Legislative Council

Wednesday, the 27th September, 1961

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The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

COUNTRY HIGH SCHOOL HOSTELS AUTHORITY ACT AMENDMENT BILL

Standing Orders Suspension

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [4.34 p.m.]: I move, without notice—

> That so much of the Standing Orders be suspended so as to enable the Country High School Hostels Authority Act Amendment Bill to be taken into the second reading stage at this sitting and to be passed through the remaining stages at a subsequent sitting.

Question put.

The PRESIDENT (The Hon. L. C. Diver): To be carried this motion requires an absolute majority. I have counted the House; and, there being an absolute majority present and no dissentient voice, I declare the motion carried.

Question thus passed.

Receipt and First Reading

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

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [4.36 p.m.]: I move—

> That the Bill be now read a second time.

Firstly I would like to thank members for agreeing to the suspension of Standing Orders, and I shall explain to the House the reasons for the request, which will enable the Bill to be dealt with in a more hurried manner than usual. Next week being Show Week it is anticipated that some time, anyway, will be taken off, and the Minister for Education is anxious to have the Bill passed by Parliament without any delay so that the Country High School Hostels Authority can take advantage of some offers that are available in respect of the raising of funds. As I proceed to explain the Bill, I think the reasons will become self-evident.

Members will recall having concurred last session in the establishment of a Country High School Hostels Authority. The Act has since been proclaimed, and the authority established with borrowing powers, as provided under section 12, to a maximum of £100,000 per annum under Treasury guarantee. It was considered at the time that this amount per annum would be sufficient to meet requirements, at least for the time being.

The Government had in mind, when introducing this measure, the establishment of new hostels and the maintenance and enlarging, where necessary, of existing buildings. At that time, Commonwealth premises were being leased at Merredin, and used for the purpose of a hostel for high school students. Members will appreciate that the setting up of the authority, although carried out expeditiously, occupied some little time. During that period, the Commonwealth Government decided it required these premises for its own use.

The new authority accordingly was faced early in its life with the need to make quick plans for the building of a new hostel at Merredin to be ready for this year. The Commonwealth buildings had been accommodating up to very nearly 100 children, of both sexes—96 to be precise. The plans for the new building, which were drawn up by the Public Works Department, turned out to be rather too elaborate, and the estimated cost was considerably in excess of £100,000. They had to be redrawn with certain modifications to bring the cost within a figure which the authority considered was within its requirements, and a modified plan for a building estimated to cost £100,000 was decided upon.

The Hon. A. L. Loton: What number is the hostel at Merredin to accommodate?

The Hon. A. F. GRIFFITH: I will probably be able to come to that a little later as we proceed. At that juncture, the authority had only six months of the year

in which to raise the £100,000 maximum figure allowed under the Act, and it eventuated that only about 50 per cent. of that sum could be procured: this for the reason of the several delays which I have enumerated, and also partly because of some other difficulties which made it impossible to finance the loans before the end of the financial year.

As a consequence of these eventualities, the authority found itself in the position of being virtually unable to proceed up to this time, with any other works which it had intended; and prospects for centres such as Manjimup, Geraldton, and Carnarvon receded somewhat and, in effect, no assurance of progress in the reasonable future could be given in respect of those towns.

It was at this stage that the authority approached the Minister for Education with a view to seeking the raising of these borrowing powers to £200,000 per annum. I have been advised by the Minister that, as a result of the representations made, a review was carried out of the financial obligations of the State and the position of semi-governmental instrumentalities raising loans during the years just ahead.

The Treasury was necessarily brought into the discussions for the reason that the obligation for repayment of the money rests upon the Treasury; the Country High Schools Hostels Authority not being a revenue producing institution. The Government has, for many years past, been subsidising to some degree the amount of board and lodging which is charged to parents. This has been done in order to make some contribution towards ensuring that the charges to parents are kept as low as possible.

Members may be interested to know that the experience of the past has shown that it is not a practical proposition to try to run a hostel with fewer than 35 children. Even with the Government subsidy, supported by the voluntary organisations' activities in running the hostels, the maintaining of a smaller institute would involve considerable loss. This important aspect is mentioned to enable an appreciation to be made of the directions in which the hostel authority will likely devote its initial efforts—in other words, in those centres where something in the vicinity of the 35 children mentioned would need to be accommodated. The three centres previously named are those where the authority is likely to be most active in the near future.

The purpose of this Bill is to authorise the authority to raise loans to a maximum of £200,000 per annum for the years 1961-62 and 1962-63. This £400,000, together with the £50,000 raised during 1961, should provide the funds necessary for the authority to tackle its most immediate problems.

I believe that the increasing of the loan-raising powers required for the purposes placed before members will commend itself to the House. I am afraid I cannot answer the question Mr. Loton asked by way of interjection, as to how many students will be accommodated at Merredin.

The Hon. G. Bennetts: Forty, isn't it?

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. A. F. GRIFFITH: Interjections are most helpful, but in this case I have not been helped in arriving at a figure. I hope the need for haste will be appreciated. It is not my intention to pursue undue haste. With the indulgence of the House I have been able to move the second reading of the Bill today and, if members can take the opportunity to look at it tonight and tomorrow, perhaps I could then complete the third reading tomorrow, rather than leave the Bill over till next week. I very much appreciate the indulgence of members.

Debate adjourned, on motion by The Hon. H. C. Strickland (Leader of the Opposition).

EDUCATION ACT: AMENDMENT TO REGULATIONS AND SCHEDULE

Motion

THE HON. R. F. HUTCHISON (Suburban) [4.45 p.m.]: I move —

That the regulations made pursuant to section 28 of the Education Act, 1928-1957, as published in the *Government Gazette* on the 26th July, 1960, and laid on the Table of the House on the 4th August, 1960, be amended as follows:—

(1) Regulation 85 —

(a) by inserting after the paragraph designation (b) of subregulation (1) the following:—

Subject to the provisions of paragraph (c) of this subregulation,

(b) by inserting after paragraph (b) of subregulation (1) a new paragraph to stand as paragraph (c) as follows:—

(c) A female teacher who has not completed the full period of service mentioned in regulation 200 (1) and who intends to marry, or shall marry during such period, shall not be obliged to resign from the permanent staff until after the completion of such period.

(2) Regulation 200—

By deleting the word "appropriate" in line 3 of subregulation (2).

(3) Schedule 1—

(a) by deleting from Form 1 the subheading "Male Student."

(b) by deleting Form 2.

I have moved this motion in the hope that the House will consider it on its merits. The request stems from practical experience I have had with problems relative to the regulation in question.

The Hon. A. F. Griffith: Will there be a move in another place to amend this in the same manner, or do you propose sending it down there?

The Hon. R. F. HUTCHISON: I propose to send it down there.

The Hon. A. F. Griffith: You hope.

The Hon. R. F. HUTCHISON: The regulation I seek to amend is quite redundant. Time, of course, moves on. At one time it was necessary for police officers to obtain permission if they wished to marry; and permission also had to be obtained by bank officers before they could marry. I think it will be agreed that such a provision is not in keeping with present-day methods and trends.

I will try to explain the purport of the amendment. Regulation 85 of the Education Department relates to a teacher on the permanent staff who, if she intends to marry, must give one month's notice in writing of her resignation. At present regulation 85 says—

(1) (a) A teacher intending to resign from the permanent staff of the Department shall give the Director one month's notice in writing of his resignation.

(b) A female teacher on the permanent staff intending to marry shall resign from the permanent staff prior to her marriage and shall give the Director one month's notice in writing of her resignation.

The purpose of my motion is to insert after paragraph (b) of subregulation (1) a new paragraph as follows:—

(c) A female teacher who has not completed the full period of service mentioned in regulation 200 (1) and who intends to marry, or shall marry during such period, shall not be obliged to resign from the permanent staff until after the completion of such period.

That is to protect a student teacher from being obliged to resign if she wishes to marry whilst still a teacher on bond, because when she has finished her training in the school, she becomes a member of the permanent staff.

The second amendment in the motion is to delete the word "appropriate" in line 3 of subregulation (2) of regulation 200. This regulation reads as follows:—

The agreement referred to in subregulation (1) of this regulation shall contain a guarantee to which the student and a person approved by the Minister are parties and shall be in the appropriate form prescribed in Schedule 1 to these regulations.

This simply boils down to the fact that I am trying to protect a teacher under bond from having to resign from the department if she should marry. I think it is apparent now that we do alter our minds in regard to regulations; and I will now proceed to give my reasons. No economic argument can successfully compete with the impact of natural emotion. There is no argument which can explain away the phenomena of natural attraction between man and woman. It is a natural happening and one which occurs without intent between the sexes. When this does happen, there is no argument that will stop the persons concerned from being affected in a fundamental way. Also, persons with different natures react in different ways. Some people feel emotion intensely; some have calmer natures; but, by and large, the natural affections between men and women can and do affect them strongly enough to change the habits of life for them.

So it seems to be an injustice that by way of departmental regulation a restriction is imposed on a woman who may meet this situation; and she is subjected to a heavy penalty simply because she gets married. There is a severity in the Western Australian regulations savouring of discrimination against women in the harshest terms. Human nature does not always conform to departmental preconceived ideas, especially in the case of female student teachers. It would be as well to admit that marriage consists of a contract between two humans—man and woman—so it is somewhat unfair to place all the penalty against the woman in the case.

Insularity of male thinking in Government departments is too apparent in Australia, and I do not know of a more significant pointer than the Education Department; because, to me, this regulation is very harsh. I noticed in an English paper not long ago that this very situation was spoken of by a woman who was elected to an extremely high position in the trade union movement. She pointed out that Australia was losing some of its best brains among women by the application of harsh regulations within the public service. This person said the girls go to England and get jobs quick and lively. She pointed out that this was the great fault of our country.

Work and worry may affect a girl's health, and worry certainly will affect her work. Marriage is an honourable state in life, and if this is entered into, so long as a woman is willing to complete her bond period, she should be allowed to do so without penalty. When a bond is entered into, the woman concerned probably would not think or know what a penalty it might

subject her to or what the impact of such a penalty might make upon her life. I think every member who is married with children will realise that what I am saying is true.

The Hon. A. F. Griffith: How long have these present conditions regarding the bond prevailed?

The Hon. R. F. HUTCHISON: For some years, I think; but that does not make any difference, does it?

The Hon. A. F. Griffith: I thought you would tell us.

The Hon. R. F. HUTCHISON: In New South Wales and Victoria—and in Tasmania, according to the lady visitor we had yesterday—these conditions do not appertain. In New South Wales, if a woman gets married while she is on a bond, it is no bar to her status in the Education Department; and if she has a child she is able to get compassionate leave, and the time of her service period is extended. She can work out her bond so long as she is willing to work, but she is not expected to pay the bond immediately because she marries.

In Western Australia, if a student teacher marries, she, or her sponsors, become responsible immediately for the whole of the bond; and there is no guarantee in the department's regulations that the department is obliged to give her work. There is no guarantee at all. She can apply and she may be taken on. I had a case and the person concerned was one of 28 teachers who were put off. That person was given a job, but was sacked when the 28 teachers were put off; and the harshness of the regulation fell on that couple.

The Hon. A. F. Griffith: I take it you are in favour of married women working.

The Hon. R. F. HUTCHISON: If it suits them.

The Hon. G. C. MacKinnon: What is this harshness?

The Hon. R. F. HUTCHISON: It is in the regulation which requires the bond to be paid by these women if they marry.

The Hon. G. C. MacKinnon: When were these 28 teachers sacked?

The Hon. R. F. HUTCHISON: I am going to complete my argument in connection with this motion. Civilisation advances; and I have seen evolution over a long period of time and can assess true values in humanitarianism perhaps better than a less experienced person. The Education Department would gain somewhat in service on an ethical standard if female teachers felt they were treated on quite equal terms with male teachers. It does not of necessity mean that marriage would prove a disadvantage to the department. It may indeed be a means of fuller understanding and more conscientious application to the duties of teaching, because one gains a rich experience in life after one marries. It is ethically wrong to imply in a regulation that a woman is doing something that is not right or respectable when she marries. That is the flavour I get from the implication of the regulation to which I refer.

As I said before, the larger States such as New South Wales and Victoria agree that what I am suggesting is fit and proper, and they consider that my proposition might work by allowing a woman who marries to remain in the teaching profession and be protected under the Act. I am not suggesting that a woman should not pay a bond if she deliberately leaves the department. My proposal would not relieve or absolve her from paying a bond, but it would give her permission to marry, which is a fundamental action in life.

This is a matter which could cause distress; and I hope the House will see commonsense in the arguments I have put forward and that, without prejudice, it will agree to the motion. As the regulations now stand, they do cause distress among families. They cause distress to parents, if they are responsible for a bond; and over and above all the arguments that can be put forward, one cannot stop people reacting to social conditions and human nature in certain circumstances. We all have to face these fundamental changes in life; and I think it is time we allowed this provision and protected teachers. I am quite sure that, following a trial period, this proposal will be for the good.

THE HON. J. D. TEAHAN (North-East) [5.3 p.m.]: This motion appears to me to have merit. As we all know, persons who train to become teachers are under an obligation to the State Government. I do not know what it costs to cover the time they are in college, but it is a considerable sum. It is therefore only fair that any young man or young woman should repay what has been spent on their training, or they should forfeit the bond they have given. I believe that before the student commences his college training an undertaking is given that he or she will teach for the prescribed period or will forfeit the bond. A young woman may be trained at the Teachers' College. She is then appointed to a school and after one, two, or three years she terminates her employment.

The Hon. A. F. Griffith: What causes her to offer the bond?

The Hon. J. D. TEAHAN: It is a bond similar to that given in many undertakings, apart from teaching. The person to whom I am referring reaches the stage where marriage is desirable. The regulations say that if she marries she must resign. Until fairly recently it was regarded as a very strange way of life for a wife to be working while her husband was an adequate breadwinner, but we have reached the stage today where it is accepted by society that a wife may work as well as her husband.

We have reached the stage where a woman marries today and accepts employment tomorrow morning.

The Education Department says that if a woman marries, she must resign her teaching position. The department is saying to her, in effect, "We are putting you in an awkward position. You may be marrying a man on the basic wage or a little above it, and we are going to impose upon you the obligation of repaying that money." She has the choice of marrying and forfeiting the bond, or of carrying on in what might not perhaps be honourable circumstances.

Payment of this debt may be very difficult for her. It may present a problem to her; and she has to face life with that problem. The amendment proposed by Mrs. Hutchison is not unreasonable; namely, that a female teacher shall be given the right to complete the full period of service. I do not think that is asking a lot. It is a humanitarian move and for that reason alone I support the motion.

Debate adjourned, on motion by The Hon. J. G. Hislop.

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

COMPANIES ACT AMENDMENT BILL

Third Reading

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

CHURCH OF ENGLAND (NORTHERN DIOCESE) BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [5.10 p.m.]: I move—

That the Bill be now read a second time.

In moving the second reading of the Bill, I desire to say that its main purpose is to vest all the land in the Northern Diocese of the Church of England, and to effectuate the formation of a Synod. As might be expected, the Bill is being introduced at the request of the Church of England in Western Australia. It is in no manner of speaking a Government measure, although the Government is pleased to sponsor it in Parliament.

Having first mentioned the vesting of land, I should point out that the Geraldton parish properties are vested in the Perth Diocesan Trustees. The Bill proposes to vest the land described in the schedule as being within the boundaries of the Northern Diocese, and the intention of the section is to effect that. There is a provision also that the Bishop of the Northern Diocese, together with such as are licensed by that bishop, and one layman of the Church of England elected by each parish or mission district, shall comprise the first Synod of the Northern Diocese. I shall make later reference to this aspect of the Bill.

Reverting to the question of land, there is provision for the registration of the land in question. I desire, at this stage, to read from a letter addressed to the Chief Parliamentary Draftsman under date the 6th of this month, by the Chancellor of the Diocese of Perth (Mr. Tindal). It could be added here that the Bill was drafted by the Chief Parliamentary Draftsman in consultation with Mr. Tindal. The reading of this letter will, I consider, indicate very clearly that the provisions of the Bill are in accordance with the wishes of the church. It reads as follows:—

> Many thanks for your letter of the 30th ult. I had to delay the matter until the Church Office had given me a proper schedule, as the one which you have was not complete. The Church Office has made all necessary searches and the enclosed schedule seems correct. I return your draft. The alteration of two laymen to one layman—

To elucidate, I would point out that this makes reference to the lay members of the Synod. The letter continues—

> —is considered to be necessary. I spoke to the Bishop of the North-West and he thinks the alteration from two to one should be made.
>
> I desire to compliment you on the way the draft has been prepared.

The necessity for this particular Bill stems from the fact that, unless it is passed by Parliament, it does not seem possible at present for the church to comply with sections 5 and 11 of the 1907 statute of the Perth Diocese. The 1907 statute, known as the Northern Diocese Statute of 1907, brought into being the Northern Diocese of the Church of England. The northern boundaries of the diocese were set out in the schedules.

The Synod of the Perth Diocese—which, members will know, passes church statutes —passed an amending statute in 1928 to make provision for Geraldton, etc., being included in the Northern Diocese, but the statute was not operative until the Synod of the Northern Diocese was constituted. The Geraldton area and churches therein have been treated by both dioceses as being in the Northern Diocese. This has been done for all practical purposes; and clergymen in that area are licensed by the Bishop of the Northern Diocese, although they reside in the Perth Diocese, and their churches are in the same diocese, because the 1928 statute had not become operative.

The Chancellor of the Diocese of Perth (Mr. Tindal) entered into consultation on the 7th August last with the Bishop of the Northern Diocese on the occasion of the Provincial Synod being held in Perth. As a consequence of these consultations a decision was made that Parliament be asked to legislate in order to help the Northern Diocese in a proposed new cathedral at Geraldton. The passing of the Bill will bring this about and, accordingly, the whole responsibilty of the diocese will be on the Bishop of the Northern Diocese.

Debate adjourned, on motion by The Hon. W. F. Willesee.

CHURCHES OF CHRIST, SCIENTIST, INCORPORATION BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [5.14 p.m.]: I move—

That the Bill be now read a second time.

In moving the second reading of this Bill for an Act to incorporate the First Church of Christ Scientist, Perth, and to provide for the incorporation of other Churches of Christ, Scientist, in this State, I desire to state firstly, that this measure does not affect anyone but the adherents of the particular religion concerned. The Bill is presented at the request of, and with the complete approval, so far as its terms go, of the church in question.

Some time after the initial approach was made to me, when Acting Minister for Justice, I arranged for the representative of the church to have preliminary discussions with the Parliamentary Draftsman. The Bill was consequently drafted in consultation with the legal advisers of the church, and submitted to them; and they, presumably, placed it before the mother-church in the United States of America.

The church's approach to the Government in this matter originated, I understand, from a visit to Western Australia by Mr. Reynolds, Q.C., counsel for the church authorities in question in Victoria. Mr. Reynolds called upon me, as I mentioned previously, and submitted the thought that legislation might be desirable in order that the church in question might carry out its desires in Western Australia. Later, upon the return of the Attorney-General from overseas, Mr. Reynolds called upon Mr. Watts and was requested to put up, in writing, just what the church's requirements were and its reasons for seeking this legislation.

I propose reading a copy of a letter under date the 31st July, 1961, from Mr. Abrahams, head of the committee on publication in Western Australia, of the church, and written subsequent to the visit by Mr. Reynolds to the Attorney-General. The church sets out its desires in the letter; and I believe they could not be explained more clearly in other terms of my choosing. It reads as follows:—

> The members of the First Church of Christ, Scientist, in Western Australia seek incorporation for the purpose of more effectively regulating and managing their trusts and other business matters, and for the general conduct of church affairs.
>
> The proposal is part of a general plan covering the whole of the Commonwealth. An Act incorporating the Churches of Christ, Scientist, in the State of Victoria was passed in November, 1958. A Bill on similar lines to the Victorian Act has received the approval of the Cabinet of the State of New South Wales, and we are sure that this will shortly be enacted. A similar proposal is on the way to completion in the State of Queensland.
>
> Because the complete independence of individual churches is enjoined in the basic rules of the Churches of Christ, Scientist, as laid down by the Founder, Mary Baker Eddy, in the Church Manual of the Mother Church, the First Church of Christ, Scientist, in Boston, Massachusetts, it is necessary that each church should be incorporated separately. To provide for this multiple but separate incorporation, and still retain an independent control of its own affairs by each church, and to involve the minimum of legislation, our legal adviser has devised a method which has already met with approval as indicated in other States, and which is being adopted in many countries throughout the world.
>
> The members of the Church of Christ, Scientist, are concerned particularly that there should be no confusion of their principles, their tenets, beliefs and practices with those of some other kinds of religious thought or with Theosophy, Spiritualism or faith-healing. One of the reasons behind the proposal now made is the protection of the true doctrine of the Church, and the prevention of interpretation or imitation by other bodies which are not really Churches of Christ, Scientist.
>
> The status of the Church is well-known in the U.S. and in England and in Canada, and there are many branches throughout Australia.
>
> We propose to forward you copies of the Hansard of the Victorian Parliament containing the debates of the measure passed in November, 1958, which will convey more information as to the standing of the Church.
>
> A copy of the Church Manual above referred to is now forwarded for your perusal.

The Victorian Act really consists of three parts—one dealing with the direct incorporation of the First Church of Christ, Scientist; the second dealing with the incorporation of other existing churches conditionally on the certain resolutions being passed and defined documents being filed with the Registrar General in that State; the third part contemplates the incorporation of Churches which may be formed in the future under prescribed conditions which will ensure the bona fides of any such future Church.

However, in Western Australia at the moment only one Church exists —the First Church of Christ, Scientist, Perth, and it is proposed in the suggested Bill that that be directly incorporated.

The second part of the Victorian Act has no application to Western Australia.

I would explain that the second part is the part dealing with the incorporation of other existing churches conditionally on the certain resolutions being passed and defined documents being filed. The letter continues—

The third part, however, will be translated into the Western Australian Bill for future use in the formation of all future Churches as is now contemplated.

Pursuant to permission granted by Mr. Griffith—

The reference there is to myself when recently acting as Minister for Justice.

—our Counsel, E. R. Reynolds, Q.C., of Victorian and New South Wales Bars, has had informal and tentative discussion with your Parliamentary Draftsman, Mr. Kevin Walsh, who is fully acquainted with the proposal. He has been furnished with a copy of the Victorian Act; a copy is also being supplied to the Crown Solicitor.

Incorporation which we seek will serve a worthy and beneficial purpose in facilitating the work of the existing Church and the formation of Churches in the future, and cannot possibly have any harmful effect on any other interests, religious or otherwise, in the State.

We ask, Sir, with all respect, that you give early consideration to this proposal and bring the matter to the favourable notice of your Government. Any further information which you may desire on the matter will be made available to you.

Members will appreciate that, upon this communication being examined, it was manifest there could be no objection to the introduction of legislation along the lines desired. The alternative of incorporation under the Associations Incorporation Act would not suffice for the reason that because of the church's internal situation, it would be impracticable to incorporate each church separately, as and when other churches were set up.

I am advised that the church which is in Perth at the moment in St. George's Place, is the First Church of Christ, Scientist. In the event of another similar church being formed under the same religious body, it would be the Second Church, and so on, the Third, and the Fourth, as each was formed. Each would be regarded by the religious body known as the Church of Christ, Scientist, as a separate entity, but nevertheless, an incorporated body; consequently, special legislation is preferred rather than endeavouring to incorporate them under the Associations Incorporation Act. In this Bill the Associations Incorporation Act is completely ruled out.

It would not, however, be necessary for each of these to have similar legislation to this Bill. Once this Bill is passed, they could administer their own requirements under the provisions of their constitution and the Bill. It is apparently a peculiarity of the church that although its members are under the one religious belief and one series of tenets of belief, nevertheless they conduct themselves as religious bodies.

I consider it advisable, before closing my remarks, to read a further letter received from Mr. Oscar T. Abrahams and dated the 6th of this month. This letter, also addressed to the Chief Parliamentary Draftsman, reads as follows:—

Further to my telephonic communication of this morning, we were able to contact Mr. E. C. Reynolds, Q.C. of Melbourne, per telephone, and he has confirmed verbally that your amended draft of the above Act, sent to him in your letter of the 23rd August, 1961, has his full approval.

We would also like to mention that we have received a communication from Mr. Will B. Davis, Manager Committees on Publication, in which he confirms a cable sent on August 30th, 1961, indicating that the Board of Directors of The Mother Church in Boston, approves your amended Incorporation Bill Draft. This, of course, is with the typographical corrections which the writer gave you personally, just recently.

Mr. Reynolds stated he would confirm in writing to you his approval.

We trust that this will enable you to prepare the Bill for early presentation to Parliament.

The terms of the letter which I have just read leave no doubt but that all the Bill seeks to do is to carry out the desires of the church in regard to the matters which I have endeavoured to set out as clearly as possible before members, for their consideration.

I repeat that the purpose of the Bill is to incorporate, in accordance with the internal organisation of the church, the church in Western Australia.

Debate adjourned, on motion by The Hon. W. F. Willesee.

JUDGES' SALARIES AND PENSIONS ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [5.25 p.m.]: I move—

That the Bill be now read a second time.

The parent Act was opened for discussion last session when amendments were introduced to deal with emoluments and pension rights of judges appointed after an acting term of office. This Bill deals solely with pensions for judges and widows of judges.

In this State judges have made representations over a considerable period of time with a view to their pension entitlements being brought into line with pensions payable to judges of the High Court. Prior to 1950, a Supreme Court judge was entitled, on retirement at 60 years or over, to a pension equal to one-half of the annual salary of his office; and if he became permanently incapacitated he would be entitled to the same rate. Prior to 1950, a pension was not payable to the widow of a deceased judge. In 1950, a new idea was approved by Parliament under which a judge serving at that time could elect for, and a judge appointed after that time would be entitled to, a maximum pension of 40 per cent. of the annual salary on retirement, depending on the length of service; and the widow of a deceased judge would be entitled to 20 per cent. of the annual salary, or one-half of the judge's pension. That is where the situation now stands.

In New South Wales, South Australia, Queensland and Western Australia, judges must retire on attaining the age of 70 years. In Victoria the compulsory retiring age is 72. There is no compulsory retiring age in Tasmania, nor is there for the judges of the High Court. The maximum pension on retirement as a percentage of salary is 60 per cent. in New South Wales; 50 per cent. for the High Court, Tasmania, and South Australia; and 40 per cent. in Western Australia, Victoria, and Queensland.

The maximum pension for incapacity is 60 per cent. in New South Wales; 50 per cent. for the High Court, Tasmania, and South Australia; and 40 per cent. in Western Australia, Victoria, and Queensland. For the widow, the maximum pension, as a percentage of salary, is 25 per cent. for the High Court, Tasmania, and South Australia; and 20 per cent. in Western Australia, New South Wales, Victoria, and Queensland. It will be apparent from the foregoing explanation of the position as existing in other States, that provisions in respect of pensions in Western Australia are not as favourable as those available in several of the other States.

It has to be said that there is in South Australia a contribution made by the judges; that is the only State in Australia where such a scheme applies. There is no such contribution in the other States. In Western Australia the pension system, based on the same principles if not exactly the same in details, has been in operation since 1896.

This Bill proposes to adopt the scheme now applying to judges of the High Court; that is, for retirement at the age of 60 or over, a pension equal to 50 per cent. of the annual salary will be payable after a minimum of 10 years' service, instead of 40 per cent. after 15 years' service as at present. A pension of 27½ per cent. is now payable after 10 years' service.

The Hon. H. K. Watson: What would be the position if a judge retired and he was then transferred to the High Court? Would he draw his pension as well as his salary as a judge of the High Court?

The Hon. A. F. GRIFFITH: I cannot answer that question offhand, but I will try to obtain the information for the honourable member. For retirement by reason of permanent disability or infirmity, the following is a comparison of the rates which would be payable:—

Service	Present Rate %	Proposed Rate %
Less than two years	15	14
Two years	15	18
Three years	15	22
Four years	15	26
Five years	15	30
Six years	17½	34
Seven years	20	38
Eight years	22½	42
Nine years	25	46
Ten years	27½	50
		maximum

The existing provision would continue in respect of the widow of a judge, where the death of the judge occurs after retirement; that is, a widow's pension equivalent to 50 per cent. of the judge's pension.

The provisions in this Bill accordingly follow the procedure which is in existence in the High Court of Australia. They provide for a little less than those applicable in New South Wales, and contain similar provisions to those applying in Tasmania and, no doubt, in South Australia, except in respect of contributions payable.

The Minister in charge of this Bill in another place advanced good reasons for the introduction of this measure when he said—

> It is essential that we should regard the judiciary of the Supreme Court in this State as worthy of complete assurance of their solvency, as it were, and their ability to maintain themselves after they have finished their term of office, or after they are compelled to retire through ill-health. There is no doubt that the strain upon these honourable gentlemen is very much greater than is normally appreciated; particularly in these days when the work in the criminal courts is increasing very considerably, as indeed is the work of the civil courts also increasing, and imposes considerable obligations upon the judges.
>
> There is therefore a feeling in my mind that just as the strain is being felt more and more, as the years go by, by responsible members of Parliament—whether they be on the Government side or the Opposition side—so the same remarks apply to judges of the Supreme Court. We should recognise this and put this question of judges' pensions on a firm basis for once and for all.

The measure which comes to this House would appear to be quite reasonable, and to provide a solution to a problem of fairly long standing. I would venture to say that, by placing the pensions of judges in this State on the 50 per cent. of salary basis, a step has been taken towards greater national uniformity. That thought has much to commend it, not only as regards salaries and pensions, but in some other matters.

With the passing of this Bill, the maximum pensions payable to judges in Western Australia, Tasmania, South Australia, and in the High Court would be uniform at 50 per cent. Victoria and Queensland apparently still remain at the 40 per cent. rate, with New South Wales on the higher rate of 60 per cent.

With the exception of New South Wales, it may be that a generally accepted Australian standard of 50 per cent. could eventuate; but that, of course, is beyond the scope of this Bill. I believe that the new rates proposed would be well received by all concerned in this State.

Debate adjourned, on motion by The Hon. E. M. Heenan.

BILLS (2): RECEIPT AND FIRST READING

1. Betting Control Act Amendment Bill.
2. Totalisator Agency Board Betting Act Amendment Bill.

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

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines): I move—

That the House at its rising adjourn until 3 p.m. on Thursday, the 28th September.

Question put and passed.

House adjourned at 5.36 p.m.

Legislative Assembly

Wednesday, the 27th September, 1961

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The SPEAKER (Mr. Hearman) took the Chair at 4.30 p.m., and read prayers.