

Hon. A. V. R. ABBOTT: For the same reason, I think it is outside the duties of a police officer to be signing these confessions. I think the police should be kept out of such civil matters, if possible. I move an amendment—

That the words "a member of the Police Force" in lines 8 and 9, page 3, be struck out.

The MINISTER FOR JUSTICE: In the North, there would probably be only a police officer available to sign a confession. The members of our Police Force are very responsible persons, and they would be only too happy to oblige in this direction.

Amendment put and negatived.

Clause put and passed.

Clauses 12 to 23, Title—agreed to.

Bill reported without amendment and the report adopted.

House adjourned at 6.2 p.m.

## Legislative Council

Tuesday, 28th September, 1954.

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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, Land Act Amendment.
- 2, Droving Act Amendment.
- 3, Shipping and Pilotage Ordinance Amendment.
- 4, Warehousmen's Liens Act Amendment.

### QUESTIONS.

#### HOUSING.

*As to Government Policy on Flat-building.*

Hon. A. F. GRIFFITH asked the Chief Secretary:

In view of the fact that the town planning consultant to the State Government. (Professor Gordon Stephenson) said at the local government conference yesterday that he saw no reason why, in this spacious State, we should build big flats to house a density of population which was twice that of flats now being erected in central London, where there were 10,000,000 people in one concentration, does the Government intend to persist in flat-building contrary to the advice of its town planning consultant?

The CHIEF SECRETARY replied:

No advice of this nature has been submitted to the Government by Professor Stephenson.

#### RAILWAYS.

*As to Inquiries into Derailments and Mishaps.*

Hon. A. R. JONES asked the Chief Secretary:

In view of the considerable number of derailments and mishaps caused through derailments over the Government railway system during the last 12 months, and the little publicity given to the findings of inquiries held, will the Minister make available to this House a report covering such inquiries, their findings, and action taken?

The CHIEF SECRETARY replied:

Main line derailments, the cause of which is not obvious, are investigated in all cases by a joint inquiry board which normally consists of three district officers, but may include assistant heads of branches or comprise heads of branches.

The finding of the board is examined by the heads of branches and the Railways Commission with the object of remedial action towards eliminating the causes of the derailments if at all practicable.

Derailments of rollingstock, particularly 4-wheeled vehicles, are causing the whole of the Australian railway systems much concern at the present time, and solution of the problem is not easy.

The W.A. Government Railways Commission recently collected a considerable amount of data on 4-wheeled derailments, full particulars of which have been forwarded to Australian and overseas systems seeking their assistance in ascertaining the causes.

The papers dealing with derailments, which have been the subject of joint inquiries over the past 12 months, could be made available for perusal by the hon. member at the office of the Minister for Railways or the Railways Commission, if he so desires.

#### LOCAL GOVERNMENT CONFERENCE.

*As to Chief Secretary's Attendance.*

Hon. A. F. GRIFFITH (without notice) asked the Chief Secretary:

(1) Did the Chief Secretary attend the local government conference?

(2) If so, was he there when Professor Gordon Stephenson gave his address?

The CHIEF SECRETARY replied:

I did attend the opening of the local government conference but was not there when Professor Gordon Stephenson gave his address.

#### STANDING ORDERS.

*Report of Committee.*

Report of Standing Orders Committee now considered.

*In Committee.*

Hon. W. R. Hall in the Chair and in charge of the report.

The CHAIRMAN: The following is the report of the Standing Orders Committee:

Your committee desires to report that meetings have been held in order to give consideration to several Standing Orders.

It was known that members were of the opinion that Standing Order No. 23 needed clarification, and a considerable amount of time has been spent in re-drafting this particular Standing Order.

Standing Order No. 330 has been considered and a small amendment to this is recommended.

Standing Order No. 31a and the procedure adopted in the House for dealing with a "reasoned amendment" were also discussed and it was resolved to take no action in these matters.

The Clerk has been authorised to correct printer's errors occurring in the following Standing Orders—184, 384 and 398.

In addition to the foregoing the committee decided to request the Government to introduce a Bill to amend the Constitution Acts Amendment Act to authorise the Chairman of Committees to perform the duties of the President in the absence of the latter. A similar Bill having been recommended by the committee and agreed to by the House in 1952 and subsequently lost in the Assembly.

The amendments recommended to Standing Orders Nos. 23 and 330, and the reasons therefor, are shown in the schedules attached hereto.

Members have received copies of the report, and I propose to submit the recommendations one at a time.

*Standing Order No. 23:*

The committee proposes that this Standing Order be added and two Standing Orders be substituted. The first is as follows:—

Standing Order 23a.—Where there are more than two candidates and there is an equality of votes between candidates having the least number of votes, the Clerk shall declare such to be the case and the ballot shall be taken again. If again there be an equality of votes between the candidates having the least number of votes the names of the candidates having such an equality shall be announced and a ballot shall be taken of these candidates only. The candidate receiving the smallest number of votes in this ballot shall be withdrawn from the principal ballot.

The reason for the proposed amendment is as follows:—

It is considered that this Standing Order needs clarification to overcome situations where there is equality of votes during a ballot for the election of President.

The CHIEF SECRETARY: I appreciate very much the consideration the committee has given to the Standing Order, but I am not altogether happy about the recommendation that has been put up by the committee. Firstly, I would like some explanation as to what its intentions were when it recommended that a ballot be taken again. From that, am I to assume that the whole ballot will be taken again, and not merely a ballot for the two candidates that have the least number of votes? Part of Standing Order 23a which is to be substituted in lieu reads—

The Clerk shall declare such to be the case and the ballot shall be taken again.

Hon. H. K. Watson: What ballot?

The CHIEF SECRETARY: Exactly. Is it proposed to take the whole ballot again, or only the ballot as it affects the two who dead-heated?

Hon. H. K. Watson: This presupposes the whole ballot.

The CHIEF SECRETARY: That is the interpretation I would put on it, and it seems rather ridiculous to me.

Hon. C. H. Simpson: It is the same as the original Standing Order 23, and there is not much doubt on that point in that Standing Order.

The CHIEF SECRETARY: That may be so; but it seems to me that when we revise our Standing Orders, we should bring them up to date and make them as clear as possible. The recommendation of the Standing Orders Committee would leave the meaning still in doubt. It also appears to me to be rather foolish to take a ballot of all the candidates when it is only to be decided which ones will fall out. It is quite possible that there would be another dead-heat, not amongst those with the greatest number of votes, but amongst those with the least number. Would it not be much better, and would not a final decision be obtained, if the second ballot were taken between those who had the least number? That would permit those who voted for the candidates higher up merely to vote for those dropping out.

Hon. J. Murray: You are having that situation all the time.

The CHIEF SECRETARY: Let us clean this point up once and for all.

Hon. N. E. Baxter: Why do not you read it right through?

The CHIEF SECRETARY: No matter how one reads it, what I have said would still apply.

Hon. Sir Charles Latham: It is quite unnecessary.

The CHIEF SECRETARY: Of course it is!

Hon. L. A. Logan: Read Standing Order 23 before you read this.

The CHIEF SECRETARY: I do not need to; I know it. We are trying to improve the Standing Orders. This is no improvement. It merely makes confusion worse confounded, and I would like to hear some explanation from the Standing Orders Committee as to why this recommendation was made. Standing Order 23a also states—

If again there be an equality of votes between the candidates having the least number of votes the names of the candidates having such an equality shall be announced and a ballot shall be taken of these candidates only.

Why is not that done in the first place? What is the necessity to go all over the ballot again? It would mean having three ballots, when the whole thing could be finished in two.

Hon. N. E. Baxter: Standing Order 23 did that originally.

Hon. Sir Charles Latham: That is what caused the tangle.

The CHIEF SECRETARY: I did not see this report until the Chairman read it out. Do not tell me that something is to be found later on. I am dealing with No. 23a as it stands. What will happen if, on the second ballot of the two candidates, there is a dead-heat again?

Hon. L. A. Logan: That is provided for in No. 23b.

The CHIEF SECRETARY: Is it?

Hon. L. A. Logan: Yes.

The CHIEF SECRETARY: Well, the other points still stand. I want to know why the committee did not short-circuit this business. If anything needs alteration, it is the method of taking ballots. That has always been unsatisfactory; but, now that we have a Standing Orders Committee, I had been hopeful that this practice would be brought up to date, and that there would be no further confusion.

Hon. L. A. LOGAN: Standing Order 23b is a reconstruction of No. 23, which has been in operation for a good many years. In No. 23 nothing is said about the number of candidates, and the committee is trying to make sure that the number is stipulated. It has been laid down in No. 23 for years that there shall be a second vote where there is an equality of votes. All we are providing for in this case is that, in the event of the two with the least votes having an equal number of votes, only those two will go to a ballot.

Hon. J. G. Hislop: How do you know there will be only two?

Hon. L. A. LOGAN: There could be more.

Hon. J. G. Hislop: Work out what would happen if there were three. You cannot make it fit.

Hon. L. A. LOGAN: Why?

Hon. J. G. Hislop: Read the Standing Order, and you will see that it cannot be made to fit with three.

Hon. L. A. LOGAN: The hon. member will find that No. 23a provides that—

Where there are more than two candidates and there is an equality of votes between candidates having the least number of votes, the Clerk shall declare such to be the case and the ballot shall be taken again.

The committee endeavoured to cover every known or feasible case. This matter was not finalised in five minutes. There were three meetings and quite a lot of discussion within and outside those meetings. We sought to provide for every possible contingency. If members think we have omitted anything, we are quite prepared to have it inserted. But I cannot see where anything has been left out in Nos. 23a and 23b.

The Chief Secretary: Will the hon. member explain the fact that it is proposed to delete Standing Order 23, and substitute Nos. 23a and 23b? If Standing Order 23 is deleted, there will be no No. 23 at all.

Hon. L. A. LOGAN: If the Chief Secretary will read Standing Order 23, which we are replacing, he will find that it begins with the same wording as the committee's No. 23a.

The Chief Secretary: But there will be no Standing Order 23.

Hon. L. A. LOGAN: It is necessary to refer back to No. 23 to obtain an understanding of what we are trying to do. Unless it is known what No. 23 contains, what is the good of reading No. 23a? The committee is seeking to have No. 23 altered by substituting No. 23a. Unless No. 23 is read, what is the use of trying to understand No. 23a?

The Chief Secretary: But No. 23 will not be in the Standing Orders.

Hon. L. A. LOGAN: I know.

The Chief Secretary: Then how will anybody in 20 years' time be able to interpret these Standing Orders, if he does not know about No. 23?

Hon. L. A. LOGAN: We are trying to alter the Standing Order.

Hon. H. K. Watson: It is a matter of drafting. The amendment should read—

Standing Order No. 23. Delete this Standing Order and substitute the following:—

Then the Standing Orders to be substituted should be numbered 23 and 23a, instead of 23a and 23b, as at present.

Hon. C. H. Simpson: That is a matter of drafting, and can be easily fixed.

Hon. L. A. LOGAN: There is nothing wrong with the drafting. I am afraid members have not given this matter much study. The Chief Secretary admitted he had not looked at the proposal until just now. On the other hand, the committee has studied it for weeks. A little more consideration of the matter will convince members that the committee was not very far wide of the mark.

The Chief Secretary: Why have a second and third ballot? The method is already laid down, and we do not want to alter it.

Hon. L. A. LOGAN: If the Chief Secretary wants a straight-out ballot, that is his opinion.

The Chief Secretary: I do not want a straight-out ballot at all; but I do not want unnecessary ballots, either.

Hon. C. H. SIMPSON: The committee has done a good job. The clear intention of the original Standing Order 23 is that if there should be a tie, a further ballot should be taken, on the very sound principle that it is much better for the electing authority to decide the matter by a considered ballot rather than by accident through the drawing of lots. Under the Standing Order, there is an opportunity

for one of the candidates to withdraw, if he so desires; but, in any case, the issue is decided by the considered deliberations of members.

We found in actual practice that although that was quite a sensible rule to apply to a dead-heat between the final two candidates for this position, it did not work out very clearly when there were two candidates for second place; because it could happen—and, in fact, did happen—that two candidates tied. The result was that the issue was decided by lot, which clearly robbed the candidate who was unlucky enough to lose of the opportunity of contesting the position in the final issue against the one who was ultimately successful.

The committee had this possibility in mind, and tried to devise something to preserve the essential features of the Standing Order and yet provide for something that had already occurred, so that in the event of there being an equality of voting, a ballot would be retaken. Then, if there was still an equality of votes, the clerk would declare what the issue was, and it would be decided as provided in the Standing Order. That method still preserves, until the last possible moment, the right of those voting to decide the question by an actual vote rather than the issue being resolved by the chancy business of the drawing of a lot. Having regard to what has happened; knowing that the committee has given this matter considerable thought; and feeling that, in effect, the recommendations will be an answer to this problem, I am in favour of accepting them.

Hon. Sir CHARLES LATHAM: This should be referred back to the committee for further consideration. I endorse what the Chief Secretary has said. After all, why should there be any different method of election in this Chamber from that which the ordinary elector has to follow in choosing members for this Chamber, or any other? The proposed method would not be adopted in outside elections. As a matter of fact, when there has been an equality of votes, there has been a more or less customary arrangement of the sitting member being given the vote by the presiding or returning officer. But if the candidates are both new men, the issue is decided by a draw. A name is taken out of a hat and the man concerned is elected.

I agree that Standing Order 23 should be deleted, and then No. 23a would require to be redrafted to provide that in the event of there being an equality of votes when there are more than two candidates, the matter should be decided by ballot, as set out in No. 23b. I was rather surprised at Mr. Logan's saying that the consideration of this Standing Order has caused a great deal of trouble in the matter of drafting. To me it is very simple.

In the Assembly, when I was a member there, the practice was that in an election, when there was a tie, in the event of there being three men concerned, the two would go to a ballot. If there were only two candidates, a name would be drawn out of a hat to decide the issue. That is the only way it can be decided. Members do not change their feelings so easily. I hope the election of the President will in future be held in this House, and not in a room adjoining it. The public has a perfect right to know how elections for Legislative Council offices are conducted. I hope members will have the opportunity of kicking out the Chairman of Committees, or the members of any committee.

The Minister for the North-West: Do you mean before the House assembles or afterwards?

Hon. Sir CHARLES LATHAM: We could meet at 10 o'clock in the morning. I have an idea that in most Houses that is done.

The CHAIRMAN: The hon. member is not keeping in line with the amendment before the Committee.

Hon. Sir CHARLES LATHAM: What I am saying really has something to do with the amendment. I think these proposed Standing Orders could be referred back to the committee and drafted in accordance with the view held by the Chief Secretary and, I think, by most members.

Hon. L. A. LOGAN: The only issue raised by Sir Charles Latham is: Why should the people outside have a different method of voting from what we have here? Preferential voting obtains outside; whereas we have the exhaustive ballot.

Hon. Sir Charles Latham: Why cannot we have preferential voting?

Hon. L. A. LOGAN: If the majority of members feel that way, we possibly could. Our set-up is the same as applies to the election of the Chairman of Committees and the President in most Houses of Parliament in the British Empire, and we have decided to stick to it for the time being, and that is why the exhaustive ballot is still retained. Dr. Hislop asked what would happen when three dead-heated. Naturally one would be drawn from the hat, and the other two would remain in the ballot. I do not know of any case that we have not covered in this particular Standing Order.

Hon. A. F. GRIFFITH: I find myself agreeing with Sir Charles Latham. I would like to see further consideration given to this matter. I cannot understand why we should not have a preferential ballot for an election of this nature. With this system members are able, in mid-stream, to change their votes. A member's first vote is given to candidate A. following a tie between two or three candidates, and then the procedure of reballoting and drawing from a hat takes place.

We are elected here on a preferential basis. Did the Standing Orders Committee give any consideration to our ballot being conducted on that principle? If we adopt that method then, where there are two or more candidates, a member will receive a ballot paper, and will cast his vote; and the job will be over and done with in one ballot instead of a number.

The question of personalities enters into this. We have assumed there are four candidates, one of whom is, on the first count, out in front; one is eliminated; and two are pairing. The name of the candidate who is out in front must be known, as must be that of the one who is eliminated. Also the names of the two who remain in are known. Then it becomes a choice of personality among those two in the event of candidate A. not continuing to head the field. That is wrong in principle, and we would be well advised to adopt the preferential basis.

Hon. J. D. TEAHAN: The Standing Order seems to be pretty involved because, while it has been acted on, it has produced difficulties and anomalies, and members apparently are not pleased with it. It does not seem to be easy to interpret. Half the members seem to think one thing about it, and half think another. No one seems satisfied with the interpretation that has been given. I therefore strongly support preferential voting, which is accepted in all other ballots and in all other places.

The CHIEF SECRETARY: Before the Committee gets too set on preferential voting, I point out that the same position could operate with that system if the two last men had an equal number of votes.

Hon. Sir Charles Latham: They would go to the ballot.

The CHIEF SECRETARY: Why worry about preferential voting if the same thing can happen there?

Hon. A. F. Griffith: What happens in a parliamentary election where there are more than three candidates, and two have an equal number of votes on the first count?

The CHIEF SECRETARY: I assume that the returning officer would use his discretion as to which one he dropped out.

Hon. A. F. Griffith: I do not think he does. I think he drops them both out.

The CHIEF SECRETARY: That is getting down a bit too fine. Even in preferential voting, the same thing could happen as happens here.

Hon. Sir Charles Latham: Then you could decide the two who were the last.

The CHIEF SECRETARY: Why not do it straight out? The Standing Orders have continued on those lines for years. The only improvement needed is really that instead of having a third ballot, as is provided here, if on the first occasion there is a dead heat of the two last, then a ballot of those two could be taken, and not a ballot of the lot.

The Minister for the North-West: Notwithstanding their being in a minority of their total votes.

The CHIEF SECRETARY: Yes, because it is twopence to a gooseberry that if members voted for the one who was leading, they would vote for him again.

Hon. J. G. Hislop: Are you going to make the results of the ballots known?

The CHIEF SECRETARY: The returning officer would have to come back and recommend, say, that Dr. Hislop and Mr. Watson go to a further ballot to see which one would drop out. That is all that would need to be said.

Hon. H. K. Watson: We nearly did that once; we do not want to do it again.

Hon. J. G. Hislop: Are you going to make the result of the ballot known to members?

The CHIEF SECRETARY: On the second occasion it would be.

Hon. Sir Charles Latham: I do not know why there should be any secrecy about it.

The CHIEF SECRETARY: I do not know, either. That is another point that could be considered by the Standing Orders Committee. I am hoping that this matter will be referred back to it with the idea of cutting out the second ballot that is suggested here. That is all that is necessary.

Hon. A. F. Griffith: In a parliamentary election, you do not stop half-way through the poll and find out who is in front.

The CHIEF SECRETARY: There is no need to see who is in front. One of the fallacies of this exhaustive method of balloting is that we get 30 men in a room, and there are no candidates. They are all at sixes and sevens. There is the likelihood of not two, but six dead-heating with one vote, or even none. Under this method, seeing that we shall drop out those with the least, we would have to hold another ballot because there would be those who did not have a vote. They would be dropped, and another ballot taken without really telling who had dropped out. The deeper we go into this the more involved it becomes. It only needs a slight alteration of what the committee recommends to ballot for those who are dead-heating to see which falls out. For this reason, I hope the matter will go back to the committee.

Hon. H. K. WATSON: I hope the Committee will not arrive at any decision on this matter this afternoon. I hope that after we have had a further discussion, the Chief Secretary will report progress so that members may have some time in which to ponder the various points that have been raised, because I think they are material and merit consideration. On the matter of whether the ballot will be on the exhaustive principle or the preferential system, I think there is quite a good bit to be said. In regard to confining the question to the exhaustive ballot, I find myself substantially in agreement with the views expressed by the Chief Secretary. If there is an equality of votes on the first ballot, why have a second ballot? I think the first ballot should be sudden death. If there is to be a drawing of lots, it should be done at the first ballot in the event of there being an equality of votes. It seems superfluous to have a second vote.

Hon. C. H. Simpson: There was evidently some reason for its inclusion.

Hon. H. K. WATSON: There is a deliberative vote in the first place; and I would vote at the second ballot precisely as I voted at the first. Now that the question has been raised, we should look at it as a whole; and at the moment, we should not even refer it back to the committee. I suggest that we report progress in order to facilitate that consideration. So far as the drafting is concerned, I think the Standing Orders should be 23 and 23a and not 23a and 23b.

Hon. E. M. HEENAN: The committee has done a good job, and I do not consider the matter should be postponed further. There is little or no ambiguity in the amendments proposed, and to suggest that the debate be postponed until they are further considered seems quite unnecessary to me. In the past, Standing Order 23 has operated fairly well. In recent elections, certain imperfections were revealed; and the amendment submitted by the Standing Orders Committee, whilst conforming to all the principles that have been observed over the years, proposes some slight alterations which will improve Standing Order 23 and remedy the slight imperfections that I have mentioned.

Hon. Sir Charles Latham: Would you favour the abolition of preferential voting for electors?

Hon. E. M. HEENAN: No; that would be departing from the more or less simple system that we have adopted over the years. Mr. Watson seems to be worried as to why, if there is not an equality of votes on the first ballot, there should be another one. Well, what is wrong with that? Another ballot would only take a further five or ten minutes. Possibly no member would alter his mind; but what of it?

Hon. Sir Charles Latham: Would it not have an effect on the minds of the public? That is, the system we adopt?

Hon. E. M. HEENAN: Surely we are not going to treat this matter in the same way as we would treat an election outside! There are only 30 of us. I applaud the work of the Standing Orders Committee. Its recommendations may not be perfect; but it has done a good job, and its amendments will obviate the situation that recently presented itself to us. Later, if we find that the Standing Order is still not suitable, steps can be taken to amend it again. But I do not think that any postponement of its consideration is necessary.

Hon. N. E. BAXTER: I agree with Mr. Heenan when he says that the Standing Orders Committee has done a good job in proposing this amendment. I am sure its main object was to try to get away from drawing lots in the event of there being equality of votes. I think members will realise that the lot system, which we have followed in the past, has caused all the trouble. It has not been the ballot system that has done so. I commend the committee for its work, and I intend to support the amendment.

Hon. L. A. LOGAN: In replying to the Chief Secretary and Mr. Watson, I think we should agree to the request that further consideration be given to the recommendation to abolish one ballot. Where there is an equality of votes, I think the Committee will agree that we must have a second vote if we are to conform to the principle of an exhaustive ballot. If we were to have a single vote only, that would weaken the ballot. Over the years the principle has been to have exhaustive ballots.

Hon. L. C. DIVER: The question that now arises is not whether we shall have an exhaustive ballot, but whether we shall go over the same ground twice. I think the whole question now hinges on whether we shall eliminate the words, "and the ballot shall be taken again. If again there be an equality of votes between the candidates having the least number of votes." What the Committee has to decide is whether, immediately there is an equality of votes amongst the candidates with the lowest number of votes, and the clerk announces such to be the case, together with the names of those candidates, we should have the one ballot. I prefer that method. Experience has shown that on previous occasions when such a situation did occur, we got equality of votes among those candidates that had the least number. In my opinion the committee has done a good job, but I would prefer to see this alteration made to its amendment.

The Chief Secretary: Are you moving to delete those words?

Hon. L. C. DIVER: Yes, to test the feeling of the Committee I will move in that direction, although I suggest that the amendment indicated by Sir Charles Latham could be dealt with before mine.

The Chief Secretary: We would still want that in.

Hon. L. C. DIVER: I would also point out that the clerk of the House is mentioned in the Standing Order. On each occasion when I have been present during a ballot, the clerk has been absent. An amendment should be made in that regard; or, alternatively, elections of this nature should be held in this Chamber. We should make sure that we carry out the Standing Order to the letter. I move an amendment—

That after the word "case" in line 3, the words "and the ballot shall be taken again. If again there be an equality of votes between the candidates having the least number of votes" be struck out.

Hon. L. CRAIG: I hope the Committee will not act hastily on this question. This amendment was given very careful consideration over a long period, and Crown Law opinion has been obtained. I do not think it should be cast aside lightly. It is now proposed to delete some words from the Standing Order suggested; but before the Committee does so, I hope every consideration will be given to the matter. In the past, where there has been an equality of votes, it has been the usual custom to give a member a chance to change his mind and vote for another person. Therefore, a member has a second vote on the election. If equality of votes occurs again—

Hon. E. M. Heenan: No harm is done.

Hon. L. CRAIG: No, of course not. There might be two or three members at the bottom of the list who have equal votes. After the second ballot, the position remains the same as before. The question then boils down to the elimination of one member of the two who are the lowest on the voting list. The intention behind the amendment made by the Standing Orders Committee is to enable members to eliminate somebody.

Hon. J. G. HISLOP: I may be mistaken, but I believe that the proposed Standing Order can be amended with advantage. The amendment sets down the principle that wherever there is equality of votes another ballot shall be taken, and only on the second ballot shall there be an elimination. I consider that the words "subject to Standing Order No. 23a." are necessary. Nos. 23a. and 23b. should run together.

There is a superfluous phrase in Standing Order 23b. In the first three lines no fewer than three different adjectives are used and this will lead to confusion. In my opinion it would be better to discard

the whole of Standing Order 23b., because it refers to a ballot that will be necessary if there is equality among the lowest candidates. If there were a dozen candidates, this would not make any sense. By using three adjectives so closely together one is apt to be tied up.

An example of the poor use of English can be seen in the report on page 1. In the penultimate paragraph there is a sentence reading, "A similar Bill having been recommended by the Committee and agreed to by the House in 1952 and subsequently lost in the Assembly." There is no verb in that sentence. Whether it is intended that the full stop immediately preceding that sentence should be a comma, I do not know. When Standing Orders are drafted for debate, greater care should be exercised in the wording. My understanding is that Standing Order 23b. will apply only to a ballot which is mentioned in the last two lines of Standing Order 23a.

Hon. L. CRAIG: This question has been submitted to the Crown Law Department. That department recommended the insertion of the phrase, "Subject to Standing Order 23a." in Standing Order 23b. Two specific cases are mentioned: one where there is an equality of vote; and the other, where there are more than two candidates. Standing Order 23b deals with the case where there is equality of votes among all the candidates. It is subject to Standing Order 23a, which means that the latter is the important Standing Order. Standing Order 23a governs the election of the President; but subject to this order, if there is equality among all the candidates then the procedure set out in Standing Order No. 23b will apply. I think there was some debate on this, and the phrase was inserted to emphasise that Standing Order No. 23a set out the method of electing the President.

Hon. J. G. Hislop: It does not make sense.

Hon. L. CRAIG: Whether it does or not, the Crown Law Department advised the insertion of these words. It desired to point to the rules which govern the cases where there is equality of votes.

Hon. J. G. Hislop: I challenge the hon. member to explain that Standing Order 23b does not apply to the last two lines of Standing Order 23a. If members can prove to me otherwise, then I will agree to this amendment.

Hon. A. F. GRIFFITH: Mr. Craig stated that where there is equality of votes in the first count, the clerk shall declare such to be the case, and another ballot shall be taken. The weakness of that argument arises in this manner: When a set of circumstances like that occurs, members do not know where the equality exists, or the names of the two members who have received equality of votes.

Hon. L. Craig: This says equality among the lowest.

Hon. A. F. GRIFFITH: I understand that; but if out of 30 votes one candidate receives 14, and the remaining two candidates 8 each, no member knows which candidate has received the 14 votes. All we know is that there is an equality of votes, and there are insufficient votes received by one candidate to give him an absolute majority. No matter how many ballots are taken, I am not one who will change his mind.

Hon. E. M. Heenan: Then there can be no harm done by agreeing to the amendments. They may help to rectify the position.

Hon. A. F. GRIFFITH: I agree there is no harm. But to carry it to the extreme, why not conduct half a dozen ballots in order to break down someone's resistance?

Hon. E. M. Heenan: Such a set of circumstances will happen probably once in 20 years.

Hon. A. F. GRIFFITH: In my short term here it has occurred twice.

Hon. E. M. Heenan: We could have conducted half a dozen ballots while this debate has been going on.

Hon. A. F. GRIFFITH: I do not agree that members should continue to vote without knowing what is going on. If we vote for the amendment, certain words will be deleted; if we vote against it, we will be left with the present procedure. Since I do not like the amendment, and since there is an unwillingness to refer the matter back to the committee, I shall vote against it.

Hon. L. A. LOGAN: If we agree to preferential voting, and there is equality of votes among the lowest candidates, then something should be inserted in the Standing Orders to cover the position. The proposed amendments seek to do that. I do not agree with Dr. Hislop that Standing Orders 23a and 23b refer to the one ballot. The first deals with cases where there are more than two candidates and there is equality among the lowest two. But it could happen that four candidates would receive seven votes each; or three candidates, 10 votes each; or six candidates, five votes each. That is the reason why Standing Order 23b has been submitted. But once we get away from the equality of votes received by three or more candidates, then the provisions of Standing Order 23a will apply.

Hon. C. H. SIMPSON: Without discussing the merits or demerits of the amendment, I suggest that progress be reported, and that the amendment be placed on the notice paper. Then we could consider it in relation to the recommendations. The matter is involved, and to consider the amendment at the moment might leave us in a worse tangle.

The CHAIRMAN: Are you prepared to withdraw your amendment, Mr. Diver, so that progress may be reported?

Hon. L. C. Diver: Yes.

The CHIEF SECRETARY: There is no need to report progress as the matter is quite a simple one. We have been considering it for an hour, so let us come to a decision one way or the other. The intention is to cut out the second ballot of the whole of the candidates; in other words, to jump from the first ballot where there is a dead heat between candidates with the least number of votes and have a ballot for those candidates only. If we report progress, the whole question will merely be traversed again.

Hon. L. A. LOGAN: I see no need to report progress. I hope that members will not agree to the amendment. If we can avoid reverting to the stage of taking a whole ballot again, let us do so. The difficulty can be overcome by the simple method of taking a second ballot as suggested. This would not occupy much time and would not hurt anyone.

Hon. E. M. HEENAN: One advantage, as Mr. Logan has pointed out, is that this proposal might save the other ballot, though on the other hand it might not.

The CHIEF SECRETARY: I hope that the amendment will be carried. In the last 12 or 18 months we had a ballot where two candidates well down the list dead-heated. Another ballot was taken with the same result. The trouble in the past has been that we have taken another ballot not knowing who those candidates were. Why should members have to vote in the dark? When there is a dead heat for last place, would it not be better to have a vote on those two only? Let us have the information instead of being required to vote blindly.

The MINISTER FOR THE NORTH-WEST: The committee's recommendation should be clarified. Rather than adopt Mr. Diver's amendment, it might be better to provide for the result of the ballot to be announced. If that were done, nobody would be voting in the dark.

Hon. Sir Charles Latham: You would get the same result under the amendment.

The MINISTER FOR THE NORTH-WEST: The names of the two candidates who dead-heated should be announced in order to obviate blind voting. It could happen that each of four leading candidates could poll six votes and each of two other candidates three votes.

The Chief Secretary: One of them could go on and win.

Hon. Sir Charles Latham: That has happened.

The MINISTER FOR THE NORTH-WEST: If the result of the ballot were announced, it would help considerably.

Hon. C. H. SIMPSON: We seem to be beating the air and repeating the same arguments. I hope that the recommenda-

tions of the committee will be accepted without amendment. The intention is that the voting shall be in secret as far as possible. On one occasion it was surmised or known how certain candidates would be supported. According to legal advice, under the new Standing Orders, when there is an equality of votes, there will be an opportunity to cast a deliberative vote, which may be different from the original one. This would eliminate the possibility of an impasse such as we have experienced and would solve the difficulty of preserving secrecy.

Hon. Sir CHARLES LATHAM: I cannot follow Mr. Simpson's reasoning. The secrecy of the ballot would be maintained because each member, after receiving a ballot paper, would put it in the box. When there is a tie in the voting in the House, we let the public know of it, but here we are trying to keep it secret. Why should not we know which candidates come first, second and third? The difficulty could be overcome by adopting preferential voting.

The CHIEF SECRETARY: I think it is Mr. Simpson who is beating the air. He spoke of the secrecy of the ballot, but that will be preserved right through.

Hon. C. H. Simpson: I said preserve secrecy as far as possible.

The CHIEF SECRETARY: Secrecy about the man who falls out?

Hon. C. H. Simpson: Secrecy in regard to the way members vote.

The CHIEF SECRETARY: That is safeguarded. Secrecy regarding the candidates would not be preserved, because, if there were a dead heat, the names would be disclosed for the second ballot. All this will do is to disclose the names of the two on the second ballot, instead of later.

Hon. C. H. Simpson: They would not be disclosed in the second instance if the second ballot were different from the first one.

The CHIEF SECRETARY: Those who remained in it would be disclosed. There is no alteration as regards secrecy.

Hon. A. F. GRIFFITH: When the first ballot is taken, we usually appoint three scrutineers, as we have generally three political parties in this House; and so, when the first votes are counted, there are three people who know the state of the ballot at that stage. I venture to suggest that if anyone were going to be influenced, it would be those three, as against the 27 other members. It would therefore be better to eliminate one of those members on the first count. If we had one ballot, and it resulted in a tie, the scrutineers could declare the candidates that had tied, and could have another ballot to decide the matter. I support the amendment.

Hon. L. A. LOGAN: If the ballot were conducted according to our Standing Orders, the clerks would be the returning officers, and no member would have any knowledge of the matter. That would eliminate the fears that have been expressed by some members. I think we should have the second ballot, and I hope members will not accept the amendment.

Hon. N. E. BAXTER: I trust members will not accept the amendment. I think the original Standing Order was drafted with the idea of what the Chinese call "saving face." In a Chamber such as this, with a comparatively small number of members, this Standing Order would have that effect, the result being that the member concerned would not feel that fellow-members had cast a slur on him by not giving him their votes. I do not think any of us are really hidebound politicians, and this Standing Order saves feelings being hurt.

Hon. C. W. D. BARKER: I think the Standing Orders Committee has done a good job, and that we should accept its findings rather than say we have no confidence in it, particularly as it has had the advice of the highest legal authority in the State.

Hon. F. R. H. LAVERY: I do not agree that we should necessarily accept the findings of the committee in their entirety. I would support the suggestion made by Dr. Hislop, as I do not think the extra verbiage would hurt anyone. Apart from that, I support the recommendations of the committee.

Amendment (to delete words) put and a division taken with the following result:—

Ayes	.....	5
Noes	.....	21
Majority against		16

## Ayes.

Hon. L. O. Diver	Hon. H. K. Watson
Hon. G. Fraser	Hon. A. F. Griffith
Hon. Sir Chas. Latham	(Teller.)

## Noes.

Hon. C. W. D. Barker	Hon. R. F. Hutchison
Hon. N. E. Baxter	Hon. F. R. H. Lavery
Hon. G. Bennetts	Hon. L. A. Logan
Hon. L. Craig	Hon. J. Murray
Hon. E. M. Davies	Hon. H. L. Roche
Hon. J. J. Garrigan	Hon. C. H. Simpson
Hon. Sir Frank Gibson	Hon. H. C. Strickland
Hon. H. Hearn	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. J. McI. Thomson
Hon. C. H. Henning	Hon. R. J. Boylen
Hon. J. G. Hislop	(Teller.)

Amendment thus negatived.

Recommendation put and passed.

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

The CHAIRMAN: The next recommendation of the Standing Orders Committee, like the previous recommendation, applies to Standing Order 23. The proposal is to insert in lieu of Standing

Order 23 two other Standing Orders. We have already agreed to the first, and the second reads as follows:—

23b. Subject to Standing Order No. 23a, if, in any ballot there is an equality of votes between each of the candidates in such ballot the Clerk shall declare such to be the case and that ballot shall be taken again. If again there be an equality of votes the Clerk shall declare such to be the case and shall announce that that ballot will have to be determined by lot. The candidate first drawn from the lot shall be regarded as the candidate having the smallest number of votes and if more than one candidate then remains the ballot for the election of President shall continue.

The reason for the proposed amendment is—

It is considered that this Standing Order needs clarification to overcome situations where there is equality of votes during a ballot for the election of President.

Recommendation put and passed.

Hon. C. H. SIMPSON: Mr. Chairman, will the numbering 23a and 23b be changed?

The CHAIRMAN: I suggest to members that Standing Order 23a become Standing Order 23 and that 23b become 23a, and the letter "a" after "23" in line 1 of 23b be deleted.

The suggested corrections were agreed to.

Standing Order No. 330:

The CHAIRMAN: The recommendation of the Standing Orders Committee is as follows:—

Insert after the word "report" in line two the words "the result of."

The reason for the proposed amendment is—

It is considered that this amendment will obviate misunderstanding in the interpretation of the Standing Order.

The CHIEF SECRETARY: This is a most extraordinary way of reporting to the Committee of the House. There is no word from the committee as to the need for these alterations.

Hon. L. A. Logan: The reasons are given.

Hon. L. Craig: We thought it was obvious.

The CHIEF SECRETARY: That may be so; but sometimes things are not as obvious as they may appear. I think we need some explanation regarding these proposed amendments. Are these the only Standing Orders that were considered by the committee, or are they the only ones that the committee thought should be altered?

The **CHAIRMAN**: I would refer the Chief Secretary to the report of the Standing Orders Committee.

**Hon. C. H. SIMPSON**: There has been some comment, and possibly some differences of opinion, as to how far managers should go when reporting the results of conferences. Occasionally their reports have been so brief that members have not known what the decisions have been until they were explained later. I understand that it would be inadvisable to ask for too full a report. But does this mean that only the bare results of the conference shall be furnished; or is it a matter of English in making clear the intention of the Standing Order?

**Hon. L. CRAIG**: If members will read Standing Order 330, they will see how it has been interpreted. It has been held that a manager may tell the Council what took place at a conference—who said what, and the opinions of various members, and so on. That is most undesirable. The committee decided that the Standing Order should be amended to make it clear what was expected from managers; and, as a result, we have recommended this alteration.

We consider that the managers should come back and report the results of the meeting: the findings—what was decided—and nothing else. Those who have been managers at conferences have strong views about reporting proceedings; because, as members know, a person, on occasions, is not vociferous. He doodles in the corner or something like that. But his vote is all-important. It would not be a good thing if one member could say that Mr. So-and-so took no part in the conference, but doodled in the corner. As a result, we have recommended this alteration.

**Hon. C. H. Henning**: Would that affect the report in another place? Will that Chamber come into line with this?

**Hon. L. CRAIG**: I understand so.

**Hon. Sir CHARLES LATHAM**: I cannot understand the reason for all this secrecy. Are we becoming afraid of what the public will think about our views on these matters? There is no reason why the Chamber should not know what goes on at the conferences.

**Hon. L. Craig**: Do you think it is desirable?

**Hon. Sir CHARLES LATHAM**: This Chamber and another place delegate authority to six members; and there is no reason why we should not know what takes place at these meetings. We shelter ourselves by having conferences because we will not express ourselves clearly and stand up to what we say. We should stand or fall by that. There is no other House of Parliament in the Empire that has this system, and we should not make it any worse than it is now. Mr. Craig's idea is that we must have secrecy.

**Hon. H. K. WATSON**: I hope the Committee will adopt the proposed amendment. I think there is a lot to be said for the view Mr. Craig expressed. We might be the only Parliament in the world where this system exists. Be that as it may, the fact remains that it has been the custom for at least 30 years.

**Hon. Sir Charles Latham**: Longer than that.

**Hon. H. K. WATSON**: It has been adopted by this Parliament, and on the whole has worked satisfactorily. I understand that it has always been the practice that what takes place in conference is not discussed outside. If we want to vary the principle, that is another question; but so long as it is the principle, it should be adhered to. As the Standing Order now reads, some member who may not be concerned with the propriety of things could try to gain some personal advantage from the question by saying "So-and-so said this, did that, or wrecked the business."

**Hon. L. C. Diver**: Do not you think that has already been done indirectly?

**Hon. H. K. WATSON**: I do not think it should be done.

**Hon. L. C. Diver**: But it has been done.

**Hon. H. K. WATSON**: I think all that should be reported is the result of the conclusions that have been arrived at. It is the result of the proceedings that counts.

Recommendation put and passed.

**Hon. H. K. WATSON**: On a point of explanation. Mr. Henning raised a question as to whether the Standing Orders of another place would be similarly amended. As I understand it, the relevant Standing Order of another place is identical with our Standing Order 330. I do not know whether the Committee has discussed this Standing Order with the Joint Standing Orders Committee. If it has not, I suggest it might be a matter for consideration and discussion with the Joint Standing Orders Committee; because it does affect another place, and it would be futile for the three managers from this Chamber to report the result of the proceedings only to find that the managers from another place had got right away from the spirit of the Standing Order.

Recommendations reported with corrections and the report adopted.

#### **BILL—LOCAL COURTS ACT AMENDMENT.**

Received from the Assembly and read a first time.

#### **BILL—FACTORIES AND SHOPS ACT AMENDMENT.**

*Assembly's Message.*

Message from the Assembly received and read notifying that it had disagreed to the amendment made by the Council.

# **BILL—PHYSIOTHERAPISTS ACT AMENDMENT.**

## *Second Reading.*

Debate resumed from the 21st September.

**HON. J. G. HISLOP** (Metropolitan) [7.48]: All these measures that seek to introduce into various allied associations of the medical profession persons who are not eligible for admission at the time of the passing of the Act, require a good deal of consideration before acceptance. At the moment, I have not a lot to say about this measure as it stands. From its brief wording, and from the introduction of the Bill by the hon. member, it would appear that there are three individuals capable of practising physiotherapy who desire to be registered under the Act, but were not eligible at the time the principal Act was brought into being. It seems to me that a good deal in the way of gymnastics has taken place in the wording of the Bill in order to allow one or the other of these people to be registered.

In the 1950 Act it is provided that a candidate seeking registration shall, amongst other things, prove to the satisfaction of the board that he was bona fide engaged in the practice of physiotherapy in this State for at least 24 months during the period of three years immediately preceding the commencement of this Act, and is competent. I can remember that at the time there was a good deal of discussion during which it was said that a person who had been practising physiotherapy for two years should not be debarred from earning his living, and should be registered.

This Bill, however, jumps a long way from that. It provides that he shall establish to the satisfaction of the board, amongst other things, that he is competent in the practice of physiotherapy and was bona fide engaged in such practice in the State for at least two months during the period of three years immediately preceding the commencement of this Act. In 1950 the House decided that a person had to be practising physiotherapy in this State for two years before he could claim registration under the Act. The Bill goes to the other extreme, and states that all that need be done is for him to have practised for two months of the two years preceding the coming into being of the Act.

**Hon. N. E. Baxter:** In this State.

**Hon. J. G. HISLOP:** That is so. He may have been practising outside the State; but he only needs to have been practising for two months in the State. That is one point the House will have to consider when the Bill reaches the Committee stage.

**Hon. L. Craig:** Have these people been practising outside the State?

**Hon. J. G. HISLOP:** For a period of not less than two years prior to the commencement of this Act. So these people will have done two years and two months—two months in the State and two years outside it—and they could then apply for registration.

**Hon. E. M. Heenan:** Do they have to be registered?

**Hon. J. G. HISLOP:** The board must be satisfied that they are competent to practise as physiotherapists before it will register them. It must also be satisfied that they have taken the course of training at a university as prescribed by the Physiotherapists Board. There is a training school for our own candidates, and we have been turning out successfully trained people as physiotherapists within the State. This measure now asks that three others be allowed in.

I believe there are all sorts of reasons for and against this. If I remember rightly, the hon. member said, when introducing the Bill, that one of these men had been employed by the Government at the infectious diseases hospital for a considerable period, and that the board had made no objection to this person acting as a physiotherapist, though he was not eligible for employment. If that is so, it is extraordinary that the board should take action against another individual who bought a registered physiotherapist's practice, and say to him that he must shut up and not act as a physiotherapist, while permitting the other man to be employed as one in the infectious diseases hospital. I think some official explanation might be given to the House by the Chief Secretary when he addresses himself to the Bill.

While we might like to be generous to these people, I wonder whether any of them would be eligible for registration in Victoria or New South Wales. I very much doubt it. We have had amending Bills to permit dentists to be registered; and we must consider these matters from the point of view that Western Australia might quite easily become a repository for individuals who cannot be registered in other States, and who expect leniency in registration here. There is always that possibility. One must face the fact that the training of physiotherapists in the different centres of the world varies considerably. In one institution in Great Britain—I will not name it—one can obtain registration by correspondence without any care of the human being at all during the time of learning. What is more, the certificate of registration can be obtained within a matter of a few weeks. The State must be protected against this sort of thing.

**Hon. C. W. D. Barker:** How long is the course in Western Australia?

Hon. J. G. HISLOP: Three years. But in the school in England to which I have referred, it can be obtained by correspondence in a matter of weeks.

Hon. G. Bennetts: What is the position regarding training in this State?

Hon. J. G. HISLOP: There are a number of eligible people coming up; and if I remember rightly, we did not accept all the candidates for physiotherapy training because there were more candidates than the board felt could be efficiently trained in Western Australia. There are many ways of looking at the Bill; and I wonder whether it will do what the mover thinks it will. There is one important provision that cannot be touched; and I do not think that any Bill, no matter how it is juggled, can touch it. It is the section that would debar people who have received their training from correspondence. Section 10 of the Act reads as follows:—

Subject to the provisions of this Act and the rules and regulations of a person who proves to the satisfaction of the board that he is a person of good character and has attained the age of 21 years shall be entitled to be registered as a physiotherapist and issued by the board with a licence authorising him to practise physiotherapy if—

- (a) He has completed the prescribed course of training and passed the prescribed examinations, or holds qualifications of any university, board, association, society or body prescribed by the regulations or, in the case of a blind person, he has completed the prescribed special course of training and passed the prescribed special examinations.

It means that the people referred to in this Bill will have to prove to the board not only that they have practised outside this State, or that they have practised in this State for two years; but also that they have received their training at an institution which is accepted by the Physiotherapists Board as laid down in the regulations. I have not been able to obtain a copy of the regulations, and I do not know whether the place I referred to in England has been accepted or not. Knowing the type of person on the Physiotherapists Board, I should not think it would have been. Accordingly, it might be safe to pass this Bill on the basis that if the individual has done training in a recognised institution, and has practised outside the State for two years and within the State for two months, he may be registered.

In the case of some of these individuals I understand there are extenuating circumstances—or there are in the case of one of them. The individual came to this

State believing that he was qualified to practise here prior to the coming into force of the Act. I understand he bought a practice of a registered physiotherapist; and after the Act came into being, was then debarred from practising. The practice he bought had to go, and the man felt he was being badly done by.

I understand also that, following the passing of this Act, no diplomas were awarded and no registrations took place for two years, because we had to amend the measure in 1952, giving the board authority to issue diplomas; and we also had to cover acts which they had carried out prior to the amending legislation. During that time, apparently one or other of the three men—possibly two of them at least—continued to practise as physiotherapists, and gained the respect of members of the profession with whom they worked.

My only reason for agreeing to the passing of this measure is the protection which exists in Section 10. It means that the board, in addition to accepting this amending legislation, still has to be satisfied that the training received by the persons was such as is recognised by regulation. That is the only safeguard that I can see in regard to this Bill. If that did not exist, I would be tempted to vote against the measure.

**HON. L. CRAIG** (South-West) [8.2]: I think there is a little more to this Bill than appears on the surface. To me the fundamental question is: Are we going to live in an air-tight compartment in Western Australia and confine our physiotherapy entirely to Western Australian-trained physiotherapists? That is what it means today.

Hon. J. G. Hislop: That is not so.

Hon. L. CRAIG: They must have practised in this State at the beginning, or have passed examinations set by this State. Is that not so?

Hon. J. G. Hislop: No.

Hon. Sir Charles Latham: They can obtain qualifications outside.

Hon. J. G. Hislop: Awarded by any university, board, or authority recognised in the regulations, in the same way as a doctor can practise here if he has obtained qualifications from another university.

Hon. L. CRAIG: He has to satisfy the board that he is competent to practise.

Hon. J. G. Hislop: And that he has the qualifications.

Hon. L. CRAIG: I must have read it wrongly.

Hon. J. G. Hislop: The amending measure is for three persons.

Hon. L. CRAIG: It does not apply to any people in the future?

Hon. J. G. Hislop: It shuts the door to others in the future. Then the original Act takes over.

Hon. L. CRAIG: I am sorry. I misinterpreted the position. I must read the Act again.

**THE CHIEF SECRETARY** (Hon. G. Fraser—West) [8.4]: At the outset, I admit that I know nothing about this business. However, I referred the Bill to the Health Department for a report; and on the basis of that report, I ask the House to reject the Bill. The statement from the department is as follows:—

It is important to remember that the Physiotherapists Act was proclaimed and became law on the 15th January, 1951. The Physiotherapists Registration Board was appointed almost immediately after this date, and undertook its responsibilities under the Act.

The Act provides for the registration of physiotherapists trained in this State to a standard laid down by the board, and also allows for the registration of those trained outside the State, provided the standard of their training conforms to our own.

I think that probably answers some of the doubts of Mr. Craig. The report continues—

Those courses and diplomas which are recognised are as follows:—

The Diploma of Physiotherapy of the University of Adelaide.

The Diploma of Physiotherapy of the University of Queensland.

Completion of course and success in examination prescribed by the Masseurs Registration Board of Victoria.

Completion of course and success in examination prescribed by the Physiotherapy Association, N.S.W. Branch.

Membership of the Chartered Society of the Physiotherapists of the United Kingdom.

In all these cases a three-year full-time course is involved.

In considering the issues involved, members should appreciate the modern conception of physiotherapy and of the training which is essential before a person may be considered qualified to practise and to use the title "physiotherapist." Many years ago, it was found that massage in certain cases, particularly after injuries such as fractures to bones, hastened the recovery of the patient, and masseurs were trained and used for this purpose.

With the development of physical medicine, it was found necessary to enlarge the scope of these medical auxiliaries, and other methods and the use of other apparatus—electrical and mechanical—were added to their responsibilities, until finally the fully

trained and equipped modern physiotherapist was evolved. It is a common error to think that the masseur, or the "rubber," is a physiotherapist. If he is untrained in the nature of the conditions which he may be called on assist in treating, and if he is not acting under direction, he may do more harm than good and become a public menace.

As members are aware, this was one of the reasons why the Act was passed by Parliament in order to protect the public. We should be very cautious in accepting certain people at their own valuation, particularly those whose services are used to assist in medical and surgical treatment. Other States and countries have laid down standards for the training of physiotherapists; and in the public interest, it is important that these standards be maintained.

In introducing the Bill Mr. Lavery used the expression "trained physiotherapists." It would be most unwise to accept the opinion of the claimant persons themselves as to whether they are trained or not. The standard of the training is all important. The curriculum of our own diploma lays it down that the subjects to be studied shall include:—

Chemistry, physics, anatomy, physiology, zoology, pathology, medical psychology, theory and practice of medical gymnastics, theory and practice of medical electricity, theory and practice of massage, theory and practice of muscle re-education and two years' part-time practical experience at hospitals.

Hon. L. A. Logan: That makes the physiotherapist nearly a fully-fledged doctor.

**THE CHIEF SECRETARY:** Yes. Evidently these people are regarded as being very important. The statement continues—

The hon. member quoted two cases in particular, and the Physiotherapy Board believe they know who these persons are. Both are not registrable because they do not comply with Section 10 (a) of the Act which lays down the standards of training either in this State or elsewhere; and they were ineligible under Section 10 (b) because they had not been practising in this State for at least 24 months during the period of three years immediately preceding the commencement of this Act.

Hon. N. E. Baxter: Does that make them any less competent than those covered in Section 10 (b)?

**THE CHIEF SECRETARY:** Possibly not, but I think the hon. member should look at Section 10 (a).

Hon. N. E. Baxter: It does not make them less competent than those under Section 10 (b).

The CHIEF SECRETARY: No. Section 10 (a) deals with the question of time. That is very immaterial to me. But Section 10 (a) is important. The statement proceeds—

In other words, the board did not consider that the standard of training they had received outside the State was sufficiently high. One of them had taken a course at the S.M.A.E. Institute in England. This course is purely a correspondence one and diplomas may be granted after a period as short as three months.

I am informed also that neither hospital nor practical experience is included in the course of the alleged training for the S.M.A.E. Institute's diploma. This Institute was investigated by the British Ministry for Health and was not approved for the purposes of the National Health Scheme in Great Britain. Furthermore, it is not recognised by the Chartered Society of Physiotherapists in England.

The hon. member also mentioned that this person had purchased a practice from a registered physiotherapist. This purchase was effected about September, 1952. According to his own statements, he commenced to work in October, 1950, as an employee of a physiotherapist. The Act was proclaimed on the 15th January, 1951, and he purchased the practice in approximately September, 1952—21 months after the Act was in force—when he must have known that he was not eligible to practise in the State. It is impossible to resist the conclusion that he was aware that he was not eligible and that he "took a chance."

In the face of this purchase, and his continuing to work after that date, he must have known that he was flouting an Act of Parliament. In July, 1953, his attention was drawn by the board to the provisions of the Act and in May, 1954, complaints were received that he was still continuing to practise locally. The board wrote to him directing him to cease such illegal practice.

The board's opinion is that he knew he was not eligible to practise physiotherapy when he purchased the practice, and that he defied the board and an Act of Parliament.

Hon. H. K. Watson: And the board did nothing for 12 months.

The CHIEF SECRETARY: That is a very weak point in the board's activities concerning which I should like to have some information. The statement continues—

He now presents us with an accomplished fact and we are asked to amend an Act of Parliament to suit the con-

venience of an individual who has deliberately defied an Act for two years, in his own interest.

Another person who has been refused registration under Section 10 (b) also holds the qualifications of the S.M.A.E. Institute, England. He was ineligible to be registered under Section 10 (a) and also was ineligible under Section 10 (b).

A third applicant has been refused registration because he is only a qualified remedial gymnast. However, he is permitted to work under the direction of a physiotherapist, and is so doing in a hospital in the metropolitan area, and is thus enabled to earn a competent livelihood. His training as a remedial gymnast in no way qualifies him for the general and other responsibilities of a physiotherapist.

The Physiotherapy Board earlier this year had advised the Minister for Health that it had no wish to exclude any of these gentlemen from registration, provided they were competent. The board therefore recommended an amendment to its rules to provide that any person who desires to enrol as a mature age student, and who can produce evidence that he was "bona fide" engaged in the practice of physiotherapy in this State prior to the commencement of the Act, may do so.

In these cases the board may require such a person to undertake a preliminary examination to determine the extent of his knowledge and may then allow him to undergo tuition and examination in those parts of the course in which it considers that desirable. If these gentlemen concerned are confident of their competence as physiotherapists, they may undergo an examination by the board now; and, if they can show that they are competent, would be admitted to practice without any further tuition or examination of any kind.

The board has drawn their attention to this amendment of its rules and notified them to make application to submit themselves for an examination. None has made such an application. It might be concluded that they suspect their own competence, and that their lack of it might be exposed if they were to be thus examined by the board.

For these reasons I have no option but to advise members to vote against the Bill. It is essential that we, as a Parliament, preserve professional standards in Western Australia. An incompetent physiotherapist could do much harm and should be excluded from practising here.

Hon. G. Bennetts: I take it that if these men could prove themselves qualified, they would be passed.

The CHIEF SECRETARY: The offer has been made to them, but none has accepted. I knew nothing about the subject, but I wanted to give the House the information supplied by the Health Department.

HON. E. M. HEENAN (North-East) [8.17]: Like one or two other members who have spoken, I must preface my remarks by admitting that I know very little about this profession or trade of physiotherapy. I am sure the remarks just made by the Chief Secretary will cause us to be somewhat careful before adopting the Bill. However, there appear to be one or two flaws in the case which the Chief Secretary has just put forward, presumably on behalf of the department concerned.

Section 6 of the Act provides for the appointment by the Governor of a board to consist of the Commissioner of Public Health; a medical practitioner appointed by the Governor; two physiotherapists appointed by the Governor; and a person nominated by the Senate of the University and approved by the Minister. So the board is quite a reputable one. I am somewhat surprised to find that it will admit persons of the age of 21.

Hon. G. Bennetts: I take it that is male or female?

Hon. E. M. HEENAN: Yes. In addition, it is necessary to have passed the examinations set by the board. If the applicant has not passed the examinations, he can still get registration if he establishes to the satisfaction of the board that he was bona fide engaged in the practice of physiotherapy in the State for the two years preceding the commencement of the Act.

Hon. H. K. Watson: That is without any qualifications?

Hon. E. M. HEENAN: If he is competent. So, if he has not passed the examinations, he has to satisfy the board that he is competent, and that he has been practising in the State for two years.

Hon. L. Craig: In this State?

Hon. E. M. HEENAN: Yes. I may be wrong, but it appears to me that this measure only gives the board the further prerogative of allowing an additional class of individuals to be registered. But it does not say they must be registered. If the Bill is carried, the people that it is designed to cover will still have to establish, to the satisfaction of the board, that they are competent; and, furthermore, that they have been engaged in practice outside the State for a period of not less than two years prior to the commencement of the Act, and inside the State for at least two months preceding the Act. So they have to establish two things: that they have been practising outside the State for at least two years, and inside the State for at least two months. Then they have to get over the greatest hurdle of all: they still have to

satisfy the board that they are competent. They do not get automatic registration. The decision still lies with this responsible board. I think the public is protected all right.

I do not know who are the individuals concerned, but it is a pity one of them has jeopardised his case, as outlined by the Chief Secretary; because I for one have no sympathy for anyone who defies the laws of the State, and then blissfully comes here and asks us to help him. But I am not going to allow such an individual to warp my judgment. The Bill has some merit in it. The board, undoubtedly, still has the say. This measure only gives it the right to admit these people. Even if we pass the Bill—

Hon. H. K. Watson: They would not necessarily get registration.

Hon. E. M. HEENAN: That is so; but they may get in.

Hon. J. G. Hislop: No.

Hon. E. M. HEENAN: Dr. Hislop is wrong when he says they have to be admitted. Even if their qualifications are only those of a correspondence course, they can still get in.

Hon. H. K. Watson: By proving themselves competent.

Hon. E. M. HEENAN: That is so. They cannot get in under paragraph (a).

Hon. J. G. Hislop: The board would disqualify them under paragraph (a).

Hon. E. M. HEENAN: I do not know what the board would do; but it would be competent for the board to say, "We are not satisfied with your qualifications." But if they can satisfy the board of three things: firstly, that they are competent—and that is the main hurdle they have to get over; secondly, that they have been practising outside the State for two years; and, thirdly, that they had been practising inside the State for two months before the Act came into operation, the board may register them. So they have some fairly stiff hurdles to get over; and then the board still has the final say. I cannot see anything wrong with the Bill, and at this stage I feel disposed to support it.

HON. C. W. D. BARKER (North) [8.25]: I am in a whirl; I do not know what to do about this measure. According to the Chief Secretary, these men have been given every opportunity to prove their ability, and it is still open to them to do so. I cannot see any reason for the Bill at all. Mr. Heenan has said that whether it is passed or not, that is what they will have to do. The board has already offered them the opportunity to prove their ability as physiotherapists.

I have not had any experience of physiotherapists, except that after the war I was, for 18 months, in a rehabilitation centre where I had to undergo electric massage

and muscle re-education for both my arm and leg which were useless. What was done to me should not be done by anyone who is not trained and efficient. I would not like to undergo treatment of that sort from an unqualified person. We owe a duty to the public of Western Australia to ensure that whoever is registered is qualified.

We have been told by the Chief Secretary that if the men for whom the Bill is intended, want to prove that they are capable of doing this work, they can do so under the Act. They have been written to and the opportunity given to them to prove themselves. What is their object now? Is it to try to get in under the lap, because they are not qualified?

Hon. J. McL. Thomson: I would not say that.

Hon. C. W. D. BARKER: Why have they not taken notice of the board which has written to them? Why have they not offered to go before the board and prove their qualifications? We must protect the public against quacks in any form.

Hon. F. R. H. Lavery: Have you any authority to say that they have not made application to the board?

Hon. C. W. D. BARKER: I am going on what the Chief Secretary said.

Hon. F. R. H. Lavery: I suggest you wait until you get the answer.

Hon. C. W. D. BARKER: Am I to believe the Leader of the House in this matter? We have set a standard and have established a board which is there to admit applicants, or not. Under the Bill the board will still have to pass these people. I cannot see the use of the measure, and I shall vote against it.

HON. N. E. BAXTER (Central) [8.28]: I can see very little wrong with the Bill, which rather widens the powers of the board in deciding whether it can register a physiotherapist or not. The principal Act provides that physiotherapists must pass certain examinations, or hold certain qualifications. Under Section 10 (b) applicants have to establish to the satisfaction of the board that they are competent to practise physiotherapy and had practised it in the State for 24 months prior to the coming into operation of the Act. If they do that, they can be registered.

The Bill merely goes a little further, and provides that if they have practised outside and done two months' bona fide practice, and can establish to the satisfaction of the board that they are competent to practise physiotherapy, the board can register them. It does not say that it is mandatory for the board to register them. This is a much safer system than is the practice we have at present in Western Australia to register medical men of a type.

In St. George's Terrace some doctors are practising as specialists who, in my opinion—and I think many others will agree with me—are no more specialists than I am. I am not referring to anybody in particular, but I have known of doctors who have come down from the country and set up in practice in St. George's Terrace as specialists. If they are any more entitled to practise as specialists than some of these people who call themselves physiotherapists, I do not know why. I cannot understand the attitude of the Health Department, which has been expressed through the Chief Secretary, in condemning these people when some doctors are allowed to practise as specialists in the Terrace. We have no legislation to stop that sort of thing; but in this instance there is legislation which is particularly restrictive, not perhaps on the individual but on the board itself. I propose to support the Bill.

HON. G. BENNETTS (North-East) [8.32]: I am extremely concerned about this legislation. I was of opinion that a physiotherapist had to study at the university; but from the Act, I notice that if a person has practised as a physiotherapist for a certain period, he can be issued with a certificate from the board.

Hon. Sir Charles Latham: He has to show that he is competent.

Hon. G. BENNETTS: I admit that he has to prove that he is qualified to hold the certificate issued by the board. I know one individual who has been practising as a physiotherapist for many years, and he is well thought of by many members of the medical profession. On many occasions he has been able to give them excellent advice, and I would say that his proficiency is more or less a gift. I could bring 50 to 100 persons before this House to swear to his ability. If these people are registered, they are entitled to charge a fee; but if they are not, and they continue to practise, I understand that they are not entitled to make any charge.

Hon. J. G. Hislop: They would probably charge a much higher fee.

Hon. G. BENNETTS: No; but I understand that they could receive a donation. Of course, many of them practise for nothing. The man to whom I have referred could carry on provided he did not charge a fee.

Hon. J. D. Teahan: No; that is not so.

Hon. G. BENNETTS: He is not permitted to do so.

Hon. J. D. Teahan: No.

Hon. G. BENNETTS: If such people go to the board and can prove that they are qualified, they can be issued with a certificate.

Hon. Sir Charles Latham: They would have to complete the prescribed course of instruction or training.

Hon. G. BENNETTS: That is all I want to know regarding this legislation, and I am quite satisfied with the information I have received.

On motion by Hon. E. M. Davies, debate adjourned.

## **BILL—JURY ACT AMENDMENT.**

### *Assembly's Request for Conference.*

Message from the Assembly received and read requesting a conference on the amendments insisted on by the Council, and notifying that at such conference the Assembly would be represented by three managers.

## **BILL—PRICES CONTROL.**

### *Second Reading.*

Debate resumed from the 22nd September.

HON. E. M. DAVIES (West) [8.36]: I support the Bill. I believe in that British axiom, "Let justice be done." It is surprising to me how those members who have spoken against the measure can deal so differently with two pieces of legislation which are allied, and which have been dealt with practically in close succession. I understand that under the Arbitration Court system in this State the usual method of assessing a reasonable wage is based on the cost of living. Recently we have heard arguments advanced for and against that method. I am at a loss to understand how some members can express two different opinions on the same question. If it is just that wages should be pegged over a period of 12 months—

Hon. H. Hearn: They are not pegged.

Hon. E. M. DAVIES: —it is also just that prices should be pegged. I understand that recently Mr. Griffith suggested that there were some people who worked during week-ends; and when he questioned them, they told him that they used the extra remuneration they had earned for the purchase of refrigerators, washing machines, and so on. If a person is sufficiently energetic to earn extra money over and above his ordinary wage or salary, and applies that money to provide the things needed in his home, I fail to understand how that has anything to do with prices.

Of course, Mr Griffith stated that that was the way in which people were able to purchase luxury goods. Does he suggest that because a person, as a result of extra work, is able to purchase a refrigerator or a washing machine, or make his home more comfortable by laying down wall-to-wall carpet, he has affected his ability to work? Those people are regarded as being the backbone of the country because they are prepared to do something for themselves.

Hon. Sir Charles Latham: That is all very well; but they are supposed to be working a 40-hour week.

Hon. E. M. DAVIES: We know that the 40-hour week applies only to a man on a set wage.

Hon. H. Hearn: And then he goes out and works for someone else at the week-end.

Hon. E. M. DAVIES: We also know that many employers are very glad to have their men work overtime. By so doing, those men are helping to boost production and material benefit is gained by both employer and employee.

Hon. N. E. Baxter: That still increases the cost of goods, though.

Hon. E. M. DAVIES: It is difficult for me to understand the attitude of some members. Many people say that price fixing is not necessary; but not so long ago we were told that if the Commonwealth ceased to exercise price control, and it was taken over by the State, everything would be all right. Price control was eventually taken over by the State. We were then told that if wages were pegged prices would be stabilised and the economy of the country would benefit. However, over the past 12 months, wages and salaries have been pegged, and yet the cost of living has increased.

I know that some members say that the increase in the cost of living is mainly due to the increase in rents, and to the increase in the price of one other commodity. It has been suggested that an increase in rents does not apply to many people. However, I would say that there are perhaps more people paying rent than there are home-owners today. In any case, if they are not paying rent, they are paying instalments on the purchase of their homes which are equal to, if not more than, a weekly rent. Therefore, it is incorrect to say that it is not necessary to peg prices, because the majority of the people are not affected by rent increases. The rents that are actually being paid by the majority of the people are not commensurate with the amount that is allowed for rent in the "C" series index. The rents paid are far in excess of that figure.

Personally, I do not think anybody cares to continue price fixing merely for the sake of doing so. However, as with many laws, it is necessary that controls should be imposed to protect the public from the few that take advantage of the shortage of goods and accommodation. It is necessary to have price fixing because there are some people who desire to take advantage of the difficult times through which we are passing. Quite a number of businessmen are friends of mine. They are reputable businessmen and citizens; and all they desire is to derive a reasonable and fair return from the businesses they

conduct. Unfortunately, as in all sections of the community, there are some people who are apt to take advantage of any situation.

In the preamble to his speech, Mr. Griffith said that when he returned from World War II he found price fixing in existence. All I can say to the hon. member is that he was lucky when he returned from World War II and found there was a Commonwealth Government which had retained control so that those who returned from service overseas might be protected. I have a very vivid recollection of having returned from World War I, when the Government of the day considered that controls and price fixing were to be wartime measures; and when peace was proclaimed in June, 1919, those measures were abolished.

Next I would remind members that in 1919 the working week consisted of 48 hours, and the basic wage was £2 17s. I would like other members who returned from active service in World War I to tell this House what they paid for a suit of clothes. I can well remember paying 15 guineas for a suit in 1919 when there was a 48-hour week, because at that time price fixing and controls had gone overboard. Certain sections of the community were aware that servicemen would be coming back with plenty of deferred pay, and decided to get it; and they did so.

I believe that price fixing should be included in the statutes of this State. The Bill provides for price fixing by regulation. That being so, either House of Parliament will have the opportunity of disallowing a regulation if it is considered unfair. I believe the Bill will do justice to all parties concerned. I am rather surprised at its reception. After listening to the debate, one marvels at the temerity of some members who have the audacity to get up and make dual speeches, one opposing the increase in the basic wage and the other opposing price fixing in this State. I cannot understand this attitude.

I venture to say that quite a number of business people in this State do not object to price fixing. I have been informed by a friend in business, who is conducting it on the same lines as he did under price fixing, that he has no objection to price control. It seems that only a section of the business community is opposed to it. Members objecting to this measure are not expressing the views of the majority of persons engaged in commerce and business, because some of the latter have agreed that price fixing is for the protection of the general public.

One member said that bricklayers now lay 300 bricks a day. I do not know where that information came from. The number laid depends on the type of work to be performed. I know that quite a number of bricklayers do not work by the day, but

on contract at a certain price per 1,000 bricks. It is therefore useless to say that the high cost of houses is attributable to the number of bricks laid by bricklayers per day. Some sections of the community have banded together on a self-help principle. One such section is the ex-Naval Men's Association. Its members have banded together; have pooled their financial resources; and work to build houses for themselves.

Hon. N. E. Baxter: Why did they do that?

Hon. E. M. DAVIES: So as to save the overhead costs of the contractors. They have built many houses for less than they would have cost under building contracts. Many of the statements that have been uttered were red herrings drawn across the trail. No legitimate or logical argument has been adduced in opposition to this Bill. But I suppose any old stick is good enough to beat a dog. I have yet to learn of any argument advanced to justify opposition to the measure. I support the Bill. I do not agree that members have given a fair and reasonable criticism of it. It is my honest opinion that their attitude has been most dictatorial, and—if I may use the word—teutonic.

HON. H. K. WATSON (Metropolitan) [8.52]: Mr. Davies made a rather remarkable speech. He said that no member had given any legitimate or valid reason why this Bill should be defeated. I can only assume that he was absent from the House—or, if he was not, then he was asleep—when Mr. Hearn and Mr. Simpson spoke on the measure, and said why this Bill should not pass the second reading.

The Chief Secretary: I was here, but I did not hear any good reasons given.

Hon. H. K. WATSON: Both members gave very sound reasons as to why the Bill should not be given a second reading.

Hon. N. E. Baxter: It is rather remarkable that Mr. Davies dealt with anything but the subject of the Bill.

Hon. H. K. WATSON: I do not propose to enter into a lengthy debate as to why I oppose this Bill, except to say that in December, 1953, when this House decided that price fixing should be discontinued, I gave my reasons, just as I did on many occasions in the previous five or six years. I have seen no reason since that time to change my opinion.

I submit that the cost of administering a prices control Act is far too great for Western Australia. Mr. Hearn told us that it would cost the State in the vicinity of £25,000 a year; but the figure is much nearer £50,000, which was the cost in the last few years of the previous price fixing administration. In one year the figure was as high as £80,000. It is not merely the £50,000 paid out by the State Treasury that is lost; the indirect cost to the

community, to merchants and to others affected by this control, may be ten times that amount. Added to it is the economic waste and waste manpower.

The £50,000 which the Government would be compelled to expend on administering price control could well be expended in other directions in much worthier causes. It could be spent in making contributions to the Home of Peace, to the life-saving associations, to the kindergarten unions, and to many other honorary organisations which are looking for an extra few thousand pounds from the Government to carry on their very excellent work. If the Premier has £50,000 to spare, I suggest that he might well spend it in the directions I have mentioned.

It must be borne in mind that during price control between 1946 and 1953 the rise in prices was more substantial. No one can deny that. We have had the experience that price control does not tend to keep prices down; on the contrary, price control often turned out to be a system of organised exploitation of the public. The rise in prices between 1946 and 1953 was much more substantial than the rise that has occurred in the last nine months, during which price control has been abolished. Apart from the rise in meat—the price of which rose and fell just as much under price control as in the last nine months—and the matter of rentals which is altogether different, there has been a marked stability in prices since control was lifted. In many cases the price of commodities has been reduced.

There are, however, two very notable exceptions, which I suggest would not be affected by price control. One is the charge for electricity; and the other, water rates. Those charges are imposed by a Government which is making a plea for control of living costs. We find that electricity charges and water rates have sky-rocketed in the past 12 months.

Hon. N. E. Baxter: Let us not forget that rail freights have been increased greatly.

Hon. H. K. WATSON: That is so. Mr. Davies stated that he could not understand members voting against the Industrial Arbitration Act Amendment Bill, thus leaving with the Arbitration Court the discretion to say whether the basic wage should be increased by the quarterly adjustment or remain as it was and, on the other hand, voting against price control. Rather he put it a little more subtly by saying that he could not understand why members on the one hand voted for pegged wages, and on the other hand would not vote to control prices. Let me remind the hon. member that that parrot cry has just about outlived its usefulness.

The Chief Secretary: Nevertheless it is true.

Hon. H. K. WATSON: Wages in this State are not pegged. The Arbitration Court merely fixes the minimum wage. It is within the competence and power of the Government tomorrow, if it felt so disposed, to increase the wages of its employees by 5s., 10s., £1 or £2 a week. As Mr. Hearn pointed out the other night, practically not one of the employers he had indicated had a man on the payroll who was receiving the bare basic wage. Of the thousands he quoted, practically everyone was receiving in excess of the basic wage. Consequently, when members talk of wages being pegged, I say that they are definitely stating the position incorrectly because wages are not pegged.

Then we hear some members roaring about firms and companies making profits. For the life of me I cannot understand the attitude of anybody who objects to a business making a profit. In the United States of America, the position is reversed. If companies there do not make a profit, they become the subject of severe criticism by the unions, because the unions know that the best and surest method of obtaining good wages for employees, and of ensuring permanency of their jobs is to have a profitable industry and a profitable company.

The Chief Secretary: You are trying to stretch a case.

Hon. H. K. WATSON: A company that is not making a profit is of necessity a poor employer and represents pretty poor security for its employees. If anybody doubts my word, let him cast his mind back to the thirties when companies were not making profits, when men were out of employment, and when those in employment were on the bread line. It is in the interests of the State and of the workers themselves that the companies should make profits.

The Chief Secretary: I have not heard any member during the debate speak against companies making profits, though they have objected to companies making huge profits.

Hon. H. K. WATSON: If they make large profits, they have to pay huge amounts in taxation. There is a limit to what an employer can use by way of eating, drinking and clothing himself. What does he do with the profits? He puts them back into the business to provide further employment for the workers and security for himself and his staff.

Hon. J. McI. Thomson: And also to provide improved amenities.

Hon. H. K. WATSON: Yes. Profits do not disappear into thin air, but are ploughed back into the business for the benefit of the country.

There is a further point to which I wish to refer. It is a month or so since this Bill was introduced. The cost of running the department was £50,000 a year.

Hon. N. E. Baxter: It was £35,000 for the half year on the previous occasion.

Hon. H. K. WATSON: That would make it £70,000 for the year.

The Chief Secretary: That was a different type of control.

Hon. H. K. WATSON: In the Governor's Speech, we were told that a Bill would be introduced to control prices, and the measure has been before Parliament for a month. During the past week the Premier has presented his Estimates of Revenue and Expenditure for the year ending the 30th June, 1955. On reading the Estimates, which cover the whole of the activities of the State, I find that the Treasurer estimates a deficit on the year's operations of £141,071. Thus, right to the uttermost pound, the Treasurer has worked out the estimated deficit.

Yet when we turn to page 56 of the Estimates, we find under the heading "Prices," the estimated expenditure for 1954-55 is £1,000, consisting of £100 for incidentals including postage and telephones, stationery, travelling, purchase of goods for evidences, prices advisory committee, etc.; £504 for the commissioner; and £321 for temporary assistance. In other words, the salary of the commissioner and of temporary assistance was apparently for the few months that expired between the 1st July and the time when the former commissioner was translated to another position.

My point is this: Here is a Government on the one hand bringing down a Bill which will involve an expenditure of £50,000 a year and then making no provision in the Estimates for that expenditure. That seems to me to be extraordinary. I am not going to suggest that the Government has brought the Bill down merely as a bit of political hoodwinking with a view to having it defeated. I am prepared to accept the explanation that was given; but I consider it most extraordinary that the Government should bring down a Bill involving an expenditure of £50,000 a year and make no provision in the Estimates for it.

The Chief Secretary: You vote for it and see what will happen.

Hon. H. K. WATSON: I am prepared to take the Government at its own estimate and vote against the second reading.

On motion by the Minister for the North-West, debate adjourned.

## **BILL—POLICE ACT AMENDMENT**

(No. 2).

*Second Reading.*

Debate resumed from the 9th September.

**THE CHIEF SECRETARY** (Hon. G. Fraser—West—in reply) [9.10]: Mr. Simpson, in speaking to the Bill, expressed his wish to amend it in two directions. His first proposal is to alter the method of

appointing the representatives of the commissioner and the Police Force on the board, and the second is to delete the right in the Bill of a police officer to appeal against the commissioner's transferring him by way of punishment. Mr. Simpson considers that, instead of the commissioner's appointing his representative, he should make a recommendation to the Governor for appointment. In place of the members of the Police Force electing one of their fellow officers as their representative, Mr. Simpson thinks a better and more experienced representative would be an executive member of the Police Union, who should be appointed by the Governor on the recommendation of the executive.

While these proposals may possess some merit, the Government considers that the provisions in the Bill are preferable. They are similar to those applying to the Railways Punishment Appeal Board, which have proved very successful for years. As the appeal board is a new departure so far as the Police Force is concerned, it is felt that it would be wise to base the board on provisions which have stood the test of time and not to follow a new procedure. It is also considered that all police officers throughout the State should have the right to select their representative, rather than leave it to the Executive to select him. As well as the Railway Department, members of the Public Service elect their representative on their appeal board, and this applies to other appeal boards. This is a more democratic procedure than an appointment by the Executive, and is the procedure adopted by the Commonwealth Public Service in the matter of appeal board representation.

According to Mr. Simpson, as the parent Act does not give the commissioner the right to transfer an officer by way of punishment, the Bill should not contain the provision entitling an officer to appeal against such a transfer. First of all I might say that exactly the same thing applies to the Railway Department. The Railway Act does not include a provision for a transfer as a means of punishment, but a railway officer may appeal on such grounds. That has been the position for many years and has operated successfully. Might I emphasise that men may be transferred for disciplinary purposes, and that some of these men might regard the transfer as a punishment. I am told that, in the Railway Department, it is very seldom that an appeal against such a transfer is received.

Members will appreciate that at times it does become necessary to transfer police officers as a disciplinary measure. There are occasions when it would be most unwise to retain an officer in a certain district. In such a case, a transfer would be warranted. If necessary, cases could be cited where transfers have been in the interests both of the force and of the individual concerned.

However, it is not beyond the bounds of possibility that a senior officer could, in a spirit of vindictiveness, or for other reasons, present a case against one of his juniors that would result in the junior's being transferred by the commissioner. The proposal in the Bill that Mr. Simpson desires to have deleted would give an officer, who knew or felt he had been victimised, an opportunity to appeal against his transfer. If there were only one such case, the provision would have proved its value, and the Government considers it is a necessary protection. I would like to emphasise that the Police Union is most insistent that Mr. Simpson's amendment be rejected.

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.

Clauses 1 to 6—agreed to.

Clause 7—Part 11A added:

Hon. C. H. SIMPSON: I move an amendment—

That after the word "members" in line 19, page 3, the words "appointed by the Governor" be added.

It is necessary to deal with all the amendments I have on the police paper as a whole because, although the first refers to one particular line in the Bill, they all—with the exception of two—deal with the principle contained in the first of them. The other two deal with another portion of the same clause, which, in a sense, brings all the amendments into line with one another. All these amendments have to do with the appeal board which is provided for in this clause.

The Bill is acceptable because it provides for this punishment appeal board, which has proved satisfactory in other branches of the Government service. Generally speaking, such a board has worked to the satisfaction of both employees and management. During the debate on the second reading, I pointed out that the amendments I proposed to move had application to the method of appointing the members of the board. I called attention to the fact that the police are, generally speaking, a body of men who are differently conditioned in their training and in the responsibility they assume, as compared with most other public servants. Although I have heard of a police strike in one centre, such happenings are rare, as those recruited to the force are specially selected and trained, and have a high sense of their calling.

The measure sets out that the board is to consist of three members, the chairman to be a stipendiary, police, or resident magistrate appointed by the Governor; and this amendment is to bring the

other two appointments into line. The second member represents the commissioner, and is a person appointed by him, under the Bill as printed. It is suggested that in regard to this appointment the commissioner should make a recommendation to the Minister.

The Chief Secretary: Why go to all that trouble?

Hon. C. H. SIMPSON: It is a common practice in other branches of the public service.

The Chief Secretary: Not as regards appeal boards.

Hon. C. H. SIMPSON: The principle is the same. The third member in this instance is elected by members of the Police Force from among their own number, in the manner prescribed. Generally speaking a man elected by the Police Union to its executive committee is chosen for his special qualities—

Hon. L. Craig: Would he be impartial?

Hon. C. H. SIMPSON: In most cases the secretary of the union is the employees' representative on the board. Of course, there is a danger that a contestant for the position may get the popular vote, and yet be a trouble maker, or something of that sort; and in the long run, it might be an unwise choice on the part of the union. It is with the idea of selecting the best possible representative from the ranks of the force that I have put this suggestion forward. My understanding was that there was no objection by the body of the police to what I have suggested; and I am surprised to learn from the Chief Secretary that they are opposed to this method of selection, which I would have thought almost guarantees that the position will be identical with that obtaining in other unions—that is, that the secretary of the union will be the employees' representative. At all events, that explains why we desire these amendments; and I hope the Committee will agree to them.

The CHIEF SECRETARY: These amendments are so interwoven that it is impossible to separate them, and so a decision on one will apply to the lot—

Hon. C. H. Simpson: With the exception of two.

The CHIEF SECRETARY: I think it would be unwise to agree to the amendment. I cannot see that provision for the Governor to appoint the three members of the board would make for confidence on the part of those that had to go before it. Such a board would be open to the suggestion that it was rigged against them. I would remind members that a man who might be a good executive officer could be the worst possible representative

on an appeal board. I have never known of an employees' representative on an appeal board who was not a fair-minded man.

Hon. L. Craig: Would he be impartial?

The CHIEF SECRETARY: It is the difference between Tweedledum and Tweedledee. As a member of the Commonwealth Public Service, I served for years as a member on an appeal board.

Hon. H. K. Watson: I think I had a say in the matter in those days.

The CHIEF SECRETARY: Yes; the hon. member voted for me. Why does Mr. Simpson desire to get away from a system which has been tried and proved satisfactory over the years?

Hon. C. H. Simpson: The police are a special body of men.

The CHIEF SECRETARY: They are no different from anybody else in this regard. In this respect their outlook is the same. For the Governor to have the final say would, in my opinion, undermine the confidence of those who had to go to an appeal board, and I hope the Committee will not agree to the amendment.

Hon. F. R. H. LAVERY: I oppose the amendment. Mr. Simpson, when speaking to the second reading, said—

The amendments which I propose to place on the notice paper provide that the member representing the union shall be selected by the executive of the union and, of course, recommended by the union.

Hon. H. K. Watson: Are you quoting from "Hansard"?

Hon. F. R. H. LAVERY: I am quoting from a strip of paper that I have here.

The CHAIRMAN: I would advise the hon. member that he is not permitted to quote from a current "Hansard."

Hon. F. R. H. LAVERY: Mr. Simpson said that he was given to understand that members of the union would be happy to have an executive member of the union as their advocate.

Hon. C. H. Simpson: I think they would.

Hon. F. R. H. LAVERY: I inquired among the rank and file of the Police Force, and I have a great number of friends who are policemen. They know me as a person who will do things to the best of my ability; and I can assure Mr. Simpson that it is not the wish of the rank and file of the Police Force that their representative be elected or selected from the executive of the union only, but that he should be elected from the body of the force by the members of the union as a whole. I inquired the views of men in fairly high executive positions in the Police

Force, as well as those on the beat; but I will say that not one of them was an executive officer of the union. I did not inquire from 10 to 20 of them, but from a great number. As a result of my inquiries, I oppose the amendment.

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

Ayes	10
Noes	14

Majority against 4

#### Ayes.

Hon. N. E. Baxter	Hon. C. H. Henning
Hon. L. Craig	Hon. J. G. Hishop
Hon. L. O. Diver	Hon. J. McL. Thomson
Hon. Sir Frank Gibson	Hon. H. K. Watson
Hon. H. Hearn	Hon. C. H. Simpson

(Teller.)

#### Noes.

Hon. C. W. D. Barker	Hon. F. R. H. Lavery
Hon. G. Bennetts	Hon. L. A. Logan
Hon. R. J. Boylen	Hon. J. Murray
Hon. E. M. Davies	Hon. H. L. Roche
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. R. F. Hutchison

(Teller.)

#### Aye.

Hon. A. F. Griffith

#### Pairs.

Hon. W. F. Willesee

#### No.

Amendment thus negatived.

Hon. C. H. SIMPSON: Most of the amendments I have on the notice paper are consequential, with the exception of those numbered 9 and 10. Amendment No. 9 on the notice paper is really a matter of drafting, and amendment No. 10 is the main one which refers to a member being transferred by way of punishment. That is something which has been placed in the Bill but which is not in the Police Act.

The Act, as it now stands, lays down that the commissioner may impose certain punishments on members of the force, according to their rank, and it sets out what those punishments may be. They have been revised and brought up to date in the Bill, and on the whole there is no objection to them. They were thoroughly debated in another place, and the Government accepted certain amendments to them which were moved by the Opposition. However, there is a new provision in this Bill which states that an appeal can be made where a man is transferred by way of punishment.

To my mind this could lead to all sorts of complications. Any transfer which did not meet with the desires of an employee could be the subject of appeal, because he could claim that it was made by way of punishment. The administration must have some power, and the right to place employees in those places and in those positions in which it thinks the interests of the police are best served. I know that

on occasions policemen have been transferred because of some local trouble. In the debate in another place the Minister gave an instance of that; but I do not think that could be interpreted as a punishment directed against the employee. It was probably a measure of consideration for the employee rather than a desire to punish him. The commissioner should have the right to transfer a man without appeal merely because his action in transferring him might be interpreted as a means of punishment.

It could be interpreted in this way: If the present Act does not give the commissioner power to use transfer as a means of punishment, then, if it could be proved, say, to the Minister, that the commissioner has been doing that, the Minister would have every right to punish him for doing something for which he has no power. It is dangerous to embody this in a Bill when it was never in the Act. It presupposes that the commissioner has greater power than he has. I can see the possibility of many appeals, and a great waste of time and money as a result of action by employees who take the view that they have been transferred as a punishment. I move an amendment—

That after the word "rank" in line 21, page 5, the word "or" be inserted.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment. Through the years the Railway Department employees have had an opportunity of appealing if they thought they were being transferred by way of punishment.

Hon. C. H. Simpson: You will not find that in the Act.

The CHIEF SECRETARY: They may not be transferred by way of punishment in the Railway Department, but they can appeal against being transferred.

Hon. C. H. Simpson: The system says that all transfers shall be advertised and applied for.

The CHIEF SECRETARY: They can appeal against being transferred; but the right has been and will be rarely used. If a man thinks his transfer unjustified, he should have a right of appeal. If he has no right of appeal, he will be disgruntled; and if he is disgruntled, he will not give such good service.

Hon. C. H. Simpson: You are clothing the commissioner with power he does not possess.

The CHIEF SECRETARY: We are clothing the employee with power to appeal if he thinks he is being transferred by way of punishment.

Hon. C. H. Simpson: You are assuming the commissioner has that power.

The CHIEF SECRETARY: It does not matter whether he has it or not. I cannot see any reason why an individual should not have a right of appeal if he feels he is being transferred by way of punishment. If the provision is abused, we can amend it.

Hon. C. H. Simpson: Not very easily.

The CHIEF SECRETARY: As easily as the hon. member can put this in. The Railway Department employees have had this right of appeal, and that is a much bigger department than the Police Department.

Hon. G. BENNETTS: I hope the amendment will not be agreed to. I know of a case within the last 12 months where I was called to make some arrangements because of a man having been transferred by way of punishment. There is a possibility of officers in the department getting a set on a lower-grade officer and employing pin-pricking tactics merely because the other fellow does not drink with them. On the occasion to which I refer, a higher-grade officer and a third-class officer were concerned, and eventually the individual was derated and transferred as a punishment. He had a large family and could not get accommodation. He had sacrificed his home. I was able to put up a good case, and another proposition was put to this man. It was suggested that he go to another station where he could obtain accommodation, and schooling for his children. If he had not agreed to go, he would have had no right of appeal. In the Bill, the employee has the right to approach the appeal board and have his case heard on its merits. That is as it should be.

Hon. L. A. LOGAN: I am not certain of the meaning of Mr. Simpson's amendment. Does he want to take from the commissioner the right to transfer employees in the Police Department?

Hon. C. H. Simpson: This is something new in the Act which assumes the commissioner has a right which he has not.

Hon. L. A. LOGAN: The commissioner has a certain amount of prerogative and can use it very often in the best interests of a constable or police officer. After a police officer or constable has been transferred, we should give him the right of appeal. Very often he is transferred in the best interests of the Police Force.

Hon. H. K. Watson: We should leave that prerogative with the commissioner.

Hon. N. E. BAXTER: I think Mr. Logan has the wrong impression. The provision in the Bill states that, if he is transferred by way of punishment, he should have a right of appeal. Under statutory law, the Commissioner of Police has no right to punish an officer by transferring him.

The Chief Secretary: But he has the right to transfer him.

Hon. N. E. BAXTER: That is so; but not to punish him by transferring him.

Hon. J. Murray: There is no statutory provision prohibiting it.

Hon. N. E. BAXTER: That is so. Clause 4 of the Bill includes some of the penalties which the Commissioner of Police, or his appointed representative, can impose. It does not include the penalty of transferring as punishment. Therefore, unless legislation gives the commissioner or his representative the right to impose a transfer as punishment, the employee has no right of appeal against it because it would not be a punishment but a normal transfer. I do not begrudge a police officer the right of appeal against transfer, but he can only appeal if he feels he is transferred by way of punishment. If another part of the Act provided for appeal against an ordinary transfer, it would be all right. It is incorrect to provide it here.

Hon. H. K. WATSON: I agree with Mr. Baxter. At present, the Act provides that where a member of the force has been guilty of misconduct, the commissioner may impose certain penalties, but nowhere does it include the right of transfer by way of punishment. In the very nature of the organisation, the commissioner has the right to transfer, and in his position he must have the right to transfer in the ordinary course of his duties. A man who is transferred in the exercise of his duty must accept that as a hazard of his occupation. We are dealing with officers who have been disciplined, and under the principal Act the commissioner has power to discipline them. He may discharge them or demote them or fine them, but he has no power to transfer them by way of punishment; so it seems that the words "or transfer by way of punishment" are unnecessary.

Hon. J. MURRAY: I oppose the amendment on the ground that although the commissioner has no right to transfer a man by way of punishment, that does not mean to say he has not done so in the past, and may not do so again.

Hon. F. R. H. LAVERY: I oppose the amendment for the same reason. Not long ago a policeman in a country district was charged with dereliction of duty inasmuch as he allowed the local hotel to remain open some minutes after 9 p.m. He was not fined, but was given 24 hours' notice of transfer to the Goldfields, from which he had originally transferred on account of the health of his children. A petition was taken up in the district. It reached me, and I gave it to Mr. Watson because it concerned his province.

This man was never taken before a tribunal of any sort, but was transferred on 24 hours' notice, after he had established a home. Because he had no right

of appeal, and could not accept a transfer on account of the health of his children, he resigned from the force, after having been in it for 16 or 18 years. I agree with Mr. Simpson that the commissioner has not the right to transfer a man by way of punishment; but there is no doubt that that has happened in the past.

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

Ayes	.....	11
Noes	.....	14
Majority against		3

Ayes.

Hon. N. E. Baxter	Hon. J. G. Hislop
Hon. L. Craig	Hon. H. L. Roche
Hon. L. C. Diver	Hon. J. McI. Thomson
Hon. Sir Frank Gibson	Hon. H. K. Watson
Hon. H. Hearn	Hon. C. H. Simpson
Hon. C. H. Henning	(Teller.)

Noes.

Hon. C. W. D. Barker	Hon. R. F. Hutchison
Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. L. A. Logan
Hon. G. Fraser	Hon. J. Murray
Hon. J. J. Garrigan	Hon. H. C. Strickland
Hon. A. F. Griffith	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. R. J. Boylen
	(Teller.)

Pair.

Aye.	No.
Hon. Sir Chas. Latham	Hon. W. F. Willesee

Amendment thus negatived.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

House adjourned at 10.9 p.m.