was entailed in the preparatory work even before they came to this State to engage in the exploratory task, they should have been removed after listening to their remarks. I repeat that it was a fine education; and since my return I have been able to pass on information I received to business people who have not had the privilege of visiting that area.

The second point I wish to make is that when Mr. Thomas and Mr. Walkley spoke of the enormous expenditure involved, it served to show how almost futile the previous exploration for oil in this State had been. The expenditure necessary to do the work in the manner in which is it being done at Exmouth Gulf is tremendous; and I am satisfied there is no way in which it could be successfully tackled, except by operations of the magnitude we witnessed. I was pleased to hear Mr. Walkley pay a tribute to Dr. Raggatt for the help given by him in the early history of the company before it began operating in this State.

I consider that if anybody has doubt as to whether the company will find oil, he should avail himself of the first opportunity to visit the field. As Dr. Hislop said, everybody, including the workmen—even our friend the amiable steward with his call, "Tea, coffee, topee, upee, happy"—showed quiet confidence and was enamoured of the future possibilities in that part of the State. Mr. Cunningham made no bones about stating that, in his opinion, the Kimberley area holds even greater possibilities than does the Learmonth area. I am most grateful to the company for the opportunity afforded to visit the field, to the Minister for arranging the trip, and to Dr. Hislop for having moved this motion of appreciation.

HON. A. R. JONES (Midland) [4.59]: I wish to support the motion, as it is the only way in which we can show our appreciation of the generous action of the company during our visit. Members who had the privilege of making the trip have derived considerable benefit from it. As a result of the visit, two things stand out in my mind; firstly, the way in which the executive of the company has provided for the staff, showing that industries in this country have something to learn. The Americans can certainly show us how things can be done, and the team they have secured over the past few months certainly works with a will and fits in with the ideas of the company. I consider that, from the executive angle, as well as from the angle of the workers, we were able to learn something from what we saw, and that as the exploration reaches a more definite stage, the methods adopted will be most helpful.

The other point which impressed me was that a small company with limited capital would be just wasting its time attempting to explore for oil. Most of us are in the habit of thinking that £1,000,000 is a lot of money; but having visited the oilfields, we are forced to realise that, in the search for oil, £10,000,000—or even £20,000,000—is only a small sum. Together with other members who have spoken, I have pleasure in supporting the motion.

HON. C. H. SIMPSON (Midland) [5.1]: As one who was unable to accept the invitation so generously extended by the company to all members to take part in this visit to the oilfields, I feel that I can at least thank the company for having

made available the opportunity to take part. I was invited, on a former occasion, and was able to attend the spudding in ceremony of the first well or wildcat, as they called it; and I then gathered much the same impression as that gathered by members who made this more recent trip.

Those of us present at that time were impressed by the feeling of quiet confidence on the part of the men who are doing the job. They warned us that they did not for one moment expect that success would attend their efforts with the first hole they attempted to drill. They said that the odds against finding oil in the first well put down would range from 8 to 1 to 20 to 1, and I do not think anyone was more surprised than were the officials of the company when they struck oil in the first well drilled.

We had a most enjoyable day when we attended that spudding in ceremony and received an indication of the thoroughness of the preparations that had been made, when they explained that the whole of this big drilling rig was assembled on the site where it was fabricated, and was then dismantled and shipped to Western Australia, where it was landed on the beach by means of l.s.t's. It was transported to the site, and assembled; and officials of the company explained to us that the reason for the pre-assembly was that they could not afford to take the risk that the parts might not fit when they came to be assembled in an isolated spot like Rough Range. They therefore made sure, by means of the pre-assembly, that everything would fit.

We were informed that the whole of this plant, weighing many hundreds of tons, could be dismantled and reassembled in the space of one week. It was explained that if the new site were far enough distant, the travelling time involved in transporting the rig would have to be added to the week allowed for dismantling and re-erection. There is no question that these oilmen know their job. They not only gave us the impression that they were eager to follow up any likely leads; but also said quite frankly that if there were traces of oil in that locality, there was no danger of their stopping for lack of capital if the money initially provided was not sufficient to give the area a thorough testing. The venture therefore has had every prospect of success from the start.

I take this opportunity of associating myself with the motion moved by Dr. Hislop. We are grateful to the company for having offered us this opportunity of visiting the oil area; and this motion gives me the opportunity of thanking the company for the previous visit which I was, fortunately, able to make.

HON. R. J. BOYLEN (South-East) [5.5]: I have much pleasure in associating myself with the motion moved by Dr. Hislop, as I have no doubt that we all owe a debt of gratitude to the executive of the company and to the Minister for Mines, for the opportunity given us to visit the oilfield. Of course, Mr. Kelly has had many opportunities of inspecting the oil venture at Rough Range, and that at Cape Range; but he was courteous enough to make arrangements for the rest of the members of this Parliament to do the same thing.

I have no doubt that as time goes by, oil will be discovered in the areas we visited, and that consequently amendments to the Petroleum Act will be called for. I am convinced that as a result of the visit most members made to the oilfields, we will be far better fitted to discuss any necessary amendments. I feel that the names of the men associated with this venture—Messrs. Walkley, Morgan and Cunningham—will go down in the history of this State, together with the names of men such as Hannan, Ford, and Bailey, who were associated with another great Western Australian industry. I have pleasure in supporting the motion.

HON. G. BENNETTS (South-East) [5.6]: I feel that we must thank the company for the way in which it entertained us, from the time we reached the aerodrome until we returned. We owe a particular debt to the men, mentioned by Dr. Hislop, who did so much to entertain members of this House and another place.

One of my reasons for visiting the Exmouth Gulf area was that I had heard so many people asking why we had not carried out the oil exploration ourselves, without the assistance of foreign capital. Since I have seen at first hand what is going on in the area concerned, I realise that we would never have been able to discover oil with our own resources. The company has on the drilling site outstanding men of world reputation in the oil industry—men with a knowledge such as would not have been obtainable in this country—and we must give them credit for knowing all there is to know about that industry, as they were brought up in oil country.

I have particularly in mind one young man of about 35 years of age who was asked by a member how long he had been in the oil game. He said he left school to enter the oil industry, and that from then on he had known nothing but oil. In this country we simply have not men with that specialised knowledge; and, as we also lack the huge sums of money required, I am convinced that, without the help of a company such as this, we would never have discovered oil in Western Australia.

Officials of the company told us that they expect to get one oil-producing well out of every ten holes drilled, but that they could easily put down 50 holes before striking oil.

That illustrates how lucky they were to find oil in the first well drilled; and that discovery has given them every confidence that they will discover oil in commercial quantities in the district concerned. I do not think any of us has any doubt about that, either.

I was particularly pleased to hear from officials of the company that the Australian workmen on the job are of a high standard, and that better could not be found in the world. I met and talked with some of these workers and I think they are doing a wonderful job. The accommodation provided for the men is of a high standard, and everything possible is being done to keep the workers on the job. They all seem contented, and the wages they are receiving are good—

Hon. A. F. Griffith: Will you now take your hat off to private enterprise?

Hon. G. BENNETTS: This company is doing the job thoroughly. I have pleasure in supporting the motion.

HON. L. C. DIVER (Central) [5.10]: I desire to take this opportunity, Mr. President, of associating myself with the motion; and I feel that first of all I should pay tribute to Dr. Raggatt, as I think members will agree that it was due to the geological work done by him that this trip was made possible. We, in Western Australia, owe a debt of gratitude also to Mr. Walkley. He is a financier and is out to help himself; but at the same time, he is a big man and in helping himself he is also helping this country. Members who made the trip to Rough Range could not fail to realise the greatness of the undertaking with which Mr. Walkley was confronted, and which he portrayed to us on the Sunday evening during the lecture and talk, when he told us of his endeavours to interest capital in testing the possibilities of finding oil in the Rough Range area. We are glad to know that he has been successful in attracting huge amounts of capital and it is illuminating to see the manner in which the job at Rough Range has been tackled.

I was reminded more of an undertaking by an army than by private enterprise. The catering and housing of the men reminded one of the army; and I think all members who visited the site appreciate the effort that has been made there. I looked on the visit—particularly when I set out—as a conditioning trip for members of Parliament; and I feel certain that it did condition us mentally, and made us realise the scope of the possibilities of the Rough Range area. Later on, when Bills affecting oil or oil exploration come before this House, members who took part in this trip, or who previously visited the area concerned, will be mentally equipped with first-hand knowledge of the practical difficulties associated with the locating of oil. I believe that while some gas may be located at Rough Range, our trip to that area will be the means of saving much gas in this Chamber at a later stage. While we spent two days on that trip I feel that it will result, in the future, in the saving of many hours of debate in this Chamber.

There is no need for me to mention the size of the undertaking, as Dr. Hislop has already conveyed to the House the impression he gained of the immensity of the machinery, and the stature and mental scope of the men concerned. I feel sure that these big Americans who are now in Western Australia will, in due course, leave their mark on other undertakings, apart from oil. I think they have the outlook required, and I trust that these men will not be choked with red tape. I hope they will be able to bring some of their American ideas to other spheres of our industry, apart from the work entailed in locating oil. I feel quietly confident they will do so, and I think they gave every member on that trip the same impression. We all came away feeling that they were there to locate oil, and if they did not succeed in doing so at first, they would continue until they eventually did find oil in commercial quantities. With those few remarks, I have pleasure in supporting the motion.

HON. N. E. BAXTER (Central) [5.16]: It is with much pleasure that I join with other members in supporting this motion of appreciation to West Australian Petroleum Pty. Ltd., for the opportunity afforded us to visit Exmouth Gulf and view the work being carried on in that area. I think that, like myself, most other members have now an entirely new conception of what oil exploration actually involves. Before the trip I was very vague as to what it did entail, but now I know what takes place, not only here, but throughout the world, when exploratory work for oil is in progress.

We have heard a great deal from the public generally that the Americans, or whoever were concerned, did not want to find oil in Western Australia. Our recent visit, however, puts that idea right out, particularly in view of the quiet confidence expressed by Mr. Morgan and Mr. Cunningham that they will find oil. It is most heartening to have that confidence, and to know that that big possibility, which means so much to the State, does exist. Another most heartening aspect is the supply of dollars that the Standard Oil Co. is prepared to put behind oil exploration in Western Australia. We must appreciate that we have a very limited amount of capital in the State, and it would certainly never reach the mark required unless a big company like Standard Oil were prepared to put in large amounts of dollars to help in this work. We must

express our great appreciation to the people for the work they are doing—work which means so much to Australia.

Another matter which attracted my attention was the precision-like workmanship of the Australian rig crews who have been trained on the rigs at Exmouth Gulf. It is pleasing to see that the Americans could come out here and train Australian crews to handle machinery that was entirely new to them, and which was capable of boring to such great depths. I took an opportunity of timing the speed at which the pipes were dropped; and, to give members an indication of the precision with which these men work, I would point out that in 70 seconds the pipes were screwed on and dropped in, and the men were then ready to drop another pipe. Accordingly, Mr. Stewart must be congratulated on the manner in which he superintends this work and for the way in which he has had the men trained.

In addition to that, I was informed by an employee who was known to me before he went to Rough Range that right throughout the establishment there was a general feeling of satisfaction among employees at Exmouth Gulf. I was informed that it was the intention of the Australian Workers' Union to form a branch in that area, and I trust that the union will not stimulate any unrest in that industry in Western Australia.

Hon. G. Bennetts: You can rely on the A.W.U.

Hon. N. E. BAXTER: That is open to doubt. It would be one of the worst things that could happen if we had industrial unrest in that area. I conclude my remarks by supporting Dr. Hislop's motion.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [5.20]: Although I was not one of the party that accepted an invitation to visit Rough Range on the occasion in question, I still wish to express my appreciation of the efforts made by the company in making it possible for members of Parliament to view its activities in the Exmouth Gulf area. I have, of course, visited the site on three different occasions since the company established itself at Exmouth Gulf. The undertaking is in my electorate; and it will not be long, I hope, before I am up there again.

It is very pleasing to note the reaction of members who have spoken to this motion; and it is pleasing to hear that they have gained quite a lot of knowledge; because they will be able to discuss any petroleum legislation that might come before this Chamber with greater knowledge, and will also be able to assist the Government in helping to have such legislation passed.

It is certainly a company such as this, and industries such as this, that will eventually contribute to the populating of the northern areas of our State. I am sure members were impressed by the barrenness of the country they saw. It is a very light rainfall area, and all agricultural pursuits are now at their limit. What I wish to convey by that is that the pastoral industry—sheep and wool—in that area, cannot be stepped up in any shape or form.

I think the company had great courage when it persisted with its industry after the devastating cyclone that hit the area last year. I landed at Learmonth in a chartered plane three days after the cyclone had struck, and the company's camp and establishment were just a wreck. I was also informed by Mr. Kemp, the accountant in charge at the time, of the terrifying experiences they went through during the course of that gale which at times exceeded 100 miles per hour. That is a terrific wind. Fortunately, the plant and material were unloaded on the beach, and were still in packing cases. Had the ship which carried that cargo been in the vicinity at the time, no doubt there would have been a tragedy.

I am confident that everybody in the North-West is very happy and pleased to know, and experience, the activities which are complementary to the search for oil in that area. The economy of those little towns in the vicinity—such as Derby in the Kimberleys, and Onslow and Carnarvon in the Exmouth Gulf area—has been stepped up considerably as a result of the activities of Wapet in its search for oil. It will be most pleasing when the day comes when perhaps some other companies obtain areas throughout the North and do likewise. It has been truly said that it takes a company with experience and a large amount of capital to drill in the manner of Wapet. I am certain, however, that there will be other oil companies interested in other areas up there; and that as a result, the north of the State will be very much better off.

Question put and passed.

BILLS (4)—FIRST READING.

1, Bush Fires.

2, Radioactive Substances.

3, Health Act Amendment (No. 2).

4, Plant Diseases Act Amendment.
Received from the Assembly.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Assembly's Further Message.

Message from the Assembly received and read notifying that it no longer disagreed to the amendment on which the Council had insisted.

BILL—LOCAL COURTS ACT AMENDMENT.

Second Reading.

Debate resumed from the 29th September.

HON. H. K. WATSON (Metropolitan) [5.31]: I think this Bill will commend itself to every member, inasumch as it is designed to facilitate the despatch and reduce the cost of litigation. The cynic has said that the courts of justice are open to everybody who can afford to go there. There is quite a bit of truth in that criticism. But so far as small actions are concerned, this Bill is intended to keep costs to a minimum, and to extend the jurisdiction of local courts. The principle object is to extend that jurisdiction, in respect of personal actions, from the present amount, which is limited to £100, to an amount of up to £500. Having regard to present-day money values, even that figure of £500 is little enough.

The Bill also proposes to amend various other sections of the Local Courts Act with regard to matters of procedure such as the delivery of documents, admission of debts and liabilities, and so on. At the moment, the legal requisites with respect to these matters are rather complicated; and this Bill will reduce to a minimum the ordinary day-to-day processes of law prior to the actual case coming to trial.

That briefly sums up the whole contents of the Bill. The one criticism I have to make is that it should have been brought down last year. It will be remembered that last year a Bill was brought before Parliament to amend the jurisdiction of local ccurts with respect to the recovery of possession of premises, and with respect to rents, by extending the then existing limit from £100 or £250—I forget the exact figure—to £500.

On many previous occasions I have made the point—and I shall keep on making it in the hope that one day it may sink in somewhere—that when a principal Act is being amended it should not be tinkered with. We should not have a Bill dealing with one section one year; another Bill dealing with a different section in another year; and a third Bill dealing with yet another section in the following year. Departmental heads and the Crown law authorities ought to bear in mind that the public and their legal advisers have to work under these Acts, and such measures should be amended comprehensively, so that instead of having to consult half a dozen different Acts in different years to ascertain what amendments have been made, one could turn to one Act containing substantial amendments. That would be one of the simplest ways of facilitating the administration and understanding of our various laws.

It seems to me that inasmuch as the authorities last year brought down a Bill to amend one section of the Local Courts Act to increase the jurisdiction of the court from £100 to £500, that was the time to have a comprehensive review of the Act, and see what other sections required amendment, instead of our having that single piecemeal amendment brought forward on that occasion. I again urge the Chief Secretary to impress upon his officers, and those under the respective Ministers, that when legislation is to be amended for one purpose, the Act concerned should be completely reviewed with the object of seeing whether any other amendments are necessary so that they can be brought forward in the same measure. I support the second reading.

HON. E. M. HEENAN (North-East) [5.36]: This is a small, but rather important measure, and I compliment the Government on introducing it. Members know that there is a Supreme Court which functions in Perth, and also has sittings on the Goldfields and in a few other parts of the State from time to time; and it deals with more important aspects of litigation. Then we have the Local Courts, which are established in all the more or less important centres of the State. There is the Local Court in Perth and there are others at Fremantle, Northam, Bunbury, Albany, Kalgoorlie, and so on. Those courts deal with litigation within their respective districts.

In 1904 the jurisdiction of those courts was limited to £100. In other words, they could not handle claims involving litigation exceeding the amount of £100. If the figure exceeded that sum, the parties had to proceed in the Supreme Court which, of course, is a more serious matter and more expensive. In 1930 the Act was amended, and the juridiction was increased from £100 to £250; but that applied only when both parties consented.

In other words, if a man had a claim for £200, he could issue a summons in the Local Court; but unless the defendant agreed to the case being heard in the Local Court, it had to be remitted to the Supreme Court. The main feature of this Bill is to increase the jurisdiction of the Local Courts to £500, and that will apply irrespective of whether the defendant agrees or not. That will make our Local Courts more important.

Hon. H. Hearn: And it will make them busier, too, will it not?

Hon. E. M. HEENAN: I suppose that might be one result. If people at Albany, for instance, have a dispute involving anything up to £500, it will be competent for the magistrate there to deal with the matter. That is a good thing. It will save the expense of a Supreme Court action. Our magistrates are now better trained and more experienced. The proposed amendment meets with the approval of the judges and the Crown Law Department, and of the solicitors I have been able to contact.

Hon. A. R. Jones: Will it take away the right of appeal?

Hon. E. M. HEENAN: Not in any shape or form. It will mean the cheaper and speedier hearing of cases in which the amount involved does not exceed £500. The seriousness of a case does not always depend on the amount of money involved. There might be complicated legal issues at stake; and it will still be competent for a party which prefers to go to the Supreme Court to do so. But there is a proviso in the Bill that if one proceeds in the Supreme Court with a claim under £500, one will obtain only the Local Court's scale of costs, unless the judge certifies that the case was sufficienty important to have been taken in the Supreme Court in the first instance. The measure is a good one, and I hope it will receive the support of the House.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—HEALTH ACT AMENDMENT (No. 1).

Second Reading.

Debate resumed from the 29th September.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [5.45]: I was pleased at the interest taken in the Bill by members, and I hope now to reply to the various points they raised. Mr. Baxter was vague as to the reason for adding the figure 1 in brackets after the words "Section 112" in the Act. This, of course, is merely to rectify an omission which occurred when the Act was previously amended.

There was considerable opposition to the proposal in the Bill regarding the disposal of rubbish. I would advise members that this amendment has been inserted as a result of representations by the Local Government Association. Its main purpose is to ensure that all household refuse is disposed of satisfactorily; and to this end, it is necessary that in built-up areas more effective control shall be exercised over indiscriminate disposal. The amendment makes provision for areas to be prescribed—generally these would be built-up areas—where a person must use the service provided by the local authority for the efficient removal of household wastes, and pay the charges relating thereto.

Under the present legislation a person may refuse to take advantage of the service provided by the local authority, and, so long as he disposes of his garbage to the satisfaction of the inspector, no action can be taken against him. On the other hand there are some persons who may not desire the service and who do not dispose of their garbage satisfactorily. In such cases, the inspector could prosecute but to ensure that the sanitation was being maintained satisfactorily he would have to pay constant visits and possibly initiate further prosecutions from time to time.

It is considered that every person in a district should assist towards the maintenance of a satisfactory standard of sanitation. The amendment proposes to make it obligatory for every person in a prescribed area to contribute towards the rubbish removal service provided by the local authority. The amendment is not related to Section 113 of the principal Act which merely provides power for the contractor to recover charges due for a rubbish removal service which the occupier has already requested. To give effect to the amendment, the local authority would be required to promulgate a by-law prescribing the areas where a person must pay for the removal service.

The by-law would have to be submitted to the Commissioner of Public Health for his approval and the commissioner would have to be satisfied that the area concerned was of such a character that the disposal of rubbish on household properties might constitute a danger to public health. The hon. member will appreciate that this control is advisable in the drive which is now taking place against Argentine ants.

Where a local authority has established a satisfactory rubbish depot and maintains a staff to ensure that rubbish is disposed of in a proper manner, it is considered that a person who elects to cart his own rubbish to the depot should make a small contribution. In this regard, it is hardly fair that the costs of maintaining the rubbish depot should be distributed only among those who pay for the organised service. The fee in this case would have to be prescribed by regulation which will require the commissioner's approval before it is effective. The fee would be of a minimum nature and would be intended to cover only a proportion of the costs relating to the consolidation, tipping and covering of the garbage.

Take the example of trade premises where at infrequent intervals there is a large amount of trade wastes for disposal. If the firm elects to take this to the depot it is reasonable to expect that it will pay a small fee to cover the cost of the effective covering of the wastes, which would be done by the local authority's staff at the depot. Before approving of a by-law for a fee to be made under this section, the commissioner would have to be satisfied that the local authority was put to

expense in providing a service at the depot for the effective disposal of the garbage after tipping.

In the debate, there would appear to have been some confusion between the words "charge" and "fee." "Charge" refers to a service provided by the local health authority for the removal of garbage under Section 113 of the Act; whilst "fee" refers to the small payment to be made for the use by private individuals of the facilities provided at the depot for the disposal of garbage. It will be seen that they do not refer to the same payment. With regard to the licensing of food stalls, if the amendment is agreed to, there will be sufficient power in the Act to ensure that overall control of all premises where food is sold to the public is carried out effectively.

In connection with compensation for food seized by the commissioner, there would be no objection to the insertion of the words "either from the Crown or the commissioner" after the word "compensation." This would make it clear that any compensation which a person might feel that he is entitled to as a result of having purchased inferior goods would not be affected by anything contained in this measure. I am advised by the Crown Law Department that the measure does not interfere with the existing rights of any individual to recover compensation for inferior goods, supplied to him; but if members so desire, the words I have suggested could be inserted so as to clarify the position.

Referring to Dr. Hislop's comments relating to infant health centres, it is conceded that the Bill might be amended to include the words—

> The commissioner may enter into an agreement with a local authority in respect of all or any of the following matters in relation to maternal and infant health centres.

In regard to Dr. Hislop's remarks in relation to Clause 2 of the Bill, it is possible a local inspector might find that a dwelling is without any sanitary facilities. The hon. member will appreciate that the lack of sanitary conveniences, particularly during the summer months, might through the encouragement of flies endanger the health of nearby residents. At present the inspector has to wait till the next meeting of the local authority, which might not be held for another month, and report the circumstances to the local authority which then may act accordingly.

Meanwhile the hazard to health continues. Under the amendment, the inspector may take immediate action, as it is an emergency, to remove the danger to the public health. Any order issued by an inspector or the local health authority may be the subject of an appeal to the commissioner if the person required to carry out the order considers that he is being dealt with unjustly.

With reference to Dr. Hislop's comments regarding the placing of more power in the commissioner's hands, I would like to draw the attention of the House to Section 39 of the principal Act which reads:—

> All the powers rights and authorities vested in the Commissioner or any Local Authority shall whenever he deems fit be exercisable by the Minister and when so exercised, shall if so ordered by the Minister, supersede any Act, direction, notice or order of the Commissioner or Local Authority.

There does not seem to be any doubt that the Minister can veto any action taken by the commissioner if he considers it to be ill advised.

The proposal in the Bill in regard to still-births and infantile mortality was discussed by Dr. Hislop. A little further information in this regard may interest members. During the past five years the Public Health Departments of the various States in Australia and the Commonwealth Health Department have been concerned with the wastage of life caused by still-births and deaths in early infancy. The associated problems have also received the attention of the Expert Committee on Health Statistics of the World Health Organisation which has made certain recommendations for the definition of still-births and foetal deaths.

At the request of the Public Health Department of this State, the matter was referred to the National Health and Medical Research Council, the Public Health Committee of which consulted the health departments of all States and the State Registrars General. Consideration to it has also been given by the State Health Council and its Maternal and Infant Health Committee, by the Federal Council of the British Medical Association, and by the Royal Australian College of Gynaecologists and Obstetricians.

All concerned have reached agreement on the procedure to be adopted, which is as follows:—

> 1. For every "birth" (whether living or dead) occurring after the 20th week of pregnancy, the doctor or midwife shall furnish to the State Health Authority a form containing the following information:—
>
> > name of parent, time and place of birth, gestation period, birth weight, single or plural birth, previous pregnancies of mother, sex of foetus, age of mother, occupation of father, general health of mother, history of infectious disease of mother related to the stage

of pregnancy, abnormality of pregnancy and labour (including Rhesus factor detail), abnormalities of foetus, placenta and cord, whether labour was normal, manipulative, instrumental or accompanied by other operative procedure for delivery.

2. For every child born alive but dying within 28 days of its birth, the doctor shall forward to the Commissioner of Public Health details on a prescribed form within 48 hours. This shall contain the following information:—

the stage of labour at which death occurred and, if born alive, the signs of life—heart beat, pulsation of cord, voluntary movement, respiration—the period of survival in hours, if the child died within 24 hours; the age at death in days (if the child survived 24 hours); the cause of death determined at autopsy if autopsy was performed, and the cause of death clinically determined.

On receipt of certificate (2) for any child, it will then be possible to obtain the corresponding certificate (1) and to correlate associated causes.

Throughout these discussions, it was realised that the doctor in attendance at the birth might not be the one in attendance on the infant during the illness preceding its death; but it was considered by the expert committees which have recommended the proposed action, that it will now be possible to correlate the obstetric history of the mother with the cause of death of the infant. This, indeed, is one of the principal objectives.

Useful information has already been obtained on the causes of still-births in this State as a result of the amendment to the Health Act provided for the compulsory notification of still-births. Over 1,000 post mortems were performed and the results are being analysed.

Forms of notification to be used under this proposed amendment have not yet been drawn up in detail, but their probable content has been indicated in paragraphs (1) and (2) I have already quoted. They will be prescribed by regulation; and, of course, may be modified on the advice of a Director of Maternal Health and Research, who would certainly be consulted by the Public Health Department It is not practicable to include the content of these forms in a schedule to the Act. To keep them flexible they will probably need to be modified from time to time in accordance with expert advice. Hence, it is preferable to make any alterations by regulation.

Referring to the comments of Mr. Davies, I would like to mention that the health inspectors appointed by the local health authorities are trained men, qualified by examination and experience to carry out supervision of sanitation in their districts. There may be times when it is very inconvenient to call a special meeting of the council to deal with the recommendation concerning the provision of a sanitary convenience at some place which is without this necessity. In any case it would appear to be superfluous to call a special meeting to deal with a recommendation by a qualified man for some urgent necessity unless there was some intention to veto the recommendation.

In this respect the local authority would be taking a big responsibility and should any infectious disease occur as the result of its failure to implement or support the inspector's recommendation, it would leave itself open to action by the Commissioner of Public Health under Section 35 of the principal Act.

Hon. L. C. Diver: Has he ever taken any?

The CHIEF SECRETARY: Not to my knowledge. It should be remembered that if a person is aggrieved by an order issued by an inspector or the local authority and considers that he is being dealt with unjustly, he can always appeal to the Commissioner of Public Health, and subsequently to the Minister, if he so desires. The intention of the amendment is not to delegate all the powers of a local authority to the health inspector, but only those concerned under Section 99 of the principal Act, and then, only in an emergency.

Regarding Clause 4 of the Bill, I am sure members will appreciate that anything which can be done by a local authority to improve sanitation of a district is of benefit to all residents. In this respect a properly maintained rubbish depot is essential and this necessitates the employment of staff to ensure that all rubbish is dumped correctly and that putrescible matter is covered. It it all very well for the hon. member to instance a case of a householder who desires to dispose of a few lawn or hedge clippings, but consider the unsatisfactory conditions which would arise if large quantities of unwholesome or rejected foodstuffs were dumped indiscriminately at the depot without adequate coverage.

I am told that at one metropolitan rubbish depot some person dumped a dead sheep which was left rotting and became an ideal breeding place for flies. More control must be exercised over rubbish dumps, particularly in the metropolitan area, and that necessitates employment of staff. This staff has to be paid and those who make use of the facility provided by the local authority must be prepared to meet some of the cost involved. In any case the fee for the service provided will be of a minimal nature.

Hon. N. E. Baxter. For what do they pay rates?

The CHIEF SECRETARY: A person pays health rates to cover the ordinary service that everybody gets. But if a person wants a special service, he must pay for it; and I think that is only fair and reasonable.

Hon. F. R. H. Lavery: That is fair enough.

Hon. L. C. Diver: Will they be in attendance at the dumps on Sundays?

The CHIEF SECRETARY: If a person applied for a permit, I suppose times for dumping would be specified.

Hon. Sir Charles Latham: You are not allowed to go to the dump on Sundays.

The CHIEF SECRETARY: If a person wishes to break the Sabbath laws, he should not expect someone to be at the dump at his beck and call.

Hon. L. C. Diver: A number of workers have only Sunday mornings to do this sort of work.

The CHIEF SECRETARY: I have heard that tale before.

Hon. H. Hearn: There is football on Saturday afternoon.

The CHIEF SECRETARY: This idea that certain things can be done only on Saturdays and Sundays went out many years ago.

Hon. A. R. Jones: What chance would a worker get of clearing his rubbish if he worked for five or six days a week?

The CHIEF SECRETARY: How does he get time to buy his clothes? We have heard all these stories before, but the argument cannot now be advanced. Mr. Lavery is in error in assuming that any stipulation would be made as to what garbage could be taken to the rubbish disposal depot. With the exception of night soil, all waste matter would be received and dealt with by the staff at the depot according to its composition.

Concerning Mr. Lavery's remarks regarding Clause 10, I think it would be as well if I explained to members that foodstuffs may be seized by the Commissioner of Public Health under two different parts of the Health Act. Normal practice is to take action under Section 202, of Part VIII relating to food, which provides that after inspection and examination the foodstuffs found unfit for human consumption may be seized. In such cases the vendor has no claim for compensation against the State.

It will be noted that under this section of the Act the unwholesome condition of the foodstuff must be determined either by examination or analysis before it is seized. If it is found that 10 per cent. of a consignment of tinned or packed food is unsound, the whole consignment can be seized and dealt with, in this case without compensation being paid by the seizing authority.

The other part of the Health Act, under which the commissioner may seize and destroy food, is Part IX, dealing with infectious diseases and it was under Section 251 of this part of the Act that the commissioner last year seized a large quantity of Papuan desiccated coconut. The commissioner caused an analysis to be made of a number of consignments and found them to be infected with an organism which could cause bowel diseases. However, it was not practicable and indeed almost impossible to examine 10 per cent. of nearly 60,000 lb. of Papuan desiccated coconut which was at that time distributed throughout the State.

If the commissioner had been in a position to examine each parcel or packet of coconut independently he could have taken action under the food section of the Act included in Part VIII to which I referred previously and in regard to which no compensation is payable. The part of the Act under which the commissioner did take action in regard to the Papuan coconut was this Part IX which relates specifically to the control of infectious diseases. The impracticability of taking action under Part VIII of the Act has just been explained.

The provisions of Part IX of the Act provide that the commissioner may take action of a salutory nature in the interests of public health. He may have to cause a building to be pulled down and destroyed or do other things which might result in an individual sustaining a heavy financial loss. For that reason Parliament saw fit, when it passed the principal Act, to include a section in that part of the Act dealing with infectious diseases, entitling the owner of the house or thing which was destroyed to compensation from the Crown subject to conditions laid down in the Act.

The amendment now before the House does not in any manner affect the payment of compensation to which a person may be entitled by action taken by the commissioner under Part IX of the Act dealing with infectious diseases. Its purpose is to ensure that when the commissioner considers that in the interests of public health a quantity of foodstuffs should be seized and destroyed, he could take the necessary action under Part VIII of the Act, dealing with food, without having to resort to the procedure already described of analysing 10 per cent. of such food, involving considerable delay which might not be in the interests of public health, but no compensation would then be payable by the State.

It has been pointed out previously that should a storekeeper buy goods or foodstuffs, which are later confiscated by the Commissioner of Public Health as being unfit for human consumption, he would have a perfect right to claim on the person who supplied him with the inferior

articles. It is not right that the taxpayers should bear this expense as happened in the case of the Papuan coconut last year. An unscrupulous firm could take advantage of the present legislation and dispose of large quantities of an inferior foodstuff well knowing that if the goods were confiscated it would not suffer any loss.

If the hon. member purchased a car in good faith and on the assumption that it was in good order and afterwards discovered that it was dangerous to the public owing to defective steering or lack of brakes he would naturally make a claim on the person from whom he purchased it.

Hon. Sir Charles Latham: But that is a poor argument against the health side.

The CHIEF SECRETARY: The same applies with foodstuffs. Regarding Clause 13 of the Bill, the concern shown by some members for the protection of the rights of storekeepers can be exhibited in a concrete manner by approving of this amendment. It is possible that where tinned or bottled food is sold, it may not be discovered that the contents are unwholesome until a period exceeding six months has elapsed since the date on which the shopkeeper purchased his supplies from a manufacturer.

In these cases the fault lies with the manufacturer and not with the shopkeeper as the latter has no means of ascertaining the quality of the contents of a sealed container. At present the manufacturer can be prosecuted. If the offence is not discovered until after six months from the date of purchase by the retailer, which is not uncommon, only the shopkeeper can be prosecuted. The amendment seeks to extend the period during which action may be taken against the person at fault, to 12 months. This provides an increased measure of protection for the innocent retailer. I think I have answered all the objections raised during the debate.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 99 amended:

Hon. E. M. DAVIES: I am not satisfied with the Chief Secretary's explanation regarding the clause. It appears that this delegates certain powers to a health inspector; and until I hear a great deal more than I have already heard in support of it, I do not propose to vote for it. I agree that it is necessary that a health inspector should make regular inspections to see that the Health Act is being observed. I know that some health inspectors are prepared to carry out their duties in a reasonable manner; but there are others who, given a little power, decide to extend it further than was intended under the Act. I would like some further information regarding this phase from the Chief Secretary.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. E. M. DAVIES: I think I have already informed the Committee that I am not altogether satisfied with this provision. Paragraph (a) of the clause refers to an inspector appointed by the local authority; and in reading paragraph (b) with the relevant section, it would mean that the local authority would be delegating powers to the inspector to issue certain orders. I realise that this deals with sanitary arrangements, as well as laundry, bathroom, and cooking facilities; and with a view to minimising the spread of disease as a result of unsatisfactory sanitation which might persist until the local authority meets, we could still delegate those powers to the inspector, but with a certain degree of control. Therefore, I move an amendment—

> That after the word "inspector" in line 9, page 2, the words "with the consent of the medical officer of health" be added.

That would mean that the inspector could consult the medical officer before issuing any orders.

Hon. Sir CHARLES LATHAM: I support the views expressed by Mr. Davies. It would be dangerous to leave such great powers in the hands of the health inspector. Every local authority has a medical officer, and an inspector should be able to contact him very quickly; and if that were done, the responsibility would be shared. On occasions health inspectors can be very fastidious; and I know of one case where certain people were put to great expense because of the orders issued by a health inspector, which could have been avoided, as was proved later. If some protection is afforded the occupant or owner of the property, as suggested by Mr. Davies's amendment, it will receive my support.

Hon. N. E. BAXTER: I agree entirely with Mr. Davies. There is no objection to the word "inspector" being inserted in this section; but I consider that a person should be notified in writing by the local authority, and not by the health inspector. Any action that he might take should be referred back to the local authority for final determination.

The CHIEF SECRETARY: It is rather awkward having an amendment such as this thrown at one at this stage without notice. However, after examining the amendment, I am inclined to accept it. Whilst it is not all that the department desires, it would constitute a safeguard to the public if the inspector were to consult with the medical officer first. Most health inspectors exercise discretion, but the odd

man out could cause a great deal of confusion in the community. Also, the inspector himself would probably welcome the amendment because he would not be left to bear the whole of the responsibility. For those reasons I am prepared to agree to it.

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

Clause 3—agreed to.

Clause 4—Section 112A added:

Hon. N. E. BAXTER: I trust that the Committee will not agree to this clause. The proposed new section is more or less a repetition of what is in the Act now, with the exception of Subsection (8), paragraph (a), and even then that provision is covered in the Act to a certain extent. The clause proposes that no person shall remove rubbish from his premises unless he obtains authority from the local authority. By comparing the relevant sections in the Act with this proposed new section, it is clear that where a local authority contracts to remove night soil or rubbish, and any person hinders the local authority from carrying out that work, he is immediately liable. There is no necessity for this clause. If the contractor does not remove any excess rubbish, then the householder should have the right to remove it.

The Chief Secretary: Where to?

Hon. N. E. BAXTER: If he removes it to any other place, he is liable under the Health Act. No person can take rubbish out and dump it on another person's property. So the provision of this clause is to a large extent covered by the present Act. Paragraph (b) of the clause is an imposition on a householder because if the contractor does not remove excess rubbish, then he himself would have to obtain a permit from the local authority to do so. The householder may not have interfered in any way with the contractor, and yet this Bill seeks to compel him to obtain a permit to remove the rubbish; and when it is taken to the dump to be tipped, he is required to pay a fee. After all, the householder is only doing the work which should have been done by the contractor. For those reasons, I ask for the deletion of the clause.

Hon. G. BENNETTS: On the Goldfields. householders pay a sanitary rate and a rubbish rate. Rubbish of a certain type is not included; and when there is an accumulation of such in a backyard, which is required to be removed by the health inspector, the householder must get a permit from the council. The council arranges for its carts to take the rubbish away. These carts are very large; and often they damage the fences when entering the properties, and a lot of time is spent in trying to manoeuvre them in backyards. Consequently, the council contractors are not very happy about doing this work. Many of the householders take the excess rubbish out in their utilities or trailers and dump it at the council tip, where it is either burnt up or covered by the attendant in the course of his other duties. Therefore no extra expense is incurred.

I do not agree with the Chief Secretary that this extra rubbish will require the services of more attendants. This Bill proposes that a householder shall obtain a permit from the local authority; but generally the best time for most working people to get a permit is at week-ends, when they are free to do the work; and this is not possible because the council office is not open. I consider that no extra expense should be imposed on persons who desire to clean their backyards and dispose of any excess rubbish. Householders today are already paying their rates; and if this further imposition is placed upon them, I can see householders taking up their rubbish and dumping it in unauthorised areas. I support the amendment.

The CHIEF SECRETARY: This clause has nothing to do with Section 114 of the Act. All it seeks to do is to make premises generally more tidy. No one will admit that he is satisfied with the existing practice of dumping rubbish on any empty allotment in a street.

Hon. N. E. Baxter: Will the Bill prevent it?

The CHIEF SECRETARY: Yes, because paragraph (a) makes it an offence to remove rubbish from a property. If it is excess rubbish which the local authority has not contracted to remove, then the householder must obtain a permit to remove it himself. What is sought is uniformity. If it is desired to assist the health authorities to tidy up the cities and towns generally, then members must vote for the clause. An objection has been raised to the payment of a fee and to the obtaining of a permit; but is it not right that any person using municipal property to dump rubbish, and using the services of the municipal attendant, should pay something?

Hon. H. K. Watson. At present a householder pays a rate for the removal of rubbish.

The CHIEF SECRETARY: He pays a rate for the removal of ordinary rubbish and what this Bill seeks to do is to impose a fee for the removal of extra rubbish. If this clause is agreed to, local authorities will arrange for their dumps to be open at week-ends, so that householders may make use of them. Of course overtime rates are paid to attendants at week-ends and this must be borne by the persons using the dumps. We must all recognise that in these days every service provided by a local authority must be paid for.

Hon. Sir CHARLES LATHAM: What takes place today is that a health rate is struck on all properties by local authorities, and there is another rate for the removal of rubbish. In some areas around Perth a householder can elect to destroy his own rubbish, in which event he is not liable for the rubbish rate. This clause provides for the removal of rubbish such as broken bricks, mortar, and other building material left after a building or renovating job; and as these things are not normally removed by the garbage man, an additional fee has to be paid. To my mind this is not unreasonable. Where at present local authorities provide a garbage man, I do not agree that householders should have the right to dispose of their own rubbish and avoid the payment of the rubbish removal rate. This clause will prohibit that sort of thing. I support the clause.

Hon. L. C. DIVER: The contractor might be snowed up with work and unable to remove the rubbish in the time required, and the owner would have to apply to the local authority for permission to dispose of it. In a country area, 13 acres were reserved for a tip and it became 13 acres of rubbish. When a local authority desires to tidy up its district and abate the fly nuisance, we should empower it to take the necessary steps.

Hon. L. A. LOGAN: A householder has to pay the charge for the removal of garbage and also a health rate and now, when a little extra rubbish accumulates, he is to be asked to pay for its removal. A householder often cleans up at the week-end and may have an accumulation of rubbish which the garbage collector will not take. Why should it be necessary to obtain a permit before carting it away? Yet, if it were not removed, a health inspector could charge the owner with a breach of the Health Act. Why should it be necessary to obtain a permit in order to cart rubbish to the tip?

The Chief Secretary: Who provides the rubbish tip?

Hon. L. A. LOGAN: Every local authority has one.

The Chief Secretary: Then the householder would be using the local authority's property.

Hon. L. A. LOGAN: I cannot see the necessity for employing an extra man at the tip. An individual would dump his rubbish there just as well as do some of the employees of the local authorities. What will happen will be that householders will cart away their excess rubbish by night and dump it.

Hon. E. M. Davies: That is what they do now.

Hon. L. A. LOGAN: I see no reason why a person should have to get a permit and pay for the carting away of such rubbish.

Hon. C. W. D. BARKER: I support the Minister. We should insist upon rigid control over the dumping of rubbish. In most country towns, rubbish is dumped haphazardly, and this clause is an attempt to prevent that sort of thing. If a householder were required to obtain permission, the local authority would have some control, but when people are allowed to dump rubbish wherever they please, there is nothing but disorder. In some country towns the rubbish tip can be smelt miles away and there are flies in millions. We do not want the country to be littered with rubbish. People would have excess rubbish only once in a while and, under a permit system, it would be dealt with at the tip in an orderly manner.

Hon. A. R. JONES: I oppose the clause. I realise that there is room for the more orderly removal of rubbish, but the Bill asks too much and I do not think it would be possible to carry out the proposal. It is all very well for the Minister to say that there would be an attendant at the rubbish depot. That might happen in Perth or Fremantle, but it would not be practicable in country districts. There would not be sufficient revenue from the fees to pay for a full-time attendant.

Hon. C. W. D. Barker: It would not be all the time.

Hon. A. R. JONES: In the city, I have found it very difficult to get excess rubbish removed. If the Minister could propose something that would leave it open to the person concerned to do the job himself, it would be better. If a man lived 30 miles from the road board office, would he apply for a permit? No; he would dump the rubbish somewhere at night time.

Hon. J. D. TEAHAN: Mr. Jones said that what could be done in the city or at Fremantle would be impracticable in the country.

Hon. Sir Charles Latham: Leave it to the local authority to exercise commonsense.

Hon. J. D. TEAHAN: Yes, or make the provision permissive instead of mandatory. A local authority might not desire to issue permits and might not have a man to attend at the depot. Sometimes surplus refuse is of an offensive nature and probably a man would have to be in attendance at the tip to ensure that it was promptly buried. That would be different from dry and clean rubbish. I take it that the Health Department is endeavouring to improve the position that at present exists, and therefore wants this provision for permits. I suggest to the Minister that the difficulty might be overcome if we used the word "may" instead of the word "shall." I support the Minister's contention.

Hon. J. G. HISLOP: I believe that behind this clause there is an overdue attempt being made to clean up the countryside.

Hon. H. Hearn: This will be a start.

Hon. J. G. HISLOP: If it is a start, I am willing to give it a trial. Surely we want people to dispose of as much rubbish as possible, but this provision would prohibit the installation of a portable incinerator without a permit from the local authority.

Hon. C. W. D. Barker: One man might be burning his rubbish, and the housewife next door might be attempting to do her washing at the same time.

Hon. J. G. HISLOP: I think this provision goes a bit too far, but I am willing to support the clause in order to see whether something can be done to clear the rubbish away.

Hon. R. F. HUTCHISON: With many years' experience in the city, I have always had the rubbish removed by the City Council, which charges a fee for that service. It is quite possible that the small incinerator would be a nuisance, particularly as the Argentine ant is becoming more prevalent.

Hon. N. E. Baxter: Under this provision you would not be able to burn the rubbish.

Hon. R. F. HUTCHISON: Over the years, I have always burnt all the rubbish I could, and that is one way in which the housewife can combat the Argentine ant. I agree that the rubbish dumps about the countryside should be disposed of, and I do not think this measure would create any hardship.

Hon. N. E. BAXTER: I do not think some members understand this provision, or that they have compared it with the principal Act. Since 1911, the owner or occupier has had power to remove rubbish from his premises; and during that period the Health Department has not seen fit to put forward this proposal, which I say will act in a way opposite to what the Minister suggested. Who would catch the householder removing rubbish from his premises? The Minister said I was trying to connect this up with Section 114 of the principal Act; and if he examines the position, he will find that that section does apply here. If a person dumps rubbish on someone else's property, he creates a nuisance. No penalty is provided here for not obtaining a permit from the local authority. This proposal is redundant—I refer to paragraph (b)—because it is already covered in the Act. Local authorities make a charge for removing rubbish, whether it is removed or not, and can collect that charge by law. Dr. Hislop said that under the provision in this clause people could not buy incinerators without a permit from the local authority, and that that would accentuate the Argentine ant problem. However, I think the position is covered in the Act as it stands.

The CHIEF SECRETARY: Mr. Jones said that this was not the way to achieve the desired end, but did not suggest an alternative. His criticism was destructive, and not constructive.

Hon. A. F. Griffith: But you are administering or maladministering the State.

The CHAIRMAN: Order!

The CHIEF SECRETARY: If we follow Mr. Baxter's lead we will end nowhere. After consideration, the experts say this is how the question should be tackled. Do we not in all legislation leave it to the good graces of those who administer the Act to do so properly? Does not Mr. Jones think that the local authority at, say, Bindi Bindi, will do the right thing? If the provision is needed, it will be implemented; if not, it will not be implemented. We should not wipe it out altogether, and give the people concerned no power. In the event of Mr. Jones's fears being realised in, say, 12 months' time, the position can then be reviewed.

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

Ayes	18
Noes	9
Majority for	9

Ayes.

Hon. C. W. D. Barker	Hon. R. F. Hutchison
Hon. L. Craig	Hon. Sir Chas. Latham
Hon. E. M. Davies	Hon. F. R. H. Lavery
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. Sir Frank Gibson	Hon. J. McI. Thomson
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. J. G. Hislop	Hon. R. J. Boylen *(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. G. Bennetts	Hon. J. Murray
Hon. H. Hearn	Hon. H. K. Watson
Hon. C. H. Henning	Hon. A. F. Griffith
Hon. A. R. Jones	*(Teller.)*

Clause thus passed.

Clause 5—Section 114 amended:

Hon. N. E. BAXTER: I propose to vote against this clause. The amendment contained in it is rather ridiculous. The proviso to Section 114 of the principal Act states, among other things, "and removing, or using, selling or otherwise disposing of his own house refuse," etc. If the Committee deletes the words "and removing," the words "or otherwise disposing of" still remain. The person would still be able to take the rubbish away; but if he did not do so to the satisfaction of the inspector, he would be liable to a fine.

The CHIEF SECRETARY: In view of the amendment to which we have just agreed, it would be ridiculous if that were left in; and I trust the Committee will agree to the clause.

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

Ayes	22
Noes	5
Majority for	17

Ayes.

Hon. C. W. D. Barker	Hon. J. G. Hislop
Hon. R. J. Boylen	Hon. Sir Chas. Latham
Hon. L. Craig	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. J. Murray
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. Sir Frank Gibson	Hon. J. McI. Thomson
Hon. A. F. Griffith	Hon. H. K. Watson
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. C. H. Henning	Hon. R. F. Hutchison
	(Teller.)

Noes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. G. Bennetts	Hon. H. Hearn
Hon. A. R. Jones	*(Teller.)*

Clause thus passed.

Clauses 6 to 9—agreed to.

Clause 10—Section 235A added:

Hon. N. E. BAXTER: I desire to move an amendment that proposed new Subsection (4), on page 6, be struck out.

The CHAIRMAN: Order! Does Sir Charles Latham wish to deal with something prior to this amendment?

Hon. Sir CHARLES LATHAM: I would like the Minister to give the Committee the views of the Government in regard to the question of compensation. The Chief Secretary referred to desiccated coconut. In an article like that, which is spread throughout the State, there may be one or two samples that contain some deleterious substance. But, of course, the whole of it has to be collected because of the risk involved.

The CHAIRMAN: Does the hon. member wish to move an amendment?

Hon. Sir CHARLES LATHAM: I would like the Chief Secretary to let us have the views of the Government on this matter. It would be unfair to ask the importer—he imports the article in all good faith and possibly has no opportunity of sampling it to find out whether it contains any injurious matter—to pay compensation.

The CHIEF SECRETARY: The views of the department are that it is impossible to test all the samples spread throughout the State, particularly with reference to desiccated coconut. I mentioned this when replying to the second reading debate. The only thing that could be done would be for the department to call in the lot.

Hon. H. Hearn: It is the compensation aspect you are concerned with?

The CHIEF SECRETARY: Yes. Why should the community bear the cost? The importer must have some redress from the person who originally supplied the commodity. He must have some claim for compensation from that individual.

Hon. Sir Charles Latham: There might be more than one importer, but only one might be affected, and the others would have to suffer.

The CHIEF SECRETARY: All those whose goods are seized will have had dealings with the person from whom they were imported.

Hon. Sir Charles Latham: But they import from a lot of people in Colombo, for instance.

Hon. H. Hearn: I should say that the importer would have recourse if goods that were useless were sent to him.

The CHIEF SECRETARY: That is so. I do not see any great difficulty in the person who imports the commodity obtaining redress from the supplier.

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

> That Subsection (4) of proposed new Subsection 235A, page 6, be struck out.

This provision is the result of the desiccated coconut trouble which occurred some little time ago. Members will recall that only two States paid compensation.

The Chief Secretary: Western Australia was one of them.

Hon. N. E. BAXTER: Yes; and Queensland was the other, I understand. This subsection provides that a person shall not be entitled to compensation for food or drugs destroyed or damaged or diminished in value by any action taken in accordance with an order issued by the commissioner. Several years ago, a consignment of sardines was imported into the State by a wholesale grocer. Upon examination by the Health Department the tins were found to contain a quantity of arsenic over and above that permitted under our health laws, although other consignments containing a similar quantity of arsenic were admitted to other States where the requirements differed from those here. The result was that a certain amount of loss was suffered by the importer in this State, who had to send the consignment to South Africa because the health authorities would not allow him to send it to the other States.

I see no reason why the importer should have to suffer in those circumstances. The manufacturer overseas was probably under the impression that the requirements were uniform throughout Australia. Not that arsenic is put in the sardines; it comes from the tins, which are made from an ore containing arsenic. The importer to whom I have referred lost money because he had to send the consignment to South Africa.

The Chief Secretary: He was lucky to get the chance to send it on.

Hon. N. E. BAXTER: Yes; he was. But there is no reason why he should have suffered loss on account of something that

should be a public responsibilty. Would the manufacturer be liable in such circumstances? He would probably have sent many tins of sardines to other States and had them accepted, and he would therefore disclaim responsibility.

The Chief Secretary: You want to say that the whole State should pay.

Hon. N. E. BAXTER: In the other States the consignment was up to standard, but it did not happen to be up to this State's standard.

The Chief Secretary: Because somebody imports something that is under standard you think the State must pay?

Hon. N. E. BAXTER: The importer was not aware that the quantity of arsenic was greater than was permissible. He brought the sardines in innocently, believing that he was entitled to buy them, and that they would pass the health laws here; yet they were knocked back, and he suffered loss.

The Chief Secretary: And you want the State to pay in such a case?

Hon. N. E. BAXTER: The public of Australia pays for the health of Australia. And if the commissioner decides that a food or drug is injurious, that is no reason for saying that the importer should not be entitled to any compensation. The manufacturer could say that the importer was not entitled to compensation from him if the health authorities seized and disposed of goods sent to the importer, because the Act said he was not entitled to any compensation.

Hon. A. F. Griffith: Would the provision have the effect of ensuring that the importer made certain that he got goods that conformed to the Health Act?

Hon. N. E. BAXTER: It is doubtful. It might not be through any fault of the manufacturer or importer that the goods arrived not according to health specifications.

Hon. A. F. Griffith: You suggest that the State should pay, no matter who makes the mistake?

Hon. N. E. BAXTER: Certainly. No importer brings in goods that he believes to be under standard, because he knows that if he did so he would suffer loss.

The Chief Secretary: You want to provide that he shall be able to do so.

Hon. N. E. BAXTER: Sometimes something unfortunate happens, and something goes wrong with the goods. I see no reason why, because a merchant imports goods that, through some unfortunate occurence, do not comply with the health regulations, he should have to suffer a loss for which he is not responsible. The Health Department is there to see that foods and drugs are up to standard. If they are not, it is up to the public to pay for any loss incurred.

The Chief Secretary: That is wonderful!

Hon. N. E. BAXTER: Most certainly the public should pay.

The CHIEF SECRETARY: I hardly think it necessary to oppose this amendment very strongly, because I am certain what members will do with it. I cannot understand Mr. Baxter's reasoning at all. If something occurs which leads to the condemnation of some food, the hon. member says the State should pay. He wants the State to accept responsibility because the department has taken action to protect the health of the community. I have never heard anything so ridiculous.

Hon. L. A. LOGAN: The Chief Secretary's own argument provides one reason why this provision should not be agreed to. He said that less than 10 per cent. of the desiccated coconut was subjected to a test to prove that it contained the bacilli causing the disease with which some of it was found to be contaminated. How can any importer obtain redress from manufacturers overseas if less than 10 per cent. of the commodity condemned has been subjected to an examination?

The Chief Secretary: Do you want every tin of sardines opened?

Hon. L. A. LOGAN: An importer would be told that he had no recourse from the overseas firm because only a certain portion of the goods had been examined and found to be faulty. The importer might obtain compensation for the 3 per cent. of the goods that had been found to be bad. The other 97 per cent. might be all right; but because the lot had been condemned, no compensation would be payable. The importer would have to suffer the loss.

The Chief Secretary: You think the State should suffer it?

Hon. L. A. LOGAN: Where it can be proved that the importer was not at fault, yes; but where it can be proved that the importer was at fault, no. This subsection provides that nobody can get compensation. I consider that there should be circumstances under which compensation could be payable. If the Chief Secretary thinks along those lines, he will come to that conclusion, too.

The Chief Secretary: If I thought the same as you; but I do not.

Hon. L. A. LOGAN: The Chief Secretary thinks that the importer should have no recourse, even though only a portion of the goods has been proved to be injurious. The other portion might be all right; but it is all condemned. I am afraid that I do not agree with the Chief Secretary's principle.

The Chief Secretary: You never do.

Hon. L. A. LOGAN: I do on occasions, but not this time. There must be certain instances where the importer is bound to get some compensation.

Hon. R. F. Hutchison: Would you not call that a business risk?

Hon. L. A. LOGAN: Not necessarily. If only a portion of a consignment is examined and found to be injurious, the importer has no possibility of recourse from the manufacturer for the balance which is condemned. Let there be a greater measure of justice. I ask the Committee to give this a little thought. When the importer is proved to be not at fault, he should be entitled to compensation.

Hon. C. H. SIMPSON: I am inclined to support Mr. Baxter. The effect of this provision is to absolve the Government from any claim lodged against it for damage for which the Government is responsible.

Hon. N. E. Baxter: Whether the Health Department makes a mistake or not!

Hon. C. H. SIMPSON: We will assume the Health Department has acted in good faith and it has found that a consignment must be destroyed because it might be injurious to the public health. That is sound practice, but I do not follow the reasoning of members who say that the importer would have no recourse. If a substandard article is supplied, the right of the one who has received it, to claim compensation, is not ruled out.

Hon. H. Hearn: All the goods would have to be examined.

Hon. C. H. SIMPSON: At the same time, I do not rule out altogether the possibility of some claim lying against the Government. We establish a fund to protect people whose stock suffer as a result of swine fever, and the point here is that these people have a right to be compensated when they suffer a loss which they cannot avoid and for which they are not morally responsible. It is generally recognised that there is some obligation on the community as a whole to help in this matter, and that the unfortunate individual who has suffered the loss should not have to bear it all himself. I think the principles of common law would entitle the sufferer to some form of compensation; and the Government, which might conceivably be liable, should not contract out of its obligation by a specific provision such as this. The common law rights of the individual should be safeguarded and preserved. I support the amendment.

Hon. Sir CHARLES LATHAM: The Minister intends that the Government should not be responsible. He does not want to deprive the importer of his right to claim against the person from whom he has purchased the article. Mr. Simpson has said that under the common law—the unwritten law—the ordinary claim for compensation can be made, but if we agree to this provision, we set that aside.

The Chief Secretary: That is not intended. This is only to protect the Government.

Hon. Sir CHARLES LATHAM: I hope the Minister will look at the provision with a view to adding words to make the intention clear.

Hon. H. HEARN: I consider that even under common law, if some goods were imported and they were proved to be not saleable on account of some deficiencies, and only a fraction of them were examined, it would be difficult for the importer to establish a claim at common law. We should do the right thing and stick to the amendment, because the Government will then be in just the same position as the importer. The onus of proof in any law action is on the man making the claim. If we take the example of the coconut—some time ago—it was clearly understood that only an infinitesimal part of it was examined, yet it was all called in. On that occasion the Government felt obliged to pay compensation.

Hon. L. CRAIG: The State has laid down certain standards in regard to food, and even in regard to the strength of various alcoholic liquors. Our standards are not as high as those of some States, but they are very much higher than those of others. Anyone who buys food or equipment that does not comply with these standards, may not sell them. He buys them at his own peril. In other words, it is a case of "caveat emptor"—let the buyer beware! As a rule, an importer sends a copy of the health conditions to the manufacturer from whom he purchases, so that the manufacturer will know what they are. Whisky that can be bought in Melbourne may not be sold in Perth. Hotelkeepers in this State have been fined for selling Scotch whisky that was blended in Victoria because it was not strong enough. Anyone who trades in Western Australia must see that the goods he sells comply with our laws.

Consequently we have to exempt the Commissioner of Public Health—the Government—when he condemns anything. But at the same time, the retailer can say, "I want this examined" and it would have to be done; otherwise he could claim compensation. In the case of the contaminated coconut, it was admitted that not sufficient was examined; but the coconut had been spread throughout the State, and it was not known what was contaminated and what was not. The retailer should not have recourse against the Government for doing what it believes to be the right thing under this provision. At the same time, a person who is committing a technical offence can say, "I do not think my food is wrong at all, and I want it examined"; and he would have recourse at common law if that were not done. I think we should protect the Government and the Health Department, so I shall agree to the clause.

Hon. E. M. HEENAN: The clause gives very wide powers to the Commissioner of Public Health, and no one can cavil at that. I do not think that goods will be vexatiously destroyed. I agree entirely with Mr. Craig that it would be utterly unfair to saddle the Government with the financial loss that might be sustained because the commissioner had done his duty. I can appreciate the point made by Sir Charles Latham. Subclause (4) deprives the unfortunate importer from claiming compensation from anyone. In order to limit the provision to the Government, some words should be inserted.

Hon. L. A. LOGAN: We are not trying to dodge the set of circumstances raised by Mr. Craig. We know it is the duty of the importer to see that the goods he buys conform to our specifications, but desiccated coconut was imported into Australia and it passed the Customs officers and apparently conformed to our health standards. It had been distributed throughout the country before it was found to be contaminated by certain bacilli. It is under those circumstances that I want a man to have the right to obtain compensation. Sir Charles Latham raised a good point, but I do not think his suggestion goes far enough. I do not want an importer to be paid if he is guilty of an offence; I want him to be paid only in the circumstances I have outlined. The case of the desiccated coconut could be repeated with any commodity, and I think such people are entitled to compensation.

Hon. A. F. GRIFFITH: The Minister would be well advised to have another look at this, and I suggest he report progress. If there is any doubt as to the right of an importer to take action at common law to obtain compensation, I think we should obtain advice.

The CHIEF SECRETARY: Great minds think alike. I had intended to rise at the same time to suggest that we report progress.

Progress reported.

BILL—PHYSIOTHERAPISTS ACT AMENDMENT.

Second Reading.

Debate resumed from the 28th September.

HON. E. M. DAVIES (West) [9.18]: This is a small Bill, but it deals with an important subject; and members, after having given consideration to it, will, I think, agree that its provisions will enable justice to be done in certain cases. When the measure was introduced, Mr. Lavery pointed out that it was intended to cover people who, at present, are not permitted to practise because they were not eligible to register when the parent Act was passed. I understand that they were not qualified from a residential point of view.

The Bill provides for the registration of a person who establishes to the satisfaction of the board that he is competent in the practice of physiotherapy and was bona fide engaged in such practice at a place or places outside the State for a period of not less than two years prior to the commencement of the amending Act; and in the State for at least two months during the period of three years immediately preceding its commencement; and that he had not made any previous application.

When other professions have been brought under Acts of Parliament certain people have been ineligible for registration at the time of the passing of the Act and as a result provision has been made for such people at a later date in order to prevent any injustice being done. I realise that a measure such as this must have the full backing of those responsible for the health of the people; but from my limited knowledge of those who practice in this profession, I know that many of them are recommended by the medical profession. In my opinion if a physiotherapist can comply with the provisions laid down in this Bill he ought to be permitted to practise. I believe that these people are labouring under an injustice; and as a result, I intend to support the second reading of this Bill.

HON. C. H. HENNING (South-West) [9.21]: When Mr. Lavery introduced this Bill, he said it was designed to permit the registration of certain trained physiotherapists who were not granted registration under the parent Act. In this Bill, and also the Act, there are two contentious words—they are "trained" and "competent." The training of physiotherapists is prescribed in the Act; and whether a person is competent or not, is decided by the board. There is no doubt that today the trained physiotherapist is an important adjunct to the medical profession; and therefore it is necessary for those who practise this occupation to have the highest possible standard.

In the Veterinary Surgeons Act, which was passed some 40 years ago, certain qualifications were laid down; but those who were practising at the time of the introduction of the Act were not forced to have the same high qualifications as are now required. But in all these Acts, the word "competent" is mentioned. The Chief Secretary stated that the Physiotherapists Board had advised that it had no wish to exclude from registration those who were "competent." There again the word crops up. The qualifications are laid down in Section 10 (a) of the Act, which I do not propose to read.

During his speech, the Chief Secretary also said that these people had been advised to make application; but had not, as yet, done so. If that is so, what is the good of this Bill? It will not take away

from the board the right to grant registration; it will not take away from the board the right to say whether these people are competent or not. After all, the training required is laid down by regulation, and the competency of physiotherapists is decided by the board. The Bill will make provision for these people to apply for registration. Yet the Chief Secretary tells us that they have been told to apply, but have not yet done so. Unless Mr. Lavery can give us some further good reason as to why the Bill should be supported, I cannot see any reason for agreeing to it. Until Mr. Lavery has replied to the debate, I shall reserve my decision on the second reading.

HON. F. R. H. LAVERY (West—in reply) [9.25]: I have a prepared reply which deals mainly with the remarks of the Chief Secretary who objected to the passing of the second reading. I have no doubt that my reply will answer the queries raised by Mr. Barker and Mr. Henning. The main objections raised by the Minister and members to the passing of the Bill are that the public may not be properly protected if the Bill is accepted; that some of the persons concerned may not be trained and that in one case at least one of the persons concerned had "flouted" the Physiotherapists Board. It is necessary to trace the history of the passing of the parent Act and the regulations in order to emphasise my answers to the points raised during the debate.

Until the parent Act of 1950, which came into force on the 15th January, 1951, was passed, there was no registration of physiotherapists and persons could practice as such, and no doubt did, without any qualifications or training whatever. It was, therefore, not until the beginning of 1951, that any attempt was made to protect the public from persons whom the department now says could be public menaces. Despite the fact that at the beginning of 1951 it became unlawful for persons to practice physiotherapy unless they were registered, no registrations were effected for two years; in fact, the first registration was effected on the 16th January, 1953, and others later in that year.

Hon. H. K. Watson: When was the Act proclaimed?

Hon. F. R. H. LAVERY: On the 15th January, 1951, and on the 16th January, 1953, two years and one day later, the first members were registered. To prove that, I have with me the "Government Gazette."

Hon. H. K. Watson: How many members are registered?

Hon. F. R. H. LAVERY: I think 45 or 47. I have the exact figures with me. Therefore it is quite apparent that the department did not, for a further two years, seriously think that there was any likelihood of damage to the public through unregistered physiotherapists continuing to practice.

When the Act was passed there were alternative methods of obtaining registration. One was to complete the prescribed course of training which, it is interesting to note, included special provision for blind persons; or to hold certain qualifications. The other method was practice in the State for two out of the three years immediately preceding the commencement of the Act on the 15th January, 1951.

Hon. H. K. Watson: Even though he had no qualifications or training at all?

Hon. F. R. H. LAVERY: I said that when the Act was proclaimed, there were two alternatives. One was to complete the prescribed training, and the other was to practise in the State for two years out of the three immediately preceding the commencement of the Act. The only other conditions were that such persons were to be of good character; to have attained the age of 21 years and to have proved to the satisfaction of the board that they were competent in the practice of physiotherapy. It is quite definite that, provided persons have practised for the required period and have proved to the satisfaction of the board that they are competent, it is quite unnecessary for them to have passed any examination. In fact, when one refers to the list of physiotherapists that appears in the "Government Gazette," dated the 4th June, 1954, one finds that a great number of the gentlemen registered are shown in the column marked "Qualifications," as coming under Section 10 (b), which means that they are competent merely as a result of practising in this State for the prescribed period.

Hon. C. W. D. Barker: How many do they represent?

Hon. F. R. H. LAVERY: There were 17 listed under Section 10 (b). No warning was given to the public when it was proposed to register physiotherapists; and the persons who will be covered by this proposed amendment came to this State in good faith, before any legislation was passed, and have not resided here with the idea of being able to practise their profession when they could not do so in other States.

Hon. Sir Charles Latham: Did each person purchase a practice from an unregistered man?

Hon. F. R. H. LAVERY: One person purchased a practice from a registered man, and the other person did not purchase a practice at all. He, the seller, was registered under Section 10 (b). The suggestion made by Dr. Hislop that the passing of this Act could make this State a repository for unqualified persons is quite untenable. In fact it can only apply to those persons who practised here prior to January, 1951, and who have already applied for registration.

Hon. J. G. Hislop: Those people could not apply to be registered or practise in any other State.

Hon. F. R. H. LAVERY: As far as the protection of the public is concerned, competence, as in the case of registration under Section 10 (b), must be proved to the board.

Hon. Sir Charles Latham: We will have all the Section 10 (b) men here.

Hon. F. R. H. LAVERY: That is not possible, because this amendment is only to allow the registration of three or four persons at the most, who have already practised.

Hon. Sir Charles Latham: They will be Section 10 (b) men.

Hon. F. R. H. LAVERY: They will be those who practised before January, 1951. There seems little reason, therefore, on the ground of protecting the public, for stipulating that the period of practice must be any particular length of time; and one fails to see how the members of the public are protected by registering competent persons who have practised for two years, but who are likely to be "menaced" as a result of treatment from similarly competent persons who had only practised here for two months before January, 1951. The suggestion is more unreasonable when one remembers that as no registrations were effected until 1953, the certificates of competence for the class of persons now being dealt with, covered a period of over two years in every case.

It is therefore completely and utterly ridiculous to talk of the period of two months as being relevant in the question of competence to practice. It is only an arbitary period to cover the class of person who bona fide practised here before the Act came into force. There is no attempt to register anyone who may have come here with the knowledge of the required conditions. It has been suggested that at least two of the persons who may be affected by this legislation are not competent. With regard to one of them, the following is the position. He qualified in England at the Swedish Massage and Electrical Institute, London—

Hon. J. G. Hislop: By correspondence.

Hon. F. R. H. LAVERY: —and obtained diplomas in massage, joint manipulation and medical electricity. It is true that this course can be done by correspondence; but I am informed that the diagrams are very full and complete and that written examinations are held. It is believed that the persons holding this qualification have reached quite a high standard. I am informed that there is a training school properly equipped for use by the students when necessary. This person took approximately three years to complete the course. It has been said here that registration can be obtained within a matter of a few weeks. The person concerned maintained that this is impossible, and the statement made in this House is challenged.

With regard to registration of physiotherapists in England, the position is obscure; but what is clear is that there is no legislation in that country similar to our Physiotherapists Act. In England, physiotherapy is practised by members of the S.M.A.E. Institute. This person practised as a physiotherapist in Norway from October, 1947, until August, 1950. Members should note that it took him three years to complete the course.

Hon. H. K. Watson: That is, prior to 1947.

Hon. F. R. H. LAVERY: Prior to October, 1947. In about the year 1947, he made inquiries about coming to Western Australia, where he had acquaintances; but owing to the length of time taken to complete his arrangements and to obtain a passage, he did not arrive here until October, 1950. He had arranged to practise with a physiotherapist here, and had the opportunity to purchase a practice at Fremantle. He had also negotiated and been tentatively offered a position at the Royal Perth Hospital; but in view of the fact that a private practice could be purchased, he elected to take that opportunity. From the 16th October, 1950 —the day after he arrived in Western Australia—he practised continuously as a physiotherapist under the supervision of various medical practitioners. He applied for registration to the Physiotherapy Board in January, 1953. His application on the question of competence was supported by the following members of the medical profession and a now registered physiotherapist:—

Dr. McKellar Hall;

Dr. Dunkley;

Dr. White;

Dr. Hallion;

Mr. Ivan Monthen—a registered physiotherapist.

I have a reference from Dr. McKellar Hall in which he says:—

> I consider ———— an eminently satisfactory physiotherapist.

The following are extracts from other references:—

> Dr. Dunkley: I am pleased to give this application my full support having had professional relationship with —— for over two years during which he has skilfully treated a large number of my patients.
>
> He has shown himself to my entire satisfaction to have a thorough knowledge of the principles and practice of physiotherapy in all its aspects.
>
> His professional rooms are adequately equipped.
>
> He invariably conducts his practice on the highest ethical plane.

> Dr. White: I have known ——— for over two years both professionally and as a patient and have the highest regard for his co-operation and his skill.
>
> Dr. Hallion: I consider his work is of a very high standard and have every confidence in supporting his application.
>
> Ivar Monthen (Registered Physiotherapist): He has worked with me ever since he arrived in Western Australia and has shown himself to be fully familiar and capable with the many aspects of physiotherapy.

It should be noted that at the time when these references were given, this person had practised physiotherapy in this State for a period of two years, three months; and he was regarded as being fully competent by reputable members of the medical profession. It is hard to see, therefore, that he could be regarded as being, in any sense, a public menace, as suggested by the department. Nor can anyone understand the official attitude in the statement by the Minister; namely, "We should be very cautious in accepting certain people at their own valuation."

The board has before it the opinions of numerous disinterested medical practitioners. On the 21st January, 1953, this person was advised by the board that he could not be registered, "as you have not fulfilled the requirements as to time practised in this State." On the 19th February, 1953, this person appealed to the board for registration, pointing out that he had made inquiries before deciding to come to Western Australia and had been offered a position at the Royal Perth Hospital; that he had practised physiotherapy in Fremantle to the entire satisfaction of the medical profession. He went on to say, "Should this registration not be possible at present, may I request that I be permitted to undertake and to complete the prescribed course of training and to pass the prescribed examinations as will entitle me to register?" That was in February, 1953.

Hon. H. K. Watson: Was this the man that bought the business?

Hon. F. R. H. LAVERY: Yes.

Hon. H. K. Watson: And was this before or after he was registered?

Hon. F. R. H. LAVERY: On the 17th February, 1953, the board replied to this person, stating that it had no discretionary powers and must comply with the Act. No reference was made to this man's incompetence, nor was any made to his request concerning a course of training or examination. In other words, he was completely ignored. In July, 1953, this person received a letter of warning that he could not practice as a physiotherapist. He had then practised to everyone's satisfaction for 2¾ years. It seemed most unreasonable that he should have to close down as he had no other means of livelihood; and the board's only reason was that he had not practised for two years prior to January, 1951. I have these letters to prove it. Various representations were made to the authorities; and he was led to believe that steps would be taken eventually to allow him to practise. I was one of those persons who made some representations on his behalf. He received a sympathetic hearing from the Minister for Health. Pressure was exerted on this person by the board at the commencement of 1954.

As a result, he became worried; and, through friends, made further representations to the authorities. He was advised by the Minister for Health on the 30th March, 1954, that the board had not found it possible to grant registration; but that it was then considering a suggestion that a special course should be conducted for several persons in a similar position. The Minister at that time had no advice as to the details. It is to be noted that this suggestion was made 13 months after the person concerned had asked to be allowed to undertake a course. The board and the Minister knew, in March, 1954, that the person concerned was still practising, and knew there had been no complaint that he was incompetent. On the 10th March, 1954, Dr. McKellar Hall investigated the position of this person, and the following is a quotation from a letter from him—

> I have investigated this problem and I find that the only reason why ——— is not registered is because he cannot fulfil the qualification that he has been practising physiotherapy in this State for two years prior to the passing of the Act. The board is quite sympathetic with him because they have been forced to register a lot of people who have no qualifications whatsoever simply because they have been "rubbers-down" for more than two years before the Act was proclaimed. I consider this is a perfectly ridiculous state of affairs and would do anything to help rectify it as I consider ——— an eminently satisfactory physiotherapist.

That was from Dr. McKellar Hall, and he is a person held in the highest esteem in the medical profession in Western Australia.

Hon. H. K. Watson: I think some members of this House should have seen him before they twisted on the jury Bill.

Hon. F. R. H. LAVERY: It is noted that in March, 1954, a member of the medical profession of high standing here considers that the person concerned is a competent and eminently satisfactory physiotherapist, yet in September, 1954, the department was fearful that if such a person were registered he might become a public menace as outlined by the Chief Secretary in his address. For apparently quite another reason and not because of

any incompetence, this person was forced to close his practice in July, 1954. Since then he has been working as a builder's labourer for one of his grateful patients, pending steps being taken to allow him registration. Preliminary inquiries were made with a view to his obtaining work with a Government hospital but the person concerned considered this would also be a breach of the Act and might only further antagonise someone in authority. On the 6th August, 1954, 19 months after this person had requested some course or examination to be provided, the board amended its regulations, and a letter was written to the person concerned, the terms of which may be of interest to the House. I quote the letter as follows:—

> The rules of Physiotherapists Act, 1950, have been amended to provide for a course of study for persons who were bona fide engaged in the practice of physiotherapy in Western Australia prior to the commencement of the Act.
>
> A preliminary examination to determine the extent and nature of the course in each particular case will be held following a personal interview of each applicant. Application form is enclosed.

At that stage, the amending Act was in course of preparation, and the person concerned was advised not to reply for the time being. However, another person did reply, and it is interesting to note the letter which he received from the board and which I shall quote.

Hon. H. K. Watson: This letter was written after your Bill made its appearance?

Hon. F. R. H. LAVERY: That is correct. It says—

> With reference to your letter of the 14th instant the preliminary examination will follow a personal interview and will probably be oral, written and practical. The object of the examination is to determine the course of study, credit being given for knowledge and experience already acquired.
>
> The course will be during the day and run in conjunction with the existing training of the students.
>
> The maximum time provided for the course is two years and the subjects to be studied will be determined from the results of the preliminary examination. Consideration will be given to subjects already passed if relative to the course.

It is considered that it would be now completely unreasonable to expect a man who was a prisoner in a German occupied country, who served honourably during the war and is a member of the R.S.L., who has competently practised physiotherapy in this State for a period of over 3½ years, who since migrating to Australia has married and has a young family, to now undertake a course of study during the daytime as vaguely outlined by the Physiotherapy Board.

If provision is not made for the registration of this person, a very grave injustice will have been done; and, as I have shown to members, there is no need to consider the protection of the public, as this person is undoubtedly competent, not in his own estimation; but in the opinion of numerous qualified persons with whom he has worked. That completes my case for the person who purchased his business for about £1,500, and who is now forced out of business because he has been unable to obtain registration. He has made every effort to do so, both through Hon. J. B. Sleeman and myself, and other friends outside Parliament, including a large number of highly-placed members of the medical profession.

Hon. Sir Charles Latham: Did he purchase that business after the passing of the parent Act?

Hon. F. R. H. LAVERY: Yes, he did.

Hon. Sir Charles Latham: He ought to have made inquiries.

Hon. F. R. H. LAVERY: I have no doubt in my mind, as a result of discussions with this person, that he purchased the business with the idea that, after discussions with the board, he would be able to register. In fact, he proposed to purchase the business before he left Norway.

Hon. J. G. Hislop: Do you insinuate that he had discussions with the board before he purchased the business?

Hon. F. R. H. LAVERY: No.

Hon. J. G. Hislop: You said he bought the business because he had an idea the board would allow him to be registered.

Hon. F. R. H. LAVERY: I say, without fear of contradiction, that when he bought the business, it was firmly implanted in his mind that persons like Hon. J. B. Sleeman, Mr. Huelin, a Perth solicitor, and myself, working on his behalf, would enable him to obtain registration.

Hon. Sir Charles Latham: He took the risk of buying from a registered physiotherapist.

Hon. F. R. H. LAVERY: I do not agree that he took a risk. He did not attempt to flout the law of this State, because I can show in correspondence between him and the department that, right from the time he arrived in this State, he made every attempt to obtain registration. At no time did he attempt to flout the law. My feelings were hurt when the Chief Secretary said that he flouted the law of the State. I have correspondence which will prove that on various and divers dates, he made attempts to obtain registration. In none of the replies did the board suggest incompetence on his part. I can give

one illustration of how the board acts. This is a letter from the board, dated the 31st May, 1954—

> In confirmation of our recent telephone conversation consideration is at present being given to amending the Rules and Regulations under the Physiotherapy Act, 1950, to provide for an examination of persons who were bona fide engaged in the practice of physiotherapy prior to the commencement of the Act. The result of this examination will determine applicants' physiotherapy knowledge and arrangements will be made for an abridged course the successful completion of which will entitle registration.
>
> It is not anticipated that arrangements will take three months as previously mentioned—further advices on this subject will be provided in a week or so.

In the same mail, another letter dated the 31st May, 1954, was also addressed to the same person by the board. This reads—

> Reference is made to our letter of the 23rd July, 1953, in which your attention was drawn to Section 11 of the Physiotherapy Act.
>
> The board have now received complaints to the effect that you are still practising physiotherapy, that the word physiotherapy is mentioned on your name plate and in the telephone directory.
>
> In the terms of the Physiotherapy Act, 1950, you are directed to immediately cease the practise of physiotherapy, remove the reference to physiotherapy attached to your name plate and take steps to have the telephone directory amended.

Nowhere in the Act is there provision to compel a person to remove his name from the telephone directory. All the board can do is to close down his business. This completes my case on behalf of the first person.

The other case is not so long. Nevertheless, it is just as important; and it is just as necessary for me to outline the whole history, to prove that there was no attempt by the person concerned to flout the law. The other person mentioned in the statement of the Minister came to Australia in May, 1949, and started work on the physiotherapy staff of the Royal Perth Hospital in June, 1949. He has worked continuously with that hospital since then, and was appointed to the permanent staff in December, 1949. He has been employed at the Infectious Diseases Branch, and has carried out physiotherapy treatment there without any supervision other than that of the Medical Superintendent and various honorary surgeons. He has treated patients under the following:—Dr. McKellar Hall, Dr. Dawkins, Dr. Pannell, Dr. Hill (chairman of the Physiotherapists' Board), Dr. Daly Smith, Dr. Gerald Moss and Dr. Hector Stewart, Dr. Gilmour and Dr. Bedbrook.

Hon. Sir Charles Latham: All the best qualified men in the State.

Hon. F. R. H. LAVERY: Yes, men of that type. He applied for registration in February, 1953, and his application was supported by Dr. A. L. Dawkins, Dr. Anderson (medical superintendent of the Royal Perth Hospital) and Dr. Gerald Moss. Extracts from the certificates of these gentlemen are as follows:—

> Dr. Dawkins.—For the last three or four years, I have been in the position to observe the work of this man and have formed a high opinion of the man and his work. In the field of remedial and re-educational therapy, he has proved to be extremely competent. I consider the responsibilities approximate to those of a physiotherapist. I am quite happy to support him in his application.

Dr. Dawkins is also an insurance doctor.

Hon. Sir Charles Latham: You are supposed to be replying to the debate, not putting up a case.

Hon. F. R. H. LAVERY: If members do not think I am putting up a good case, I cannot help it. The next certificate is as follows:—

> Dr. Anderson.—I wish to strongly recommend (this person's) claim for registration as a physiotherapist under the Physiotherapists Act, 1950. He has been on the staff of this hospital since the 26th June, 1949, and I wish to commend most highly his ability.

He then goes on to state the type of work that this person is doing.

> Dr. Moss.—It gives me pleasure to testify to the great competence and untiring industry of this person. He has now treated a considerable number of Royal Perth Hospital patients of mine. They have been paralytic cases of various types and they have almost all been grossly disabled. I visited him at Infectious Diseases Branch and my opinion is that he is very competent indeed. It can be seen that the type of work he has carried out for me approximates very closely to that of the physiotherapist. I consider that, if he were prevented from continuing his good work, his loss would be a serious one.

It has been suggested by the Minister that whereas the first person mentioned by me was breaking the law by practising on his own, the second person was not, as he "is permitted to work under the direction of a physiotherapist and is so doing."

In the first place, there is nothing in the Act to allow an unregistered person to carry out physiotherapy treatment under the direction of a physiotherapist. Secondly the person referred to is not under the direction of a physiotherapist, but is directly responsible to the honorary surgeons and the medical superintendent of the hospital. The person referred to has carried out duties equivalent to those of a physiotherapist from June, 1949, until the present time. He is qualified as a remedial gymnast, and has been accepted as a member of the Chartered Society of Physiotherapy of the United Kingdom on what is known as the supplementary roll.

Under the regulations to the principal Act, a person may be registerd as a physiotherapist if he is a member of that society. It seems rather to be splitting straws to refuse to register the person here because he is only on the supplementary register, particularly as medical people of repute say that he is extremely competent and the work he is doing approximates very closely that of a physiotherapist.

The same person was, on the 25th August, 1954, advised that the rules had been amended to allow him to apply to the board for a preliminary examination to determine the extent and nature of the course he should undergo before he could be registered. It is true that he did not complete the application form, but he made preliminary inquiries from the registrar as to what was likely to be necessary. He was advised that the course would be during the day and run in conjunction with the existing training of the ordinary students. The maximum time, he was told, would be two years, and the subjects to be studied would be determined from the results of the preliminary examination. I have already read the letter dealing with that matter.

It is quite obvious that, unless the board is prepared to register him without his having to undertake any course of training, it would be impossible for this man to carry out the course, as he has been told that the lectures are held during the daytime, which would prevent him from continuing to earn his livelihood in the meantime.

With regard to the third person who may be affected by this legislation, nothing is known by me at the present time of his qualifications, but it is noted from the report of the Minister that he holds qualifications of the SMAE Institute of England. Members need have no fears regarding the registration of this person, as the amending Bill provides that he must satisfy the board that he is competent in the same manner as the other two I have mentioned, in whose cases there is no doubt of their competency.

Generally, with regard to the amending Bill, if at the time when the principal Act was passed provision had been made to examine all the persons who did not hold what were regarded as satisfactory qualifications, it would now be reasonable for the persons intended to be covered by this Bill to take examinations. However, in these circumstances, it is considered that it would be grossly unfair and unreasonable to expect such persons now to satisfy the board by a course of study and examination as well as the practical work that they have been doing for such a period. Persons in this category who have to support themselves could not surely be expected to undertake a course of study during the daytime, as is apparently proposed by the recent amendment to the regulations. The regulations were amended after the Bill was introduced.

While it is undoubtedly advisable to keep members of this profession as to their academic qualifications, at a high standard, it seems to me that when registration was first brought in, it was necessary to take a reasonable view of the cases of those who had, in fact, practised before the Act came into force. The position of young students about to enter this profession is very different from persons of mature age with families, who must support themselves. I have said the public is to be fully protected and surely that is the main consideration of this House!

I wish to say a few words regarding the suggestion that one of the persons has deliberately flouted the board. Firstly, all of the physiotherapists flouted the board or the provisions of this Act for two years between January, 1951, and January, 1953. Secondly, from the support of reputable members of the medical profession as to the competence of this person, it appears quite obvious that the fact of his continuing to practise would not be a danger to the public and it was only a technicality that could be overlooked. From representations made to various authorities, he understood that it was all right to continue to practise pending something being done to provide for his registration. I hope that these particulars satisfactorily answer the questions that have been raised.

It must be remembered that he had migrated to Western Australia entirely in good faith and the situation in which he was placed was that he would have to continue his profession or else pack up and return to Norway. When he purchased the practice referred to, he had tentatively made this arrangement before he came to Western Australia, and he only completed this in about the middle of 1952, after he had been practising for nearly two years and when it seemed certain then that a sensible view would be taken of his situation and that the authorities would overcome the technical difficulty to his registration.

He continued to practise with the knowledge of the board and the Minister for Health until July, 1954, and he was only forced to close his practice, not in any

way because of a suggestion of incompetence, but because of a competing physiotherapist's complaints that he was practising. From all reports the person concerned has carried on his practice in a highly ethical manner and only under the supervision of qualified medical practitioners.

I thank members for the very patient hearing they have given me in making this long reply, but I felt that, after the challenge thrown out by the Chief Secretary, nothing less would suffice to do justice to these men.

Question put and passed.

Bill read a second time.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. G. Fraser—West): I move—

That the House at is rising adjourn till tomorrow, at 7.30 p.m.

Question put and passed.

House adjourned at 10.12 p.m.

Legislative Assembly

Tuesday, 12th October, 1954.

CONTENTS.

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

QUESTIONS.

MILK.

As to Prosecution of Dairy Farmer and Departmental Advice.

Mr. WILD asked the Minister for Agriculture:

(1) Is he aware that Mr. H. S. Fowler, of Seventh-rd., Armadale, who was prosecuted and fined on the 25th August for supplying milk which was deficient in solids and not fats, has again been summoned for a similar offence?

(2) In view of replies given to questions on the 18th August in the Legislative Assembly and the 14th September in the Legislative Council, indicating that the advice of the officers of the Agricultural Department is always available to dairy farmers, will he state—

(a) On what date did an officer, or officers, of the department visit the property of Mr. H. S. Fowler at Armadale, following the first complaints made against him for supplying milk which was deficient in solids but not fats?

(b) What advice was tendered to Mr. Fowler in this regard on such occasions?

The MINISTER replied:

(1) Yes.

(2) The reply to questions in the Legislative Assembly on the 18th August and in the Legislative Council on the 14th September stated that technical advice was available.

The Department of Agriculture is prepared to assist producers in overcoming all problems of production, but desires to avoid overlapping or duplication of function of the Milk Board.

(a) No advisory officer of the Department of Agriculture has paid a special visit to Mr. Fowler's property.

Following on a request by Mr. Fowler to the Superintendent of Dairying, samples of milk from individual cows were examined at the department, these samples having been taken by the herd recorder on his routine visits.

(b) It is not within the functions of the herd recorder to advise on technical aspects of production or farm management. The superintendent of dairying in a general discussion indicated to Mr. Fowler the major causes of substandard milk.

LAND SALES.

As to Blocks Auctioned in Kwinana District.

Hon. D. BRAND asked the Minister for Lands:

(1) How many blocks at Medina, Calista and within the Kwinana township have been sold at auction?

(2) What was the average price paid for such blocks?

(3) What was the highest price paid for a single block?