when the Kalgoorlie-Kanowna line was discontinued. That line was then rebuilt from Kalgoorlie to Parkeston, through Crown land which is still Crown land and not Commonwealth land. All the Bill seeks to do is to bring this railway within the Act.

Clause put and passed.

Clause 4 and Title put and passed.

Bill reported without amendment and the report adopted.

COMPANIES ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [5.31] in moving the second reading said: The object of the Bill is to bring this State into line with a practice operating in other Australian States. At the present time, the principal Act provides that every company shall have a registered office in this State approved by the registrar, and the company shall keep at this office a register of its members. This register must detail the names, addresses and occupations of the members; and, in the case of a company having a share capital, particulars of the shares held by each member and of the amount paid or agreed to be considered as paid on the shares of each member.

Section 105 of the principal Act specifies that each registered office shall open for at least four hours on a minimum of two days a week so that the register may be inspected by members without charge, and by the public at a charge not exceeding one shilling. In the Eastern States, companies have been formed for the express purpose of keeping the share registers and indexes of shareholders of other companies. This has proved a very convenient and satisfactory method, and in many cases has relieved other companies of expense.

Representations have been made for the registration of this type of company in Western Australia. To permit registration of such a company, it is necessary to amend the principal Act which, at present, makes it obligatory for each company to maintain its share register at its own registered office. Therefore, the Bill makes it possible for any company to advise the registrar that its register of members will be kept at a place in the State other than its registered office. The company must also advise the registrar of the days and hours during which the register is accessible for public inspection. A penalty of £50 and a daily fine of £5 is provided for each breach of these provisions.

Members will note that the word "person" is used in paragraph (b) of clause 4. In the Interpretation Act "person" includes corporations. It is more likely that the company envisaged in the Bill will be a corporation rather than an individual person. I move—

That the Bill be now read a second time.

On motion by the Hon. W. F. Willesee, debate adjourned.

ADJOURNMENT—SPECIAL

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

That the House at its rising adjourn till 2.30 p.m. tomorrow.

Question put and passed.

House adjourned at 5.35 p.m.

Legislative Assembly

Wednesday, the 14th October, 1959

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CONTENTS—*continued*

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

QUESTIONS ON NOTICE

MEAT

Boning at Midland Junction Abattoir

1. Mr. BRADY asked the Minister for Agriculture:

   (1) Is—or has there been in recent weeks—any boning of meat for export, performed at the Midland Junction Government Abattoir?

   (2) What price is being charged for same if the answer is in the affirmative?

   (3) Is overtime worked, or has it been worked, by the abattoir's employees to get the boning done?

   (4) What is the name of the firm, or firms, for whom the boning is being performed?

   (5) Is the abattoir's management satisfied that the price charged is a payable one to the abattoir itself?

   Mr. WATTS (for Mr. Nalder) replied:

   (1) Yes.

   (2) Beef—2¾d. per lb.
   Mutton—3¼d. per lb.
   Both these prices include boning and packing for export and 28 days cold storage.

   (3) Yes.

   (4) Patton Export Coy.
   United Meat Exports.
   Globe Meats.
   W. O. Johnston & Sons.

   (5) Yes; but boning-room costs are under regular review.

WATER SHORTAGE

Use of Sprinklers on Kindergarten Lawns

2. Mr. O'NEIL asked the Minister for Water Supplies:

   Because a great deal of kindergarten activity takes place on lawns associated with kindergartens, would he give consideration to allowing some limited period of watering by fixed sprinklers, at least to maintain such lawns in usable condition?

   Mr. WILD replied:

   Full consideration was given to the extent to which exemptions should and could be granted before the restriction order was imposed and, because of the present storage position, no relaxation is permissible.

COUNTRY AREAS WATER SUPPLY ACT

Towns Affected by Proposed Amendment

3. Mr. EVANS asked the Minister for Water Supplies:

   What towns will be affected by the proposed amendment to the Country Areas Water Supply Act by the increasing of the maximum rate from 2s. to 3s. in the £ on the annual ratable value?

   Mr. WILD replied:

   (a) All towns on Perth-Kalgoorlie Railway between Parkerville and Kalgoorlie, inclusive.

   (b) Darlington, Glen Forrest, Mahogany Creek, Mundaring, Sawyers Valley.

   (c) Toodyay, Irishtown.

   (d) Spencers Brook to Beverley, inclusive.

   (e) Goomalling.

   (f) Shackleton, Belka.

   (g) Nukarni, Nokaning, Nungarin.

   (h) Westonia.

   (i) Coolgardie to Norseman, inclusive.

   (j) Bullfinch, Marvel Loch.

   (k) Boulder.

ELECTORAL DISTRICTS ACT

Effect of Cancellation of Proclamation

4. Mr. TONKIN asked the Attorney-General:

   (1) Has the cancellation of the proclamation issued under the Electoral Districts Act suspended the operation of that Act?

   (2) For what period is the suspension of the Act constitutional?

   Mr. WATTS replied:

   (1) No.

   (2) Answered by No. (1).

AMMUNITION

Record of Sales to Public

5. Mr. EVANS asked the Minister for Police:

In what States other than Western Australia are retailers of ammunition required to keep a record book of sales made to the public?

Mr. PERKINS replied:

This information is not available but will be obtained and conveyed to the honourable member.

BREAKING AND ENTERING

Cases Reported

6. Mr. HALL asked the Minister for Police:

(1) How many cases of breaking and entering have been reported to the police in Western Australia for the months of April, May, June, July, August, September, and October, 1959?

(2) How many cases of breaking and entering were reported for the same months in the years 1957 and 1958?

Mr. PERKINS replied:

(1) 1,395.

(2) 1,271 for the year 1957.
1,150 for the year 1958.

NORTHAMPTON MINERAL FIELD

Geological Survey

7. Mr. SEWELL asked the Minister representing the Minister for Mines:

Will he have a geological survey made of the Northampton mineral field, to ascertain the mineral wealth of the field?

Mr. ROSS HUTCHINSON replied:

The Northampton field has been geologically examined on many occasions by both Government and highly-skilled company geologists. Reports of the various Government examinations appear in the Mines Department's published records. There is no early possibility of a further examination, as the staff is very fully occupied on other urgent work.

BULK HANDLING

Construction of Bins

8. Mr. CORNELL asked the Minister for Agriculture:

(1) How many country bins at railway sidings have been installed by Co-operative Bulk Handling Limited since the 1st January, 1950?

(2) At what railway sidings were these bins installed?

(3) Were plans for all these bins first submitted for his approval, and did he give approval for their installation in accordance with section 6 of the Bulk Handling Act?

Mr. WATTS (for Mr. Nalder) replied:

(1) Excluding replacements and additions at equipped sidings, and including this year's programme, 34 new rail sidings have been equipped with bulk facilities.

(2)—

Dongara	Noongaar
Irwin	Carrabin
Strawberry	Grass Valley
Pindar	Nalya
Northern Gully	Cuballing
	Williams
Gunyidi	Warup
Namban	Kojonup
Barberton	Burngup
Mogumber	Formby
French's	Tambellup
Dalgouring	Grass Patch
Cleary	Salmon Gums
Warralakin	Boyerine
Lake Brown	Bokal
Barbalin	Darkan
Southern Cross	Kendenup
	Cranbrook

(3) With the exception of Lysaght's silos at some small sidings, a basic design of bins and bulkheads has been used by Co-operative Bulk Handling Ltd. at country rail sidings. Because of this, it has not been necessary for the company to submit individual plans for each new siding where bulk facilities are provided. The Minister has always been informed of the intention to provide facilities at new sidings.

STATE TRADING CONCERNS

Government Undertaking as to Transfer

9. Mr. W. HEGNEY asked the Premier:

In view of the provision in the Western Australian Industries Authority Bill that one of the functions of the authority shall be to advise the Minister on the best method to be adopted in regard to the transfer of State trading concerns to the field of private enterprise, will he give an undertaking that no such transfers will be effected unless and until the stipulations made by him as published in *The West Australian* on the 13th March last are carried out? The stipulations referred to were as follows:—

What we intend to do is first make them payable, based on sound business principles, instead of departmental principles,

and when this is done we will put them on their own as public companies with shares on the Stock Exchange to continue their operations as free enterprise concerns.

Mr. BRAND replied:

The policy of the Government in regard to the disposal of State trading concerns, as set out in my policy speech, will be adhered to.

The considerations mentioned in the statement referred to by the honourable member, together with all other relevant factors, will be fully considered before any decision is made.

STANDARD RAILWAY GAUGE

Kalgoorlie-Perth Line, Correction of Figure

10. Mr. BRAND: I wish to make an explanation in regard to part (4) of the question asked by the member for Mt. Marshall yesterday, in regard to the proposed Fremantle-Kalgoorlie standard gauge line. Due to a misinterpretation, by the officer concerned, of a section of a joint report which related to the Fremantle-Kalgoorlie section, a figure of £59,390,000 was given. This should have been £29,876,750. The £59,390,000 figure included also the balance of the system but was not related to standardisation. The error is regretted.

QUESTIONS WITHOUT NOTICE

ELECTORAL DISTRICTS ACT

Government's Reason for Non-Implementation

1. Mr. TONKIN asked the Attorney-General:

Relative to his answer to question No. 4 today, if the operation of the Electoral Districts Act has not been suspended, will he explain why the Government is not carrying out its provisions?

Mr. WATTS replied:

I think the honourable member was advised at the time this matter was discussed at the beginning of this session that it was the intention of the Government to amend the Act.

Suspension of Act

2. Mr. TONKIN asked the Attorney-General:

In prefacing this question, I would mention that Acts which are operative and which have not been suspended are required to be carried out, despite what happens subsequently. As the requirements of the Electoral Districts Act, so far as conditions are concerned, have been met, and those conditions require certain action to be taken, how can the Minister say that the operation of the Act has not been suspended when the Government declines to take the action required by the law?

Mr. WATTS replied:

Did the honourable member suggest that the Government of which he was a member declined to take action in regard to the same law, when the right conditions existed concerning the number of seats out of balance, and it was approximately 18 months after that time before the proclamation was issued, notwithstanding considerable pressure by the then Opposition to have the proclamation issued?

If I recollect aright, during my absence from this House, the honourable member, in a previous answer to a question, was assured that Parliament had decided that the action taken by the preceding Government should not be continued, and it passed legislation for this purpose; and, at that time, he was advised that the Government proposed to amend the law. I think that the Government, in all those circumstances, is entitled —having obtained the support of Parliament for the revocation of the proclamation issued last March—to have time to introduce its amendments.

3. Mr. TONKIN asked the Attorney-General:

Is the Electoral Districts Act in operation?

Mr. WATTS replied:

Of course it is in operation, in just the same way as it was in operation for 18 months during the time to which I have referred! The proclamation, of course, has not been issued because it has been cancelled by Parliament.

COUNTRY AREAS WATER SUPPLY ACT AMENDMENT BILL

Minister's Reference to Kalgoorlie

4. Mr. EVANS asked the Minister for Transport:

Is he aware it is recorded in *Hansard* No. 14, at page 1970, that when I was speaking, during the Committee stage, on the Country Areas Water Supply Act

Amendment Bill, I said, "Kalgoorlie is one of the towns concerned"; and the Minister, by interjection, said, "No it's not! That is where you are wrong!"? Therefore, in view of the answer the Minister for Water Supplies has given to me today in reply to question No. 3, when he said, "All towns on the Perth-Kalgoorlie railway between Parkerville and Kalgoorlie, inclusive", will he please realise that he is wrong?

Mr. PERKINS replied:

I do not know whether that is a question. I think it is more a statement of fact. The last words spoken by the honourable member were, "will he please realise he is wrong?"

The SPEAKER: I do not think that is a proper question.

FACTORIES AND SHOPS ACT

Officers' "Pinpricking Tactics" Against Musgrove's Ltd.

5. Mr. CORNELL asked the Minister for Labour:

According to last night's *Daily News*, the firm of Musgrove's Ltd. was fined 10s. for having been open after hours, presumably for the purpose of staging a public television show. In view of the fine imposed, is he personally in agreement with the pinpricking tactics of the Department of Labour in regard to the so-called violation of the Factories and Shops Act?

Mr. PERKINS replied:

I did not return to Perth until 1 a.m. today, so I am not conversant with the details of the case mentioned by the member for Mt. Marshall. There are usually complicated circumstances in these cases, the pattern being that other shopkeepers complain about a certain firm trading after hours. I do not think the officers of the Department of Labour are responsible for pinpricking tactics.

Designation of Offence by Musgrove's Ltd.

6. Mr. HAWKE asked the Minister for Labour:

In view of the fact that the court which heard the case mentioned by the member for Mt. Marshall found the company guilty and convicted it, will he agree that the breach of the law is, as described by the honourable member, a so-called breach?

Mr. PERKINS replied:

Not having any knowledge of the particular case I would prefer not to make any further comment. In order to give a satisfactory answer I would have to see the papers.

MONEY LENDERS ACT

Adequacy of Fine

7. Mr. HAWKE asked the Attorney-General:

Recently a firm was convicted under the Money Lenders Act for charging excessive interest. A fine of only £20 was imposed. Will the Attorney-General look into the amount of fine involved and give the House the benefit of his opinion on the situation?

Mr. WATTS replied:

I will be glad to make inquiries into the matter, the circumstances of which, at this stage, are unknown to me. I would add, however, that the penalty in every case—not only in this case—is in the discretion of the magistrate within the terms of the Act; and it is virtually impossible—if not quite so—for the Attorney-General or anybody else to rectify the position.

8. Mr. HAWKE asked the Attorney-General:

The reason I asked the question was not to reflect on the magistrate but to ask the Attorney-General to inquire into the question of whether the maximum fine and the minimum fine—if there is a minimum—are adequate in the light of circumstances which exist today compared with the circumstances which existed when the penalties were first put into the Act.

Mr. WATTS replied:

If the honourable member will put his question on the notice paper I will be more likely to recollect what he desires.

BILLS (10)—FIRST READING

1. Oil Refinery Industry (Anglo-Iranian Oil Company Limited) Act Amendment Bill.
2. State Housing Act Amendment Bill.
   Introduced by Mr. Ross Hutchinson (Minister for Health).
3. Licensing Act Amendment Bill.
   Introduced by Mr. Watts (Attorney-General).
4. Betting Control Act Amendment Bill.
5. Stamp Act Amendment Bill.

6. Bookmakers Betting Tax Act Amendment Bill.
7. Betting Investment Tax Bill.
8. Stamp Act Amendment Bill (No. 2).
9. Entertainments Tax Act Amendment Bill.
10. Entertainments Tax Assessment Act Amendment Bill.

Introduced by Mr. Brand (Treasurer).

BILLS (2)—THIRD READING

1. Katanning Electric Lighting and Power Repeal Bill.
2. Administration Act Amendment Bill.

Transmitted to the Council.

ROYAL COMMISSIONERS' POWERS ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 30th September.

MR. WATTS (Stirling—Attorney-General) [5.0]: This Bill seeks to nullify certain provisions, regarding witnesses, which were incorporated in the Royal Commissioners' Powers Act Amendment Bill passed by Parliament in July last. The proposal is to delete from subsection (3) of new section 12 of the Act the words "has the same protection and" which are to be found in the third line. The subsection would then read, if these words were deleted—

> Subject to this Act, a witness summoned to attend or appear before a Royal Commission is, in addition to the penalties provided by this Act, subject to the same liabilities in any civil or criminal proceedings, as a witness in the proceedings in the Supreme Court.

As the section stands in the Royal Commissioners' Powers Act there is no question whatever that in the absence of any certificate under the Evidence Act—and no such certificate has been granted in the present Royal Commission, so that that condition does not in any way apply—a witness is subject to the ordinary criminal proceedings in respect of any offence which a witness as such can commit, but is given certain protection from civil proceedings mainly related to defamation.

The major points made in favour of the proposal in the Bill are that the provision in the Act merely encourages persons who are liars and rogues to come forward and give evidence, whereas reputable persons would not require any protection. When the Leader of the Opposition was speaking on that point I interjected to the effect that a great many reputable people would not have appeared before the Royal Commission, either, had the provisions not been placed in the Act. I believed—and it has been confirmed by discussions with responsible officers of the Crown Law Department—that there was a grave risk that reputable witnesses would not have been prepared to testify if the section now objected to had not been incorporated in the law.

In fact, I have been informed that after the advertisement appeared in the Press advising the proposed witnesses to contact the secretary of the commission, some persons who were regarded as certainly coming within the category of perfectly reputable persons, before they would agree to make an appearance before the commission expressed the desire to be assured of their position as witnesses.

It should be remembered that even though a man may be speaking the truth and be absolutely sure of the truth of his own statements, without the protection afforded by this Act he cannot be assured that he will not become a defendant in a defamation action by any person who is affected by the evidence he has given. Even if he subsequently succeeds in winning such an action, he has had all the expense and unpleasantness which must ensue; and all of this, I submit, is taken into consideration by a reputable person in coming to a conclusion as to whether or not he should offer testimony.

No-one likes to be involved in an action for defamation, even though perfectly satisfied of the truth of the statements he has made. Such actions are definitely unpleasant, at the best. Generally, in such actions, every effort is made by the plaintiff and his counsel in every possible way to discredit the reputation and character of the person who is to be defended; so that even if the person who is the defendant wins the action, as I said, he cannot escape from the unpleasantness which must be associated with such an action in those circumstances. And that is, undoubtedly, the reason why even reputable persons are unwilling—and in this instance I am informed were shown to be unwilling—to offer their testimony without some knowledge as to the protection that was afforded to them.

I would suggest that in consequence of that it can be said with reasonable assurance that the provisions of the Act were desirable. It seems to me to be quite immaterial whether the witnesses are of good, bad, or indifferent character. The relevant consideration should be: Is their evidence true and has it any bearing on the inquiry? Whether or not the evidence given is true is a matter first for consideration by the Royal Commissioner in such a case as this on grounds of credibility; and, secondly, for consideration as to perjury charges as to which guidance is hoped for from the commissioner's report when it is available.

In the course of his remarks, the Leader of the Opposition said that the provision to protect witnesses was put into the Act

because of the knowledge which the Premier and the Minister for Works had with regard to two persons called Berry and Peat. At that stage I interjected, "You cannot get away with that statement. It was put in because the Crown Law officers advised that the commissioner was of the opinion that he, counsel, and witnesses should be protected."

When, in July, I introduced the Bill which has now become an Act, I endeavoured to make it extremely plain to the members of this House that the genesis of the measure then before the House was a suggestion received from the Royal Commissioner through the Chief Crown Prosecutor when the latter officer was in Adelaide discussing the preliminary arrangements for the sittings of the commission with the commissioner before the commissioner came to Western Australia at all. I was particularly careful to reiterate that statement.

The start of the Bill was a report made by the Chief Crown Prosecutor as a result of his discussions with the Royal Commissioner in Adelaide. Let us get that perfectly clear; let us have no misunderstandings on that point. Those discussions took place towards the end of June, as I said, before the Royal Commissioner came to Western Australia, and a considerable time before he started upon his inquiry. The report was actually made to the Solicitor-General in the first instance, and the date of it was the 2nd July, 1959. On the same date the Solicitor-General sent a minute to me recommending that the Government should give consideration to legislation to carry out the proposed amendments.

For a long time prior to these dates, discussions had ensued between Ministers in the Cabinet and the Government with the Solicitor-General as to the proposed terms of reference for the commission, because it was proposed that before the Chief Crown Prosecutor went to Adelaide he should have—in order that he might take them with him—copies of the proposed terms of reference to discuss with the commissioner.

In those discussions between the Ministers on this subject, at no time prior to the 2nd July—the date to which I have just referred—was there any reference whatever to amendments to the law. During the course of the debate in July, I also stated—I refer to the debates in this House on the Bill which has now become an Act—that on a previous occasion, approximately three years before, the Solicitor-General had drawn the attention of the then Minister to the desirability of giving consideration to amendments to the Royal Commissioners' Powers Act. But, as I think I made perfectly clear at that time, that particular memorandum was not brought to my notice until after the Bill was introduced at the first reading; and the only memorandum which was extant prior to that time was the one which was dated, as I have already said, the 2nd July, 1959, and sent to me by the Solicitor-General.

I indicated also—and subsequently established during the course of the debate—that similar legislation was in force in several of the other Australian States; and in one case had been in force for the better part of half a century, therefore establishing the fact that there was considerable precedent for legislation of the type.

However, to come back to the Solicitor-General's memorandum of the 2nd July. I gave it consideration and discussed it with him in person, and then took the opportunity of discussing this report from the Solicitor-General with Cabinet on the 6th July; and on the 8th of that month, in accordance with Cabinet's decision, instructed the Chief Parliamentary Draftsman to prepare legislation.

I want to make something very clear at this point—very clear indeed. Up to that time—namely, the 6th July—neither the Premier, nor the Minister for Works, nor any other member of the Cabinet, was aware of the suggestion that the Act should be amended; and had it not been for the submission of the Royal Commissioner via the Chief Crown Prosecutor, it is my opinion that nothing would have been done to amend the Act.

However, in view of his request, and in view of the recommendations, it was a course—I would suggest—that any responsible Government in such circumstances would follow. Therefore it is quite ridiculous to imply or state that the protection was incorporated in the Bill because of any prior knowledge of any of the Ministers before the 6th July, with the exception of myself; and my knowledge was only from the 2nd July—the date of the Solicitor-General's minute some four days previously.

The Leader of the Opposition made considerable play on the fact that I had answered a question, without notice, from the member for Victoria Park. The answer I gave him was—

> No; although I was aware that some representations had been made.

The question he asked was whether I knew that Berry and Peat had interviewed Premier Brand. It is quite clear that I was not expressly aware that the allegations or representations were made by persons with those names, and therefore I answered the question quite truthfully.

I wish to make it quite clear, however, that statements similar to those which have since been placed in evidence on record by these persons were being made at almost every street corner where starting-price betting, and racing and trotting were discussed prior to and during the course of the election campaign.

This type of statement had been made to me as far away from Perth as Nyabing and Albany. Even the name of the member for Melville had been mentioned in the statements made to me. As far as that honourable member is concerned, I would not believe those statements then, nor would I believe them now. Nevertheless they were made to me by persons whom I knew to be of good repute; and therefore that indicated to me that such statements were being freely made in many places.

I questioned people who made them on two occasions at least—the ones I referred to at Nyabing and Albany—and I told them quite bluntly that I did not believe there was any truth in them, because I had known the member for Melville for some 24 years; and, although I might criticise, or question, or argue about the interest that I know, and have known for many years, that he takes in such matters as racing or betting, and therefore might regard him as foolish, I would in no circumstances regard him as a rogue; and those were the circumstances, in at least two cases, when the statements were made to me.

As I have said, I did not believe them then, nor would I believe them now in regard to the honourable member. We have disagreed on many occasions, as he well knows, and I do not doubt that we shall disagree hereafter; but so far as I am concerned I cannot accept the proposition—and I would not accept it—that he has taken action or done things which could put him in the category of a rogue. But unfortunately I have no hesitation in saying that at least a dozen people had mentioned his name to me in such connections; and they were prepared to regard him, in the view apparently of the then current rumours, as either a fool or a rogue.

When I weigh up the question carefully and look back over these personal matters, I say in complete honesty—in all the circumstances I have to say these things today—I come to the conclusion, and I think it is a reasonable one, that the result of this Royal Commission has done the honourable member more good than harm.

Mr. Graham: Rubbish!

Mr. WATTS: If it has not disabused the minds of the people of the ideas they had got—and I assure the Leader of the Opposition that I am not joking in this regard; these are factual statements I am making, because in no circumstances would I make them otherwise, as I think the member for Melville well knows—the result of the Royal Commission has brought to the light of day not only the rumours that were made, but also the characters of some of the persons who were prepared to make them publicly; and it has given the honourable member the opportunity to rebut them by first-hand information as opposed to the mere hearsay on which, as it now appears, the statements were based.

In *The West Australian* of yesterday, there is a statement by the Royal Commissioner on this subject—

> Mr. K. W. Hatfield, for bookmaker P. B. Healy, said that Berry had lied point-blank to the Commissioner over about six pages of transcript. He was a man for whom perjury was a minor offence and had shown a great degree of native cunning.

I quote that in order to lead to the commissioner's remarks. The report continues—

> Sir George said he thought the comments made about Berry were justified. He agreed with everything that Mr. Hatfield had said about Berry.
>
> The Commissioner made these comments when Mr. F. T. P. Burt, Q.C., counsel for the Premises Bookmakers' Association, was dealing with points he had been asked to answer about the association's minutes.
>
> Mr. Burt said Berry was no longer a member of the association.
>
> Speaking of Berry, Sir George said: "No-one could support his conduct in making threats to the association and then going to the politicians. What can you think of a man who does that sort of thing?"

The most important part of the statement is that Sir George said he thought the comments made about Berry were justified; and that he agreed with everything that Mr. Hatfield had said about Berry. Mr. Hatfield said that Berry was a man for whom perjury was a minor offence; so that was something for the commissioner to agree with.

That is not the only statement the commissioner has made on similar lines, but it is the latest one; and the net result of such statements is that there is a distinct probability that the inquiry, as it has turned out, may have done the honourable member more good than harm—in my opinion it has done him more good than harm, because there has also been direct evidence given by others supporting the rebuttal.

I have here a statement made by the Royal Commissioner on the 3rd September when he said—

> The evidence relating to Mr. Tonkin's name has come into the discussion by way of narrative only. If this had been a court of law there would have been no evidence whatever in it against Mr. Tonkin.

I think the remark made yesterday is more impressive and that is why I quoted it first.

It is also reported that one of the two persons named by the Leader of the Opposition said that statements in a statutory

declaration he had made about the sale of his Victoria Park premises were untrue. That had been in the Press in the rather voluminous reports of the evidence given in the daily newspapers; and I have no hesitation in saying that if the Crown Law officers, when they are able to give full consideration to this matter, recommend that steps should be taken to prosecute, there need be no fear that their advice will be rejected; because I have already said that no certificates have been issued under the Evidence Act in regard to any of the witnesses before this Royal Commission.

Returning to the remarks made by Berry and Peat to the Premier—when Leader of the Opposition—I can say categorically that even if I had known in detail that the allegations had been made by these two men, I would have been in no position to judge of their truth, or the reverse; nor would I have been in a position to judge the character or credibility of the men, who were complete strangers to me at the time; and they still are. I have never seen nor spoken to either of them.

Mr. Andrew: You have not missed much.

Mr. WATTS: That may be so, from what I have read; but I simply state the fact. From what I have said, it will be clear that I would have been unwilling to believe the statements; but that would not have proved that they were true or otherwise; the fact that I believe them does not prove their truth or falsehood. In consequence, it would have had no effect whatever on the question of whether they were true or false.

I remind members, too, that in my own policy speech, made at Mt. Barker before the policy speech of the present Premier, or that of the present Leader of the Opposition was delivered, I referred to betting and its evils, and I said—

> We propose thoroughly to investigate the whole problem.

I now quote the remarks made in the speech of the present Premier, when Leader of the Opposition, at Dongara at the beginning of the election campaign, but made subsequent to my own remarks which I have just quoted. He said—

> At present it is claimed that racing and trotting are subject to unfair competition by Government legalised betting shops. In view of the accusations, public statements, and correspondence to the effect that the administration and control of S.P. betting in Western Australia is not satisfactory, and the influence of graft, we would immediately set up a top-level inquiry in order to obtain the facts.

In that statement there is no allegation or imputation against any individual whatever. There is merely a statement that the administration is not considered satisfactory; that there are allegations of graft; and that there should be a top-level inquiry.

The Leader of the Opposition has taken some exception to the contention by the Premier in his answers to questions that the matter was *sub judice* and he wanted to save the Royal Commissioner any embarrassment. The Leader of the Opposition has endeavoured to ridicule that point. I think the honourable gentleman knows better than that, as it has long been customary, when matters are the subject of litigation or inquiry before a Royal Commission, not to express an opinion in Parliament, but to leave the court, or the Royal Commissioner, as the case may be, quite free from any expression of opinion made under privilege in either House.

This practice has been followed on many occasions; and it was followed in this case on the advice of the officers of the Crown Law Department, as the Premier made clear in his answers to one of the questions when he said—

> I must act on the advice of the Crown Law Department and treat this matter as *sub judice*.

The Premier, as is well known—and I understand at the suggestion of the member for Melville—subsequently appeared before the Royal Commission and gave evidence. From a perusal of the newspaper report of the evidence given by him, it would certainly appear that the Premier had not the slightest intention of starting any so-called smear campaign against the member for Melville or anyone else concerned. In *The West Australian* of Tuesday, the 15th September, we find in regard to this matter—

> Premier Brand told the Betting Royal Commission in Perth yesterday that there was no inference that Deputy Opposition Leader Tonkin had gained anything.

I think that indicates a very proper and responsible attitude in this case. The Leader of the Opposition said that it was for the Premier, at some stage, to say that he was out to do the Deputy Leader of the Opposition personal harm. The Leader of the Opposition said that in the course of his speech the week before last. But I suggest to you, Mr. Speaker, that the evidence given by the Premier before the Royal Commission, if examined, will give a sufficient answer to that imputation.

The Leader of the Opposition had much to say about the fact that the present Premier, in his policy speech when Leader of the Opposition, did not make any use of whatever information was available to him to establish, as I understand the Leader of the Opposition, that that was dishonest. I think if one looked at this matter reasonably one would come to the conclusion that the reverse was the case—especially if one reviews the very moderate statement I have read that was made by

the Premier in his policy speech in which there were no implications against anybody; it was only indicating that in the event of a change of Government he proposed to get at the facts.

The member for Melville, by interjection during the course of his leader's speech, said—

> Had not the Crown Law officers seen Berry and Peat before that?

That was, before the Crown Law officers advised that witnesses should be protected. By interjection, I said at the time, "I cannot answer"; whereupon the member for Melville further interjected, "Well, they did."

Since that time I have taken the opportunity of making inquiries of the officers concerned in this matter in the Crown Law Department—three or four of them—and I am quite satisfied that none of them had seen either Mr. Berry or Mr. Peat at any time before the reports and recommendations to which I have previously referred were supplied to me, nor indeed for some considerable time afterwards. The Chief Crown Prosecutor saw them just prior to the opening of the Royal Commission, and that was only because of his association with the Royal Commission; and, to a lesser extent, the secretary of the commission saw them.

I have discussed this matter with those gentlemen; and they have assured me, quite categorically, that both of those persons were strangers to them until that time. Therefore I say to the member for Melville that I am perfectly satisfied that they did not—I say that in response to his interjection, "Well, they did."

I am surprised that some responsible members of Parliament have endeavoured —or so it seems to me anyway—to drag in officers of the Crown Law Department in an assertion that, if it were true, might amount to something dishonest. Therefore I was determined to satisfy myself on this question in order that I might be able to give the statement the direct denial, which I have now done.

In all those circumstances, and in view of the explanation which I gave earlier as to the intention of this legislation and the genesis of it, and the fact that I have assured the House that if on examination the recommendation of the Crown Law Department is that anyone should be prosecuted that recommendation or recommendations will not be rejected, I think that this House is justified in rejecting this measure; and, accordingly, I oppose the second reading.

MR. GRAHAM (East Perth) [5.33]: I am more than a little disappointed at the attitude of the Attorney-General with regard to the Bill introduced by the Leader of the Opposition. I would have thought that the feast and surfeit of detail that we have been reading over the past weeks in connection with the Royal Commission into betting, and some of the more unsavoury aspects of it, would of themselves have been sufficient to convince him, and those who sit on his side of the House, of the necessity for some action to be taken in order to protect innocent persons from scoundrels and individuals of low repute.

Some mention has been made of the precious term, *sub judice*, and the fact that it would have been improper for the Premier several weeks ago to answer certain questions which were addressed to him. It did not prevent the Leader of the Opposition saying what he wanted to say in connection with the Bill he introduced, and reciting chapter and verse certain things which eventuated before the Royal Commission; and expressing his opinion on some of the evidence that was given and some of the witnesses who appeared before it. We have had something akin to that tonight from the Attorney-General. Yet this term *sub judice* keeps obtruding itself.

I would remind members that there is a Royal Commission sitting in South Australia, and it is dealing with a matter which concerns the fate of a human being —as to whether he should be hanged. There was a full-dress debate in the South Australian Parliament upon all the circumstances surrounding that serious matter. I mention that merely to indicate that Parliament has some precious rights and privileges, just as we have some tremendous responsibilities. I repeat, I am more than a little disappointed in view of what we have had the misfortune of witnessing and reading over the past few weeks.

The Government apparently is determined to perpetuate the grave error it made several weeks ago. It would almost appear that those who sit on this side of the Chamber had some pre-knowledge of what would transpire, because more realistic descriptions of what could happen could not have been given. But now the damage has been done.

What has been said and produced at the Royal Commission has shown that we were justified and correct in every respect in what we said. When I spoke on the Bill introduced several months ago I put in black and white in the records of this Parliament what I thought about it; and I stated that I did not think that Party political considerations were the motivating force behind the introduction of the legislation; and I certainly hoped not.

I am inclined to revise my opinions, more particularly as the Government has not learned its lesson from this most disgraceful state of affairs. It has made it possible for the lowest of the low to say anything—and they have proved themselves to be the lowest of the low; that is the conclusion of the Royal Commissioner. What they said has been demonstrated to be palpably false.

These individuals, with nothing to lose and no characters or reputations have, in my view, done irreparable damage to decent citizens.

The fact that the Royal Commissioner has stated that these persons are of low repute, and that not one word of their utterances could and should be given credence matters little. The things that have been said have had their effect; and I think that every member of this Chamber, if he is honest with himself, must admit that that is so. I do not desire to indulge in theatricals, or anything of that nature; but I am certain that if every member is honest with himself, he will admit that there has been a definite change of demeanour on the part of the Deputy Leader of the Opposition because of this damnable thing that has occurred. I am aware that he is diffident in the matter, and undecided as to whether he can properly partake and indulge in the debate on this Bill.

I met the other person involved—Mr. Miller (the Director of the Government Tourist Bureau)—not by any pre-arrangement, but because we both happened to be at a certain important football match at the same time. It was obvious that that man, whom I have known for a quarter of a century, felt embarrassed upon meeting me, not because of anything that he has done, or anything of which he needed to be ashamed, but because of the shocking things said about him and read by the people of Western Australia.

It is bad enough for him; but, as I indicated during the debate on the earlier measure, in the case of a public man whose name, integrity, and reputation are at stake, such foul words as were uttered could mean the end of his public career. Decent people like the Attorney-General are quite satisfied about the honesty and integrity of my colleague, the member for Melville; but what about people outside? What will be the position some time hence when some person passes a casual remark in conversation, or says a few things in the club or an hotel?

An interjection might be made at a pubilc meeting—"Yes, Tonkin, what about that sling?" Surely, however irresponsible the remark or the interjection, it immediately revives not memories of all the incidents and the proving beyond any doubt of the innocence of the person whose name was mentioned, but some of the things that were said. If I might use a common phrase, in the minds of some it would ring a bell—"That is right. A couple of years ago you remember there was a Royal Commission on betting and people were paying out £100 and £200 to this public man in order that they could get a license, or something of that nature."

No doubt with the passage of time all sorts of embellishments will be made to the story. The persons responsible for the destruction of the good name and character of a decent citizen, in part or to the degree that I have outlined, are the persons for whom the original legislation was drafted. It was drafted to protect them; and, notwithstanding the experience of the past few weeks, this Government, to its eternal discredit, is apparently determined that such scoundrels will in future be protected. They are to be encouraged because they have nothing to fear, and nothing to lose.

Mr. Oldfield: It expires in December, 1960.

Mr. GRAHAM: I have had sufficient experience of these recurring Bills to know what that means. I am also aware of what a governmental majority means; and if this Government in its attitude this evening indicates it and is determined to reintroduce the legislation next year, then for certain the measure will pass. I repeat I would not have thought it necessary for speeches to be made from this side of the House in order to convince members of the fairness and necessity of the amendments proposed by my worthy leader.

I do not think members of the Government come out of this matter very clean. My summing up is that the speech of my leader, made a fortnight ago, was a damning indictment of those who now occupy high places in this Government. I am aware of the efforts that had to be undertaken in order that the Premier of the State should be called before the Royal Commissioner. I am aware, too, that before the Deputy Leader of the Opposition —who sought no more than to put himself in the clear and also to reveal to the public the events that preceded the decision to hold a Royal Commission—could ask questions of the Premier, the questions had to be set out in writing, submitted to the Royal Commissioner, and censored by him. Approximately half of the questions, each one of them relevant to the inquiry without any shadow of doubt, because I saw them, were expunged by the Royal Commissioner. I wonder why!

Has there been any limitation on what, for instance, Mr. Negus has been able to ask of any witness; or on the allegations and imputations he has made against the previous Government in the form of questions to certain witnesses? Of course not! But when the Deputy Leader of the Opposition, whose name had been blackened at that stage, sought to ask some questions so that the position might be seen in its proper perspective, the Royal Commissioner intervened in the manner I have indicated.

The SPEAKER: Order! I think the member for East Perth must not continue too long on that line. This is a Bill to deal with the protection of witnesses, not the conduct of the Royal Commissioner.

Mr. GRAHAM: Technically, Mr. Speaker, you will, of course, be perfectly correct; but I trust you will agree with me

that this Bill arises from certain things that occurred as a consequence of a misguided decision by this Parliament several weeks earlier. In order to establish the necessity for this small but very important amendment, I feel it is necessary that we should have a look at some of the aspects of the Royal Commission in order to indicate the rotten nature of the legislation which this Parliament passed, and the desperate urgency there is for corrective action to be taken.

Anyone would have thought that we had never had a Royal Commission in Western Australia before. There have been scores of them. I am not aware of the activities of a Royal Commission being stultified or restricted because of some deficiency in the law of the land; neither am I aware of any action that has been taken against a witness because of a lack of proper protection.

But persons in the category outlined earlier—the lowest of the low—have nothing to lose if they are proved to be blatant liars. Even if some action were taken against them subsequently they would have very little to lose. In quite a few cases they have already incurred the displeasure of the law, and they could quite easily have served periods in Fremantle Gaol or elsewhere. Such are the types of people concerned.

Therefore, if there were another little dose of the administration of the law in their direction, that would be nothing new or novel to them. Meanwhile they have achieved their purpose. The purpose in this case appears to be for them to do everything possible to impugn the name of the Government, or the members of the Government responsible for introducing the legislation, the board of control set up under that legislation, and the persons who operate under that law—the premises bookmakers.

To lift the lid off, to do damage, and to bring people to their knees by telling a few lies in order to achieve that objective would mean nothing to those people. Some doubts have been cast upon the name of Andersen—a person who occupied a most responsible position as Commissioner of Police, and who has now retired from that position. He is not now subject to the approval or disapproval of the public at large. He no doubt feels in a personal way some of the indignities heaped upon him.

The Director of our Tourist Bureau, because he is not answerable to the public, suffers to a lesser extent. Goodness knows what his opportunities in the Public Service might have been! I daresay they have been prejudiced, because his name has been dragged before the Royal Commission in the way that it was, by the type of person we saw revealed before the commission. In the case of a person in public life, the damage has been done. I do not think that any action which can be taken anywhere by anyone can eliminate entirely the smear that has been cast upon the integrity of one who has always been able to hold his head erect—and who still is able to hold his head erect; but who probably feels, and is entitled to feel, that the finger of scorn is being directed at him. That irreparable damage is the direct outcome of the legislation sponsored by this Government and applied in respect of this Royal Commission.

The damage cannot be undone; but if we are responsible public men, the least we can do is to ensure, so far as lies within our power, that there will be no repetition of it. As I look around the Chamber, I can see you, you, and you—and any one of you could be placed in a similar position in a few months' or in several years' time, if another Royal Commission were appointed to investigate any matter at all.

I think that all of us are aware that certain people are prepared to go to gaol in consideration of certain payments. That is known as taking the rap. It occurs to me that it would be possible to win elections by paying persons of ill repute to say things, however false, in order to impugn the honesty and integrity of Party leaders of the opposite political party; in order to set the electors wondering whether those party leaders were, in fact, honest.

Mr. Roberts: Surely the law of libel would come in!

Mr. GRAHAM: All we are seeking is that the law of libel should apply in this case. The type of witness who said these things would not be concerned about any laws or any moral codes. If he were offered a consideration of a few hundred pounds he would not mind going to Fremantle Gaol for six months; nor would he mind his name being blackened further, if that were possible.

These persons have said these things. No words of mine are required to describe their evidence, because the Royal Commissioner has said what he thought of them and their testimony. But what is going to happen to them? Anything? If something is to happen to them, in what way will that repair the character of decent and highly-placed citizens of Western Australia?

If this Government and its supporters have made up their minds, then numbers in this House naturally will prevail; but I suggest that never was a submission to Parliament more justified than the Bill before us, because it was only within recent days that we saw and learned—not from the speeches of political opponents, but from what actually transpired—the mistake we made a few weeks ago.

Accordingly there can be no more opportune time than the present, when the events are clear in our memories, for us

to repair the damage. That is what this Bill seeks to do. I do not know whether or not the edict has gone forth and this Bill is to be regarded as a Party-political measure; in other words, the private members on the Government side are bound on this matter. I plead with them and ask whether they have consciences.

It may seem fair play at the present moment that the embarrassment is directed at someone on this side of the House. As long as this legislation remains on the statute book in its present form, the wheel will turn some day, and those who are now on the Treasury bench—or some of them—will probably and possibly be involved in a similar circumstance.

This legislation, as it will apply in the future, does not only involve any preference or any benefit to those of us who comprise the Opposition. This is a moral issue; a question of high principle; a matter of endeavouring to the utmost degree to protect and defend decent persons. The legislation as it is now is to protect scoundrels; to give them an open invitation to defame and cast aspersions and doubt upon the names of decent people. Could an issue be clearer? I appeal to members to have some regard to the implications of this matter. I have done precisely that with regard to myself.

If one of those individuals or another person of their ilk had used my name and made some false assertion concerning some activities of mine, no matter what I did could I erase impressions that would be inevitably in the minds of at least some people in the community, even persons of decent repute? Surely, therefore, that is the proposition which confronts every single one of us as parliamentarians—and there are other people in public office apart from parliamentarians; and there are many other good citizens, too, whose names and reputations mean something to them.

These are the people that this Bill seeks to protect to the extent that it will be possible for some action to be taken against the traducers of decent people. Up to this moment, and up to the time indeed of the taking of the vote on this measure, I have enough faith and confidence in their fair-mindedness on a question, not of politics, but of necessity, to believe that there will be sufficient members in this Chamber and in the Legislative Council to see that with the utmost expedition the terrible wrong which was perpetrated a few weeks ago by this Parliament will be erased, and that no longer will it be possible for persons to say the outrageous things they have been permitted to say under this recent legislation, and get away with it scot-free.

MR. EVANS (Kalgoorlie [6.3]: I rise to support the Bill introduced by the Leader of the Opposition to remove certain powers from the Royal Commissioners' Powers Act. For want of a better name I would call the parent Act the "Powers Unlimited Act." However, the aim of the amending Bill is to limit those powers, and I support the measure.

The Bill introduced earlier this session provided, among other things, legal protection to any witness who himself cared to go before a Royal Commission, or who was called before a Royal Commission, to give certain evidence. This protection provided a person with full and complete immunity from any action being taken against him for a breach of the law of libel or defamation, or similar breaches under the Criminal Code.

In South Australia—I am sure you will excuse me for this slight deviation, Mr. Speaker—a Royal Commission has been sitting almost concurrently with the one in Western Australia; but in South Australia a man's life is at stake. The fact that a man's life is at stake suggests that witnesses are sometimes biassed towards one side or towards the other; and they can come forward and give evidence which at times can be damning. Yet we find—I am sure the full contemplation of this particular fact would have been known to the South Australian Government—that no such powers were required in South Australia, the home State of the present Royal Commissioner.

The Attorney-General, when answering a question some weeks ago subsequent to the passing of the Royal Commissioners' Powers Act Amendment Bill earlier in the session, stated he was unaware that two certain persons had come forward to the present Premier and made certain statements. When I spoke on this Bill earlier in the session I earned the strong displeasure of the Attorney-General; and as we look back on the various aspects of the commission that have passed. I am sure the Attorney-General will agree with me that the words I used were not strong at all—probably they were not strong enough to describe some of the spurious features that have arisen as a result of the Royal Commission.

Mr. Watts: It was not the words you used; it was the sense in which you used them.

Mr. EVANS: The sense has been justified.

Mr. Watts: No; they were referring to me.

Mr. EVANS: I would not stand for that, or suggest that they were referring to the Attorney-General, because he has shown that he was completely innocent of the existence or intention of certain witnesses such as Mr. Berry and Mr. Peat. As the members of the Government are the custodians of this Act, I would like to ask them what chance there is of substantiating a claim for libel against a witness who appears before a Royal Commission and admits on cross-examination that his

evidence is based on hearsay? There is very little chance of innocent persons who have had their characters slain by spurious remarks and doubtful innuendoes, proving they are innocent. There have been ample examples of this type of sophistry and character-slaying remarks and innuendoes.

As I mentioned, the present Government is the custodian of these doubtful powers, and particularly the power which this Bill seeks to delete from the parent Act. The outcome of the earlier legislation introduced this session has adequately borne out the truth of the claims of the Opposition that it would give people with no conscience, no respect for the truth, and apparently no respect for themselves, the right to come forward and give vent to lies and a farrago of falsehoods, and it is the intention of the amending Bill to remove this power that can give full immunity to witnesses of doubtful integrity.

If the present Royal Commission has proved anything at all—apart from what I have said earlier—it has proved that reputable witnesses stand in no need whatever of such protection. It is quite obvious that the fate of this amending Bill revolves around the question whether the Government—and I repeat that this Government, and not Parliament, is the custodian of the present powers incorporated in the parent Act; as a member of Parliament I will not claim any responsibility for the retention of these powers, particularly the one we are discussing—is prepared to continue to make sacrosanct the rights of scoundrels, spivs, and rogues to practise and advertise their profession by desecrating the truth and assassinating without any redress the characters and livelihoods of innocent persons.

It is a moral question. It is not a matter of politics, as mentioned by the member for East Perth; it is a matter of honesty. It is my opinion that a matter that is morally wrong cannot be politically right; and, above all, it cannot be honestly right. I therefore appeal to individual members of the Government to divorce politics from their minds on this matter. It is a question of protection for decent people who have no means of redress at all. I ask them to think of the future. We know this Bill is limited to December, 1960; but Bills have a habit of being renewed when the initial period has expired.

I repeat: I appeal to the individual members of the Government—those who can still exercise their conscience—to rescue it from the attic and use it on this occasion to support the Bill, because what is morally wrong cannot be honestly right; and I still have faith enough to believe there is some honesty left among members of the Government.

MR. HEAL (West Perth) [6.12]: I desire to make a few brief remarks in support of this Bill. Many interesting statements have been made in connection with it; and I agree with quite a lot of them, including some of those made by the Attorney-General.

One member stated that reputable witnesses would not require this protection. That is quite so; because we have found that to be a fact in many Royal Commissions which Parliament has set up previously, including the one on which I sat, the chairman of which was the Attorney-General. At that commission we had many reputable witnesses, and their information was very satisfactory. However, I feel sure that if this provision had not been incorporated in the previous legislation, we would not have had witnesses such as the likes of Berry and Peat appear at this present Royal Commission.

I am convinced that if those witnesses had not appeared before it, the commission would have been better off; because I believe that the evidence they have given is of a damaging nature, not only so far as the people of Western Australia are concerned but in regard to those in other parts of Australia, as the commission has been given much publicity in the daily newspapers throughout Australia.

When speaking this afternoon, the Attorney-General said that it is immaterial whether witnesses are of a good, bad, or indifferent character, as long as the evidence given is honest. I agree with that statement; because if all evidence given were honest, commissions, or any type of inquiry, would be most successful. Unfortunately, however, it has been proved that evidence submitted before this Royal Commission has not been honest. That has been stated by the Royal Commissioner (Sir George Ligertwood) and was reported in yesterday's *The West Australian*. The Attorney-General has already quoted some portions of that article, and I desire to quote further parts of it in order that members might fully understand his deliberations.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. HEAL: Before tea, Mr. Speaker, I was about to quote an article which appeared in *The West Australian* of the 13th instant. There under the heading, "Sir George: Witness Tried to Deceive Me" we read—

> Betting Royal Commissioner Sir George Ligertwood said yesterday that witness Gordon Berry had deceived the Betting Control Board and attempted to hoodwink the Commission.
>
> Berry, the Commissioner said, had been abused right and left as a terrible character, yet he had been a member of the committee of the Premises Bookmakers' Association.
>
> Expressing some concern about the association's protective powers, Sir George said it seemed from the minutes that it had been able to take

action with the authorities to prevent members who had broken the law being prosecuted.

(Mr. K. W. Hatfield, for bookmaker P. B. Healy, said that Berry had lied point-blank to the Commissioner over about six pages of transcript. He was a man for whom perjury was a minor offence and had shown a great degree of native cunning.)

All Justified: Sir George said he thought the comments made about Berry were justified. He agreed with everything that Mr. Hatfield had said about Berry.

The Commissioner made these comments when Mr. F. T. P. Burt, Q.C., counsel for the Premises Bookmakers' Association, was dealing with points he had been asked to answer about the association's minutes.

Mr. Burt said Berry was no longer a member of the association.

Speaking of Berry, Sir George said: "No-one could support his conduct in making threats to the association and then going to the politicians. What can you think of a man who does that sort of thing?"

I venture to suggest—as other members supporting the Bill have said—that had the Act not been amended earlier this year, persons such as Berry and Peat would not have appeared before the commission; because it was only the protective powers then included which enabled them to make rash and untrue statements.

The Attorney-General said that when a Crown Law Department officer visited Adelaide to talk with the Royal Commissioner, prior to the Royal Commission being set up, Sir George Ligertwood requested that this power be placed in the Act. Is it not an amazing thing that the present Royal Commissioner was a commissioner in the Petrov inquiry, held under the Commonwealth Act, which contained this provision; and when he took the position of Royal Commissioner here he requested that the same power be placed in our legislation? To the best of my knowledge the Commonwealth Act and that of Western Australia are the only two statutes in Australia which contain this power.

Perhaps the Royal Commissioner thought that racing and betting in this State might be a sticky matter to inquire into—something like the Petrov inquiry—and for that reason felt that he would need these powers; but I do not think they have done anyone any good—including the witnesses who appeared before the Royal Commission. The only result of the amendment made to the Act earlier this session has been the washing in public of a lot of dirty linen, all of which has been reported in the daily Press over the last couple of months.

No-one will argue with the point raised by the Attorney-General, who before the election said in his policy speech that he would have an investigation into the whole betting problem in this State if his Party was returned to power. If the Government of the day thinks that betting is a matter which should be inquired into, it has the power to institute such an inquiry and go into the question thoroughly; but we do take objection to the inclusion in the Act of provisions which allow undesirable witnesses to give evidence.

Before the election the Premier said that, if returned to power, he would have a top-level inquiry held into all aspects of betting; and I have no quarrel with that; but I do take exception to the way the Government has gone about setting up a Royal Commission with the present powers—

The SPEAKER: The honourable member should confine his remarks to the Bill.

Mr. HEAL: With respect, Mr. Speaker, other members have mentioned these aspects; and I believe that if these provisions had not been placed in the Act, very few of the unsavoury aspects of the question would have been brought before the Royal Commission.

When introducing the measure, the Leader of the Opposition said that Liberal members of Cabinet knew that Peat and Berry had visited the then Leader of the Opposition—the present Premier—at his office at Parliament House and had given him certain information. The Leader of the Opposition claimed that when the previous measure was before Cabinet for consideration, the Country Party members of Cabinet did not know that Peat and Berry had visited the Premier in his office; and that, had they known of it, the matter would have been debated in Cabinet and Country Party members of Cabinet might have asked the Premier not to bring down the legislation.

I repeat that I do not think the recent amendment to the Act has done anyone any good; and I feel that the Royal Commission has simply wasted a lot of the taxpayers' money and a great deal of other money as well. I believe that the only outcome of the Royal Commission has been a great deal of propaganda which has been printed by the Press, which of course had a perfect right to print it; and a harvest for the solicitors from the monetary aspect. I cannot blame the solicitors, however, because it was not their fault that the Royal Commission was appointed.

I believe that only one witness gave some constructive evidence, and that was in relation to the totalisator. Whatever recommendations the Royal Commissioner may make, I do not think they will be of great benefit to the Premier and his Government, because the Government could have got all the necessary information from its officers. Now that the Royal Commission is about to conclude, I hope

members of this Chamber will agree to this Bill, and thus remove the powers that were placed in the Act by a previous measure. This is the first time in the history of Western Australia that we have had these provisions in our Act; and, if the House agrees to delete them now, any future Government could consider the matter in due course, should a request again be made for the inclusion of such powers. I hope the Bill will be agreed to.

MR. JAMIESON (Beeloo) [7.40]: All I wish to do is reiterate the fears that I mentioned previously in this House on the Bill introduced by the Government. In the main those fears have materialised, and we have seen what an innocent-looking Royal Commission can be turned into —something that is used to assassinate the characters of certain people. Once an accusation is made by a witness under privilege, whether there is anything in it or not, the accusation sticks to the person against whom it is made.

This Royal Commission has been fully reported by the Press; but, as the member for West Perth has just pointed out, the Press has a right to report what it likes. The Royal Commission on Betting has proved to be only a linen-washing contest between the off-course and the on-course interests; but every day it has been fully reported in the Press, and much publicity has been given to the unsavoury side of it and the things that have been said, whether they are true or not. That evidence has been given under the protection of the Royal Commissioners' Powers Act.

While we might agree with the Attorney-General that, in regard to certain features, the commission may have been a good thing because it cleared up the position, I think the provision we now have in the principal Act could lend itself too much to the use of Party politics, either by one side or the other. Because of the protection given by the Act, disparaging and damaging remarks can be made about the leader of a political Party; and that, in turn, does his Party, and the persons associated with it, a considerable amount of harm. What is more, no amount of talking can undo the harm done, particularly when a free Press is inclined to print everything given in evidence but is not interested in printing the other side of the picture. Of course, that is the prerogative of the Press.

The damage that can be created having been seen, surely it should be a warning to us, and to the people of this State, that we should not give unlimited powers of exemption to people of the likes of Berry and Peat, who have been proved to be rogues and whose testimony cannot be taken as gospel!

They are the sort of people who run to everybody for help—who squeal when they are in trouble—but are prepared to involve all and sundry and do their best to get them into trouble. Therefore, the sooner we delete these protection provisions from the parent Act the better it will be for all concerned. This is the first commission where we have seen these protective powers tried out, and it has been nothing but a dirty linen washing contest between various parties. Little has come out of it that the Government—or anybody who took a keen interest in this business—would not have been able to find out had it taken the trouble to ask. All sorts of questions were asked as to who got this and who got that; where some money went here, and when it was paid there. But nothing constructive has come out of it.

When the first Bill was introduced, I said that the powers which were to be granted were for a person who was a past-master in using them; he was one who knew their use and the advantage of using them, and the danger associated with not having those powers. Surely there have been many other worth-while Royal Commissions where these powers could have been put to better use; but in this instance it has been clearly demonstrated how vicious the position can be made by the use of such powers.

It is high time people such as I have mentioned were told that they cannot get away with saying what they think, without being responsible for it. Such protective powers should no longer be part and parcel of the statutes of this State, and the sooner we can remove them the better it will be. We should not pander to those undesirable people in the community who are prepared to say anything about anybody so long as they are not harming themselves, or consider that they are not harming themselves; so that they can escape, as far as they are concerned, on the right side of the ledger.

The support of this Bill is justified, and the Leader of the Opposition is to be commended on bringing it down so soon after the previous Bill was passed. It will correct a very bad situation; and although some members, probably in all sincerity and honesty, supported the original provisions, I hope that they will agree that they should no longer be a part of the statutes of this State. I support the Bill.

MR. BRADY (Guildford-Midland) [7.47]: I rise to support the Bill. When the amendment to the parent Act was first introduced by the Government, I was not very happy about it, because I thought it wrong for any Government, once a Royal Commission had been appointed, to interfere with the Act under which the commission had been appointed. I expressed the opinion at the time that it looked to me as though someone was running for cover, and the further the Royal Commission has gone the more convinced I have become that what I said was correct.

It seemed to me that somebody had opened his mouth a bit too wide and, having realised what damage had been done, was a bit reluctant to give evidence before the Royal Commissioner unless he could get protection. I may have been wrong; but that is how it appeared to me—those persons who intended to give evidence had to be reassured before they would come forward.

The parent Act has stood the test of time for about 50 years without requiring an amendment such as the Government has made to it. That amendment was introduced to cover people whom the Royal Commissioner is now satisfied have very little standing in the community. If this Bill is not agreed to, Royal Commissions in the future will become a farce, because witnesses will be able to say what they like and get away with it. Royal Commissions are costly to the State, and it will be shocking if we leave this provision in the Act.

If the Government had ventilated in this House the information which it had in its possession, it would have been much better. Some members of this House were remiss in carrying out their duties as members of Parliament if they held suspect the activities of the Betting Control Board. The proper course for them to follow would have been for them to bring their suspicions before the Minister for Police—who was myself at the time—or some other person. They should not have conjured up in the minds of the people that everything was not right with the Betting Control Board, especially when all that has been created by the Royal Commission—as the member for Beeloo has said—is a first-class cat-and-dog fight between the W.A. Turf Club, the Breeders and Owners' Association, and the S.P. Bookmakers' Association.

The SPEAKER: The honourable member must confine his remarks to the Bill.

Mr. BRADY: That is what this Royal Commission has developed into—a cat-and-dog fight between the parties concerned. The shocking result of the whole business is that members of Parliament are having their names besmirched by this cat-and-dog fight. I suppose every member of Parliament in this State is suspect by the man in the street because certain people in the community connected with S.P. betting have stated that members of Parliament are in the pay of others. Nothing could be further from the truth. However, whilst this Royal Commission has been in session, members of Parliament, together with highly-paid civil servants, have had their names besmirched. I would like to bet—

The SPEAKER: The honourable member is not allowed to wager.

Mr. BRADY: I do not think the Government should have introduced the last amending Bill. I feel sure that if the Government had known that it was going to be brought out in evidence that the Liberal Party had been accepting money from illegal S.P. bookmakers, the Bill would never have been introduced. It was also said in evidence that certain members of the Labor Party received money from S.P. bookmakers; but at least the bookmakers' organisation at that time was a legally constituted body under an Act passed by this Parliament.

As a member of Parliament representing the electorate of Guildford-Midland, I consider it is absolutely shocking that public money has been wasted on the holding of the present Royal Commission to hear the allegations that have been made. I know that when the previous Liberal Party-Country Party Government was in office it was notorious for appointing Royal Commissions and Select Committees. It would appear that this Government is following the same pattern, and is neglecting its duty to administer the State as it should be administered.

I definitely consider that the section in the Act which gives protection to witnesses appearing before the Royal Commission should be removed. I have held, right from the beginning, that the person who needs protection in a Royal Commission is the witness who has no legal training. It would appear that in an effort to protect those people about whom I have spoken previously in this House, we are going to protect those who are likely to destroy the good names and characters of decent people.

I am still of the opinion that Royal Commissions are only bun fights for legal men. If some of the lawyers who have appeared before this Royal Commission are an example of the men who comprise the legal profession, all I can say is: God help the people who engage them to fight their legal battles!

MR. HALL (Albany) [7.54]: When the Royal Commissioners' Powers Act Amendment Bill (No. 1) came before this House, I did not speak for very long, but I drew the attention of the House to the fact that the measure was completely lopsided. However, I was ridiculed by some members on the other side of the House. As the present Royal Commission has proceeded in its inquiry, it appears that the Bill which this House passed was lopsided, and every word that I said on that occasion has been borne out. When the No. 1 Bill was before the House, I said—

> I have much the same views as the member for Mt. Hawthorn—that the legislation before us is loaded and lopsided. If we peruse it carefully we see that protection is given to the legal fraternity, the commissioner and witnesses.

Since that time, some witnesses have appeared before the Royal Commission and made allegations against certain

people which are completely unfounded. If members will look at the front page of *The West Australian*, dated Tuesday, the 13th October, 1959, they will see the headline: "Sir George: Witness Tried to Deceive Me", underneath which appears the following:—

> Betting Royal Commissioner Sir George Ligertwood said yesterday that witness Gordon Berry had deceived the Betting Control Board and attempted to hoodwink the Commission.

There is no doubt that the Bill which the Government introduced some weeks ago gave protection to men such as that. Mr. Styants, the Chairman of the Betting Control Board, who is representing the board at the Royal Commission, said that racing was the "sport of kinks."

I suppose if we culled out the members of the racing fraternity we could find many witnesses, such as the man referred to by the Royal Commissioner, who would be prepared to vilify the good name of decent people. That expression of opinion has been made by members on both sides of the House. On many occasions, members of Parliament have had their names besmirched; and, under common law, they have the right of redress. However, under this legislation, as it is now on the statute book—unless this amending Bill is carried —members of Parliament would have no redress against any vilifying statements that were made against them.

To assist the commissioner, the legislation is solidly based; but the existing proviso in the Act which affords protection to witnesses and shields them from any action that might be taken by persons they have vilified is certainly not justified. The evidence that has been brought out at the Royal Commission has been the means of washing a great deal of dirty linen; and some members of the Liberal Party have said to me that, as the Royal Commission proceeded, they did not know who was going to be implicated next! They also expressed the opinion that the Act was a wicked piece of legislation. That type of statement has been made by people who have sat in the Speaker's gallery from time to time.

There is no doubt the Royal Commission has received a great deal of publicity; but lately public interest in it has started to die. As far back as four years ago, rumours were circulated against the members of the Labor Party; and on many occasions I have warned some of our leaders about them.

The SPEAKER: Has this anything to do with the Bill?

Mr. HALL: I think so, Mr. Speaker. We were being vilified as far back as four years ago.

The SPEAKER: Can the honourable member connect these remarks to the Bill?

Mr. HALL: I think so, because some of the people concerned were called as witnesses before the Royal Commission. The rumours have merely gathered weight; and if the Bill introduced by the Government earlier in the session was designed to gain political advantage, I am afraid it has blown up in its face and the advantage has gone the other way. The people of this State are now resentful of this inquiry and the evidence that is being brought before it. Unless this Bill is passed, the present Government will have a great deal to answer for at some future date.

MR. FLETCHER (Fremantle) [7.59]: I support this Bill, which is designed to amend subsection (3) of section 12 of the principal Act, because I believe it is in the public interest that the measure should be supported by members on both sides of the House.

It would appear from what the Attorney-General has said that no member opposite is to blame. He has said, in effect, that it was the Solicitor-General who made suggestions to the Government that the Act should be amended to provide protection for the likes of Peat and Berry. I submit there would not have been an inquiry had there not been a Peat and a Berry. The amendments to the Act that were brought down at that time to protect people of this particular ilk were shameful in their purpose. People of this type should never have been given protection of this nature.

Let us assume that the Government was not responsible. Let us assume that it was the Solicitor-General who suggested the amendment. It does not matter who was responsible for the amending Bill—the fact remains that it was a deplorable step to have taken. The Premier is alleged to have made an election speech in his electorate to the effect that he would institute a top-level inquiry if he were returned to the Treasury bench. I wonder whether, if there had not been a Peat or a Berry, this matter would have run to the extent of the appointment of a Royal Commission. The fact that a Royal Commission was appointed, and that protection of this nature was provided for this type of person, is something to be deplored. Peat and Berry made the Royal Commission possible.

All the arguments that we put forward on this side of the House in relation to the previous amendments to the Act have been vindicated; our opposition to the giving of protection to witnesses of this type has been justified. The Attorney-General opposes our leader's Bill and implies, in doing so, that he is doing it for the good of our Party. I do not know what strange contortion of mental gymnastics he indulges in to arrive at this conclusion, because this has not done either Party any good.

To give protection to this type of witness cannot do either Party any good; it certainly will not do so in the future. The Attorney-General also implies that the inquiry has helped to clear our deputy leader's name; but our deputy leader would not have received a mention had it not been thought that this inquiry could be used to somebody's Party-political advantage and to our political detriment.

I have said that before; and I say it now. I hope I will not have to say it again. Unfortunately, however, I think I shall probably have to say it again if the present Act continues to be the law. In the light of what has happened, members opposite should be big enough to admit that we were right originally, and that we are right now. If they consider all the lies and the vilification that have taken place, I have no doubt that they will join with us in supporting our leader's amendment.

We now have the chance to take away this form of protection provided for liars and character assassinators. This is our opportunity to support the Bill moved by the Leader of the Opposition to do away with the protection I have mentioned. As we have already said, honest people do not need protection; and that has been amply demonstrated. I am sure that Peat and Berry were considered by members opposite to be a most wonderful windfall. I say that in all good faith. It was thought by them that by using these people they would be able to tip a bucket of filth over our Party, and over our deputy leader in particular.

The SPEAKER: Order! I think the member for Fremantle had better get back to the Bill. He is discussing Party politics.

Mr. FLETCHER: I am only trying to show that if this Act is not amended in accordance with the Bill submitted by our leader, it will continue to make possible the injustices we have witnessed over the last few months. That is why I submit that dirt has been poured on our deputy leader with impunity; and this has only been done because of the protection the original Bill afforded to witnesses of the calibre of Peat and Berry. To perpetuate this sort of thing would be to condone the likelihood of its happening again.

I also feel that the dignity of Parliament is at stake, because Parliament brought about the situation against the wishes of the Opposition and gave protection to the people to whom our Bill refers. You may or may not consider that relevant, Mr. Speaker; but a new member generally enters Parliament with certain ideals; and if he is to retain those ideals, then we should oppose the existence of the Act as it now stands.

It is very necessary that our leader's amendments should be supported. It would appear that not only is all fair in love and war, but that that could be amended to read that all is fair in love, war, and politics; it would appear that anything goes. In giving protection to the type of witness I have mentioned, the purpose of the Bill was not only to pull down our deputy leader but also to bring into contempt the whole of our Party.

I thought that I would be the last person to get a mention; but seeing that I did get a mention, I feel that some indulgence should be shown if I happen to transgress, because I wish to give the lie direct and to do so here and now. There is no doubt that some mud will stick when mud is thrown; and unfortunately some of the mud has stuck to me. To prevent anything like that happening again, our leader's amendment should be supported.

As a result of the protection given, and the protection still being given to lying witnesses, many of my own ex-workmates still believe that I received some monetary gain, despite the fact that I made a statement that I did not; and despite the newspaper having corrected its previous article. The newspaper correction will, of course, be destroyed; it will find its way into the bath-heater or somewhere else. I bet that—

The SPEAKER: The honourable member is not allowed to wager.

Mr. J. Hegney: Not without a license!

Mr. FLETCHER: It will be reasonable to assume that I will hear about it at the next election, and so will other members of our Party; and I am sure that was the original purpose of the Bill brought down by the Government.

Mr. May: So will other members of other political Parties.

The SPEAKER: I draw the attention of members to Standing Order 135 which states—

> No member shall digress from the subject matter of any question under discussion; and all imputations of improper motives, and all personal reflections on members, shall be considered highly disorderly.

Mr. FLETCHER: I assume that includes me from the point of view of vilification and of imputing improper motives or practices. That was implied against me by the Press.

I assure the Premier that his political stature has not been enhanced by his association with some of the witnesses who appeared before the Royal Commission. I suggest that he take my advice, for what it is worth; it is offered in good faith and in all sincerity. It is to join with us in supporting my leader's amendment to the legislation.

MR. MOIR (Boulder) [8.11]: I would not be doing my duty if I did not add my voice in support of this Bill, and in opposition to the legislation that was recently enacted by this House. It was made abundantly clear that a very unfortunate mistake had been made by Parliament in allowing that legislation to be placed on the statute book—legislation which gave protection to a type of person who should not have been given protection.

I cannot help thinking that members of the Government, including the Premier, were very naive in their approach to this matter, in deciding to give protection to witnesses who might appear before the Royal Commission on Betting, after having heard the allegations made by two of those witnesses who subsequently did appear before the commission. If they had made inquiries as to the character of those witnesses they would have received information which would have caused them to pause, before proceeding to introduce the legislation which was subsequently passed.

While at present the whole question has a political flavour, if this legislation is permitted to remain on the statute book it can have a very serious effect on the people in our community, in future Royal Commissions. Here is an open invitation to unscrupulous people who like to go before a Royal Commission—hoping to get away with their imputations and allegations—to defame anyone with impunity.

Why are there on the statute book of this State, of the other States, and in countries throughout the British Commonwealth, provisions dealing with defamation? In most British countries the law is very severe against a person who states or publishes untruths about other people. It is highly desirable and necessary that people should be allowed to take legal action against persons who set out deliberately to give false information or to tell deliberate lies, in an endeavour to blacken the character of the former.

Down the ages it has been the practice for anyone, including those in high places, to value his reputation. For many years past the law has seen fit to provide machinery whereby he can protect his good name when it is assailed. It remained for this Parliament, in the year 1959, to pass legislation which gave people of the type who appeared before the Royal Commission complete immunity to say what they wish about respectable people in the community.

In *The West Australian* of Saturday, the 3rd October, the headlines were as follows:—

> Betting Counsel Lashes at "Sling" Witnesses.

The news item continues—

> Witnesses Noel Peat and Gordon Berry were described as architects of villainy by Mr. K. W. Hatfield, counsel for bookmaker P. B. Healy, in his closing address before the Betting Royal Commission in Perth yesterday.
>
> The two men—who have made allegations of "slings" before the Commission—were scoundrels who had told a story of contradictions, inaccuracies and blatant untruths, counsel said.

Counsel went on to say many other derogatory things about those two witnesses, and further on he referred to them as "the spindrift of humanity."

In addition to the statement made by counsel, the Royal Commissioner has been placed on record as saying that he thoroughly endorsed everything that was said of those witnesses. Yet these are the people that this legislation was brought down to protect, and to provide immunity for. Can one imagine anything more disgraceful—that people like these should have complete immunity to go before a tribunal to say what they wish against others in the community—irrespective of whether they be politicians or others? They had immunity, and they were able to tell deliberate lies and untruths. They were permitted to do their best to blacken the character of people against whom they aimed their remarks. Because of the protection provided by this legislation, they cannot be called on to account for their actions.

I listened very closely when the Attorney-General was speaking. Although he stated that in his opinion my worthy deputy leader was under no suspicion, and that he was regarded by him as an honourable man, it seemed extraordinary that he should try to justify this legislation. Members will agree that the Attorney-General commands respect. Although we on this side do not agree with his politics, at least he commands the respect of most members here, because of his sound judgment and the arguments he puts forward. We also agree that we have never heard him put forward such a weak case as the one he put forward tonight.

That is very understandable; because how can one put forward a decent argument based on a rotten case? That is just exactly what this is. I say it will be to the everlasting shame of this Parliament if we allow legislation such as this to remain on the statute book of Western Australia. I support the Bill.

MR. MAY (Collie) [8.21]: I feel, Mr. Speaker, that you have confined the remarks on this matter to such an extent that it is difficult for one to keep to the straight and narrow path. We are dealing with a proposal to amend some very objectionable legislation; and when I say "objectionable", I am not speaking in half measures. I would say that the legislation is of very doubtful parentage. Whoever heard of protecting liars and prevaricators of the truth, which is what that legislation does?

Under that legislation, wild statements —completely without any foundation—have been allowed to be made without due regard to individuals; and these statements have had no semblance of truth in them. This is being done in spite of the fact that we as a Parliament are considered to be capable of introducing legislation which is in the best interests of the people. Nevertheless, the Government passed certain legislation because it has a majority in this House; and we find these statements are being made before a Royal Commission on S.P. betting.

I simply cannot understand some members on the other side of the House supporting such a measure. It seems to me that because they are attached to a certain political Party, they feel duty bound to support that Party in spite of any personal beliefs they may hold themselves. I cannot imagine for one moment that you, Mr. Speaker—if you had not been in your present position but had been sitting behind the Government—could possibly have supported your Party in connection with this legislation.

Several Members: Hear, hear!

Mr. MAY: I can quite understand why you were elected to the Speakership of this Parliament.

The SPEAKER: I do not think that has anything to do with the Bill.

Mr. MAY: Yes it has. If you had not been elected Speaker it would have had very much to do with it. I have held other members on the Government side in the same high esteem as I have always held you; but I am afraid I will have to change my mind on account of this legislation. Can you, Mr. Speaker, imagine what people with any imagination at all must be thinking of a Government which would introduce and pass such legislation?

The biggest criminal in the world could have gone before the Betting Royal Commission and vilified anybody and everybody and still have been protected under legislation brought forward by this Government. If that is not a shocking thing so far as the State is concerned, Mr. Speaker, tell me what is! I am not surprised that members supporting the Government are looking the other way; but I am surprised that they have not crawled under their seats, including the two lawyers.

Mr. J. Hegney: Did you say two lawyers?

Mr. MAY: I will give them the benefit of the doubt. These are the people who govern this State; and that is the sort of legislation they are bringing into being. Surely you must agree with me, Mr. Speaker, that nobody should vote against the amending Bill introduced by the Leader of the Opposition.

Mr. Heal: Only the Government.

Mr. MAY: Only people badly bitten by the Party-political bug. It is time that some of the back-benchers in this Chamber stood up and told the Government exactly what they think of it; just as they do in the Federal Parliament. In the Federal Parliament they do not make any bones about it; but in this House they just sit and talk.

Mr. Crommelin: Like you did when your Government was in office.

Mr. MAY: We never introduced legislation like this.

Mr. Crommelin: You brought forward a Bill that was worse.

Mr. MAY: Mention it!

Mr. Crommelin: The unfair trading Bill.

Mr. MAY: I cannot imagine any worse legislation than that brought in by this Government. What concerns me is that people have been allowed to go before the Royal Commission and say what they like. They have been allowed to make statements which were completely untrue in every detail. I would say that some of the biggest villains in this State have given evidence before this commission, and yet they are protected by legislation introduced by this Government. It has even made the commissioner himself sick having to listen to the evidence, knowing all the time that what these witnesses were saying was completely untrue. I know it has made him sick. He has earned whatever he is being paid by having to sit and listen to such tripe as has been put forward at that commission.

Some members of the Government responsible for that legislation are pillars of the church; yet they support the Government in this matter. I do not desire to say much more. I think I have said enough. If I say much more, I will say too much; and you, Sir, will pull me up as you have pulled up other members in this House. However, I want to say this: It is a crying shame and to the everlasting disgrace of the present Government that it should have introduced legislation to protect criminals and to enable them to vilify praiseworthy and respectable people of this State.

Mr. Heal: The member for Bunbury is laughing at you.

Mr. MAY: He would not have a clue.

Mr. W. Hegney: He never does.

Mr. Heal: That's for sure.

Mr. MAY: He supported the Government's legislation. He did not vote against it.

Mr. Heal: He was not game.

Mr. MAY: I rose to deliver my opinion in regard to the legislation passed earlier by the Government. Thank God, nobody on this side of the House supported it! They were true blue.

That is why the Leader of the Opposition is endeavouring to correct the error which was made by the Government—made with the full knowledge of what was going to happen.

As a matter of fact, the Government submitted the legislation because it had an idea that some of the witnesses who were going to give evidence would incriminate people on this side of the House; but the whole thing backfired and involved people on that side of the House. If the Government could now get out of it—I was going to say I "bet" they would, but perhaps I had better not—I guarantee it would.

Mr. Fletcher: It could by supporting this Bill.

Mr. MAY: But it now has to take the consequences of the legislation which has protected people of the calibre of those who have given evidence before the commission. I support the Bill.

On motion by Mr. W. Hegney, debate adjourned.

CATTLE TRESPASS, FENCING, AND IMPOUNDING ACT AMENDMENT BILL

Second Reading—Defeated

Debate resumed from the 30th September.

MR. GUTHRIE (Subiaco) [8.32]: This is a somewhat mixed Bill, I should say.

Mr. Evans: Mixed Bill or grill?

Mr. GUTHRIE: Yes, I think that would be a fairer description. I was looking for a metaphor. Trespass upon land has always been actionable under British law, and that has been the law for time immemorial. It arises out of the basic principle we have heard quoted so often that an Englishman's home is his castle; and anyone trespassing on it is liable for action in the civil courts.

I cannot help but feel that some members of the House have, perhaps, misread this Bill; or it might be better to say that the draftsman has become a little confused as to what he intended: as to whether he intended to make this a sort of criminal offence, or whether he merely intended to provide that certain damages were to be awarded to the complainant irrespective of whether any damage had been done. He talks about a complainant and that the court can order the defendant to pay not less than £2 and not more than £10.

I think I should point out that the reference to a justice in this Bill is also contained in the principal Act. It has been the procedure ever since the Act became law that if a complaint was made to a justice, there would be a hearing in the normal way in a court of petty sessions. It does not mean that a complainant could go to a justice at his home and have damages awarded to him there.

The next matter that has been commented on is with regard to enclosed country land. The Bill covers only enclosed country land. That is a phrase which has also been included in this legislation ever since it was introduced; and, in fact, long before this legislation of 1882. The expression has never been defined, and there appears to have been no court decision in regard to its meaning. However, it is somewhat interesting to note what is stated in the book which is regarded as the standard textbook on this legislation, written by the late Richard Haynes, Q.C., in 1913. On page 32 of that textbook is the following:—

> It may no doubt be possible to ascertain what are "located lands in or adjacent to a townsite," but the section goes on to speak of towns and suburban allotments. It would be interesting to know where suburban allotments end. Probably it would be held to be a question of fact, to be decided by the Court before which the question is raised, where suburban allotments end and country land begins.

Therefore, if that opinion is to be accepted—and I have never known it to be contradicted—it does not necessarily follow that the provisions of this Bill will apply only in gazetted townsites. It is a matter for the justice—whose decision, of course, would always be subject to appeal in the ordinary way—to determine whether it is country or town land. Naturally the existence of a fence would establish whether it was enclosed land, so that problem would not be hard to solve.

The situation, as it has been submitted to this Chamber by the member for Darling Range, concerns people who go on to country land and remove oranges and mushrooms and what-have-you from the land and get away with it. It is very difficult for the farmer to ascertain who they are; and even if he does find that out, he faces the problem of proving before a court that some damage has been suffered. It is quite likely—and I would think most likely—that in almost every case no court would assess more than nominal damages. By nominal damages I mean one shilling. It is very possible that the court would then say to the complainant, "You should never have brought this case to court."

Mr. Jamieson: If a man was caught taking oranges?

Mr. GUTHRIE: If he is caught taking mushrooms or one orange, yes. If the farmer had lost one orange, what would be the value of it? Fourpence?

Mr. J. Hegney: Not these days. Today they are about 6d. or 7d.

Mr. GUTHRIE: That is in the shops, not on the farms. I think those members who are primary producers would tell us that they make a loss on them and that

it is the middleman who gets the money However, the farmer would not lose more than a shilling.

Mr. Jamieson: He would need a better lawyer than you to get him off for a shilling.

Mr. GUTHRIE: I think I would know more about the position than does the member for Beeloo. The amount involved would not justify the proceedings; and the purpose of this measure is, as I understand it—although it is not very happily worded—to allow a minimum amount of damages and—

Mr. W. Hegney: Are you supporting the Bill?

Mr. GUTHRIE: I am supporting that part of the Bill. I will deal with the other part in a moment. I cannot object to that, because I see no reason why anyone who is subject to a trespass should not have a remedy. He suffers the annoyance and nuisance of it; and, after all, how would we like it if someone sat in our front garden and had a picnic? Those of us who live in the city would certainly not be very happy about it.

Consequently, I have no objection to that part of the Bill; but I cannot accept the latter part at all. I am referring to the provision that any person, including a farmer's child, who may be only five years of age, has the right to approach any citizen and demand his name. That privilege we have always kept for the policemen and certain inspectors, such as the Perth City Council parking inspectors and, perhaps, inspectors of the Transport Board. There are certain officials who have that privilege, but they are able to prove their *bona fides* by producing an authority card to that effect.

I would never accept in principle the right of any person, other than those I have mentioned, to go up to any citizen and demand his name and address. I can foresee that such a right would lead to all sorts of unpleasantness and argument, which would not be to the good of the community. No doubt the member for Darling Range will ask how the farmer could find out who to prosecute; but that is a difficulty from which many people suffer—as when someone is injured by a motorcar. After all, motor vehicles have number plates and registered owners, and can be traced.

For the reasons I have given, I am prepared to support the second reading of the Bill; but merely to keep it alive, with the idea that when it is in Committee I will move for the deletion of the offensive provisions. If the sponsor of the measure is then satisfied with what is left, he will have achieved something. I would not vote against the principle that there should be a remedy for the man whose property is trespassed on.

Mr. W. Hegney: Have they not got that remedy now?

Mr. GUTHRIE: Yes; but it is difficult to prove damage. If I take 50 mushrooms from a farmer's property, what has he lost? If he does not sell mushrooms, it may be said that they have no real value to him; and he might get no damages at all, because it would be purely a technical trespass. If, in the city, I walked through someone's front gate and out through his back gate, as a short-cut, I would have trespassed on the property without lawful excuse, but I venture to say no-one could recover damages for it.

As I understand it, the sole purpose of this measure is to provide a fixed amount of damages. I think it would have been far better had the draftsman said that the defendant had to pay as and for specific liquidated damages the sum of not less than £2, instead of using the present wording. However, I repeat that I will support the second reading; and, if the Bill reaches the Committee stage, I will move for the deletion of subclauses (3) and (4) of clause 2.

MR. HAWKE (Northam) [8.43]: I am not happy about this measure; and I cannot quite follow the member for Subiaco in dealing with the first portion of it. He spoke about the difficulty of a court assessing damages if somebody picked 50 mushrooms; but, as I understand this provision, it would not matter whether a person created damage or not; he would still be liable. He need not create one farthingworth of damage; yet, under the first provision in the measure, he would be automatically guilty of an offence and would be liable to have imposed upon him a fine between a minimum of £2 and a maximum of £10.

Mr. Guthrie: It is not a fine. The wording is peculiar.

Mr. HAWKE: At all events, for the person who has to pay, it is a sum between £2 and £10. I can speak with some degree of authority in connection with this phase of the Bill; but only as to what happens in my own electorate. Trespassing of the kind contemplated in this part of the Bill goes on in my electorate mainly during the mushroom season. I do not know of any local farmer who would object to persons gathering mushrooms on his property, provided they did not go into paddocks where harm could be done to sheep or damage to fences. If this part of the measure made necessary the creation of damage to fences or to sheep before a fine was imposed, I would support it.

Mr. Lewis: You can prove damage to a fence, because it is obvious; but it might be very hard to prove damage to sheep.

Mr. HAWKE: I think there would be a prima facie case which the accused person would have to answer.

Mr. W. Hegney: They would say, "It is up to youse."

Mr. HAWKE: I wish the member for Mt. Hawthorn would not ram my argument! I have an idea he is trying to make a lamb out of it. I oppose the first part of the Bill, because it would lay open to penalty persons who had created no damage at all. In this regard we should remember that originally all the land belonged to the Crown; and there are some people who believe it would have been a good thing had all the land continued to belong to the Crown.

However, over the years laws have been passed giving private individuals the right to obtain absolute control of property. Although we are not arguing that principle in relation to this Bill, I mention it because I think it should not be completely forgotten. In my district farmhouses are not close to one another. During the last several years the number of farmers in that territory has lessened, because some have bought others out. Nevertheless, it is a fairly closely settled district; but even so, one would find it difficult, without knowing everyone in the area well, to ascertain who owned this property or that; because there might not be any house within two miles of it. If one inquired at the nearest house, one might be told, "That property belongs to someone who lives in Northam," which might be eight miles away.

I do not look upon the picking of mushrooms as an offence at all, but as a wonderful sport when one is getting plenty of them. Otherwise it is like fishing; when you are getting no fish it is a lousy business—except that it is quite healthy; which could link up with the Bill that we will be discussing later and of which the Deputy Leader of the Opposition is the sponsor.

The second part of the Bill is that to which I raise considerable objection. As I read and interpret that portion of the measure, all that is necessary is that the landowner, or one of his family, or one of his employees shall have reasonable grounds for suspecting that some person, without lawful reason or excuse, has entered on the land. Provided such suspicion exists, the landholder, or one of his employees, or one of the members of his family can demand the name and address of the person who is suspected, on reasonable grounds, of having been on the land.

Mr. J. Hegney: And if he gives a false name, that is the end of him—it is £5.

Mr. HAWKE: So I raise an objection additional to the one raised by the member for Subiaco in connection with this Bill; and my objection is, I think, the more serious of the two. If this part of the Bill were worded in such a way as to say that the owner of the land, or an employee of his, or a member of his family, could request the name and address of a person actually on the land, there might be an argument in favour of it, although not a sufficient one so far as I am concerned.

However, the provision is made all the more objectionable because on the suspicion that a person has been on the land without lawful and reasonable excuse, the name and address of the person concerned can be demanded. That is a bad principle. Innocent persons could have their names and addresses demanded of them by a farmer, an employee, or a member of the farmer's family. We know that all people are not as diplomatic, reasonable, or sensible as they should be in those circumstances; and I am convinced in my own mind that a great deal of dissatisfaction and ill-feeling might easily develop.

I have a considerable amount of feeling for an orchardist whose living depends on his orchard, particularly where the property is small, and he comes out one morning and finds that half his fruit crop has gone; although my conscience does impel me to confess that when I was in the teenage stage—

Mr. Crommelin: Careful!

Mr. HAWKE:—I, with others, and some of them older than myself, raided fruit orchards fairly regularly.

Mr. Owen: Shame!

Mr. HAWKE: I have a suspicion that the sponsor of the Bill, in his younger days, did the same thing on more than one occasion.

Mr. Bovell: Most of us did.

Mr. HAWKE: However, as I understand the existing law, it protects orchardists who suffer in that way.

Mr. Owen: But not sufficiently.

Mr. HAWKE: If the existing law in that regard does not protect orchardists sufficiently, let us tighten up that law; let us make the penalties in that law a lot more severe. But for heaven's sake do not let us allow a situation to develop where a person can have a penalty imposed upon him when, in fact, no damage of any kind has been done. Because I object to both principles in the Bill, I intend to vote against it at the second reading.

MR. GRAYDEN (South Perth) [8.55]: I intend to vote for the second reading with the intention of opposing it at the third reading unless satisfactory amendments can be made; and I am certain, after considering the measure, that no amendments can be effective. I believe that the legislation is savage, harsh, and ill-considered, and I think it is out of all proportion to the difficulties it sets out to overcome.

When this legislation was introduced in another place, the introductory speech was a very short one; and then, when the debate was resumed on the 1st September, the question was merely put and passed, and the Bill was read a second time. Then it passed through Committee, and all other

stages without debate. So it will be seen that the Bill has not been debated in any way by members in another place.

Mr. J. Hegney: That is the property House.

Mr. GRAYDEN: It would seem from the remarks of the honourable member who introduced it in another place that it was designed principally to protect farmers from mushroomers. We have to realise that the farmers in the area between Perth and Byford are seldom able to pick mushrooms on their own properties and that has been the position for many years. But with an additional number of motor vehicles on the road, and motorists travelling further out in to the country during the week-ends, farmers in the area between Byford and Williams are being subjected to a greater number of picnickers going on to their properities.

To protect the farmers in those areas, we will subject people who walk on to enclosed land in the entire South-West Land Division—and that stretches from the Murchison River in the north to Hopetoun in the east—to the most harsh penalties. People who walk on to enclosed land will be fined simply because they walk on to the property. As has been pointed out, we already have legislation which deals adequately with trespassers who cause damage of any kind. Sections 13 of the principal Act reads as follows:—

> In all cases of trespass on land committed by any person, with or without any cattle, the owner of such land may complain thereof in manner aforesaid to a Justice of the Peace, who, when no *bona fide* question of title should arise in the course of the proceedings, may adjudicate thereon and award to such complainant, in respect of any damage on any country land, in addition to or inclusive of any penalty for trespass herein provided, a sum not exceeding ten pounds; or if such Justice of the Peace should find the trespass or damage so complained of to have been justified, or so trifling as not to merit any punishment, he may dismiss the complaint.

So there is already provision in the parent Act to cover a person who trespasses and causes damage to property. Under that section farmers can obtain redress. As previous speakers have pointed out, this Bill contains some extraordinary provisions. New section 13A reads—

> (1) Notwithstanding the provisions of section 13 of this Act—

that is the section I have just read—

> —where a person proves on complaint made by him to a Justice of the Peace that while he was in possession of enclosed country land, a person intentionally and without lawful reason or excuse entered on the land, the Justice should, whether or not the entry has caused any damage, order the defendant to pay to the complainant on account of the entry, a sum of not less than two pounds or more than ten pounds.

So if a person walks on to any enclosed country land in the entire South-West Land Division, for any reason at all—he may walk only 50 yards inside the fence—and he is seen by the farmer from the homestead, which may be some miles away, he can be fined from £2 to £10, whether any damage has been caused or not; and the amount of the fine so imposed shall be paid to the person who laid the complaint.

Mr. Lewis: What about "without lawful reason"?

Mr. GRAYDEN: That means nothing at all. What is "lawful reason"? If a person stops his vehicle and enters for a distance of 50 yards on to private property in order to obtain water to fill the radiator of that vehicle, that is not a lawful reason and the owner could charge such a person for trespassing. What would happen in the case of people who were travelling from here to Albany? For various reasons they might wish to get under a fence and enter upon private land. What happens in the case of a person who sees an animal in distress and who goes to the aid of that animal? If the owner intercepts him and charges him with trespassing upon this property, he could be fined anything from £2 to £10; and the fine passes to the owner of the land.

The Bill creates an extraordinary position. The Premier of this State is, quite rightly, trying to encourage tourists to come to Western Australia; and yet we can imagine the reaction of a tourist who is travelling through the South-West and who has, for some reason, entered upon private property alongside the road, following which he is intercepted by the owner who lays a charge against him. In such event the magistrate would have no option but to fine that person at least £2, or any amount up to a maximum of £10.

We can also imagine the position of a person who may be travelling from here to Lancelin Island where for miles on end no houses can be seen; and yet, if that person entered upon private property, even for a distance of ten yards, he would be subject to the penalty provided in this Bill. For many years in the North-West of this State people have been permitted to roam over the vast holdings in those areas. In many cases they may be at a watering point which is 20 miles from the homestead, and do no damage to properties which are extremely isolated. In those places, where trespasing would be difficult to police, property owners experience very little trouble from people who enter upon their land. Despite this, people who claim to speak on behalf of property owners in

that area, would have us believe that those owners desire harsh and un-Australian penalties such as are provided under this measure, to be imposed on trespassers.

What would be the position of natives in the South-West Land Division if the provisions of this legislation were carried out to the full? Recently the Commonwealth made sweeping changes to the social service legislation, and certain natives are now entitled to social service benefits. However, what of the remainder who do not become eligible for such payments? In most instances the Government does not try to assist them, and farmers are loth to employ them.

In the past they have been dependent for their livelihood on rabbits and kangaroos which they have been able to hunt on closed land in most instances. However, since we introduced myxomatosis to eradicate rabbits, the natives have had to rely on kangaroos and any natural food that is available. In such circumstances, any full-blood, half-caste, or quadroon in the entire South-West Land Division, when searching on private property for food—which is not provided by the Government—would leave himself open to being intercepted by the owner and fined according to the provisions of this Bill.

Such occurrences could be happening all the time. The legislation, too, could prove to be a very fruitful source of income in the hands of an unscrupulous farmer. I can visualise unscrupulous farmers sitting back in their homes with binoculars glued to their eyes after setting traps for unsuspecting picnickers in an effort to entice them to enter upon their land. The traps could be in the form of a thermos flask lying a few yards inside a fence, or a young lamb placed in a certain position to induce people to walk upon the enclosed land. The decoy could be anything that would induce travellers to walk inside a fence; and after the owner of the land had intercepted them and charged them with trespassing, he would be certain to receive £2 or any amount up to £10.

To a certain extent we had an example of an unscrupulous farmer the other day where entrants in a Mobilgas reliability trial inadvertently entered on the property of a farmer. In each instance they were fired on by the farmer concerned; and in each case the vehicle was hit. Therefore, it can be seen that there are unscrupulous farmers, and this legislation could be a source of income in the hands of an unscrupulous farmer. It could prove to be extremely lucrative for a farmer; because under the provisions of this Bill, he could make anything up to £50 a day, and that could be much more profitable than farming.

Subsection (3) of proposed new section 13A, reads as follows:—

> Where a person in possession of enclosed country land, an employee of, or a member of the family of that person, on reasonable grounds suspects another person has intentionally and without lawful reason or excuse entered on the land, he may require of the other person his name and address.

The Leader of the Opposition has pointed out that under this subsection the farmer, his relatives, or his employee has only to suspect that a person has entered upon the farmer's property. There is another objectionable feature about that provision, and that is that there is no time limit. We could have this happen: One of the members of this House could be in the bar or in the corridor saying to another, "I went on to Mr. Crawford Nalder's property the other day and got some mushrooms." Mr. Nalder might overhear this remark, and he would then have reasonable grounds to suspect that that honourable member had trespassed on his property, following which he could lay a charge and he would be eligible to receive £2 or up to £10.

No time limit is laid down. If a person gave a farmer, his relative, or his employee reasonable ground to suspect that he had entered upon the farmer's property, the farmer could lodge a complaint to the magistrate, and if before the magistrate he could prove that such a person had entered upon the property—and this could be easily proved—the magistrate would have no option but to fine such a person according to the provisions of this legislation.

I agree that a landowner should be given protection against any person who trespasses on his property and causes damage. There would be some justification for amending the existing Act to ensure that a property owner was protected against a traveller or a picnicker entering, for some unlawful reason, upon a paddock containing stock or in which were growing fruit trees, vines, or other crops. Such an act would justify the imposition of a penalty for trespassing; but a penalty is certainly not justified in the case of a person who merely enters upon a property in the South-West Land Division and commits a simple act of trespass. For this reason I intend to support the second reading to give members an opportunity to amend the Bill in Committee. Failing satisfactory amendments, I intend to oppose the third reading.

MR. OLDFIELD (Mt. Lawley) [9.10]: Some two years ago a similar Bill was before this Chamber, and it was defeated on the second reading. Circumstances have not altered very much since then, and I feel that this is like taking a sledge hammer to kill a gnat. I agree that property owners sometimes suffer inconvenience as a result of uninvited people walking on to their properties to pick mushrooms. I think we all know that this Bill has been referred to facetiously in the corridors as the "Mushroom Bill."

While I acknowledge that the property owners may have some small grievance in this matter, it has become traditional in Western Australia, in the early months of winter when the mushrooms have started growing, for people to motor out from the metropolitan area into the country to gather mushrooms wherever they are to be found. We know that in the true letter of the law mushrooms growing on a person's land belong to the landowner. If we would like to take this literally, the people gathering mushrooms on the property concerned are not only trespassing; they are also stealing.

But this practice is traditional; and I do not think that this is the way to alleviate the inconvenience the farmer may suffer from shooters, or people who are careless and leave gates open, or allow dogs to chase sheep. It would be a far better approach to the problem to acknowledge the fact that people like to go mushrooming and allow them that pleasure once or twice a year. If they take rifles with them and shoot indiscriminately, or if their dogs upset the stock in any way, penalties should be provided. The approach that is being made to this problem is most un-Australian. We are setting up the farmer as a common informer whereby, if he is able to secure a conviction, he becomes entitled to the fine that is payable. Whether the penalty be £2 or £10, for that penalty to be paid to the farmer at the direction of the local justice is all wrong, particularly when we consider the fact that the local justice is probably the brother or the brother-in-law of the farmer concerned.

We know that in these country towns almost everybody is related to the local justice. We are placing the farmer in the position of a common informer, and this is a most un-Australian approach to the problem. Accordingly, although I have sympathy for the farmer and feel that some measure of protection should be afforded him, I must oppose the Bill, because I think it is the wrong way to achieve that end. This type of legislation has been here before and we know the attitude of members to it. I hope that it will be shot out of the window without further ado to enable us to get down to some real business.

MR. ROWBERRY: (Warren) [9.13]: Although I have every sympathy for the farmer and the inconvenience he might suffer as the result of the irresponsible mushoom picker, the Bill is not the right way to rectify the position. The member for Subiaco drew the analogy of the Englishman's home being his castle. I was rather surprised that he should draw such an analogy, because he knows full well that no comparison can be drawn between an Englishman's home and his land. There is a great deal of difference between trespass and the law of breaking and entering, but I suppose that even Homer can nod at times.

I join with other members in criticising the proposed new section 13A. contained in clause 2 of the Bill. It is certainly vicious because it is wrong in principle. There is no doubt that it is quite wrong in principle to allow a farmer the opportunity to take money from a defendant when he has proved a complaint.

The Leader of the Opposition has pointed out that originally all land belonged to the Crown; and, because of that, it is lawful under the Cattle Trespass, Fencing, and Impounding Act to enter on to any land. The only penalty provided in the Act is for damage, which implies that entry without damage is lawful. This, of course, makes the clause in question quite innocuous unless some damage can be proved. Subsection (4) of proposed new section 13A. contained in clause 2 of the Bill reads as follows:—

> A person who refuses to give his name and address when required so to do under subsection (3) of this section or who, when so required gives a false name and address, is guilty of an offence.
>
> Penalty: Five pounds.

In my opinion this also is a vicious provision. In all legislation which gives power to duly appointed officers of the law, such as traffic inspectors and health inspectors, etc., there is provision that the person whose name is being demanded can ask the person who is demanding his name for his authority. There is provision in some Acts for a penalty against the officer concerned if he fails to produce his authority. That is so in the Traffic Act in relation to traffic inspectors. If a traffic inspector is in plain clothes and is challenged for his authority and he cannot produce it, there is a penalty up to £10. So this provision is vicious, because it is one-sided.

In all sympathy for the farmers I would suggest that the members of the Country Party move for the appointment of a Select Committee to enable them to go into a huddle to overcome this problem. I would not say, however, that this Bill is the best way to achieve that result. I would like to support any measure that would protect the farmer from irresponsible people.

Mr. Evans: He has that protection now.

Mr. ROWBERRY: I know the Act does not give him complete coverage; it does not protect him from people who enter on his land and leave his gates open; but he cannot have it both ways. Farmers have ample protection under the Cattle Trespass, Fencing, and Impounding Act now; in fact, that Act is loaded very much in favour of the farmer, as the member for Subiaco pointed out in his maiden speech. If someone leaves a gate open and an unsuspecting motorist comes along and collides with stock which happen to have strayed as a result of the fences not being

kept in good repair, the motorist is liable. As I have said the Act is loaded very much in the farmer's favour, because the motorist can suffer extreme damage.

He could even suffer injury himself, but he would have difficulty in obtaining damages from the farmer. If he were to collide with cattle belonging to the farmer, it is doubtful whether he could proceed against the farmer. In fact the farmer could proceed against the motorist for the value of the animal. I have this on legal authority—not that of the member for Subiaco of course.

The member for South Perth said he would support the Bill and hoped that during the Committee stage its provisions would be made more reasonable. I cannot see any chance of that being done. I think the Bill is wrong in principle from start to finish; and although I have every sympathy for the farmer, I cannot support the Bill.

MR. LEWIS (Moore) [9.21]: At this moment I am reminded of the prayers you, Sir, offer daily on our behalf. I paraphrase it as—

Deliver us from our trespassers.

On behalf of the farmers I would like to add the following, after having listened to some of the speeches during this debate:—

Deliver us from our traducers.

I am quite sure the farmer is not a bad type of individual who engages a decoy down the road to watch the trespassers, while he sits under cover, ready to pounce on anyone who goes through the fence to free any sheep entangled by the fences.

At the same time I do not approve of many of the provisions in the Bill. I am principally concerned with the stockowner, particularly during lambing time. A type of damage can then be done quite easily by trespassers, and it is most difficult to prove. Sheep may be lambing when trespassers go on to farming properties to gather mushrooms. I have no complaint against people entering my property, which is bounded by a highway, in order to gather mushrooms to their hearts' content, but I do object to people going on to my property when the ewes are lambing.

I am quite sure that they are ignorant of any damage that may be caused by people trespassing. At times, after new lambs are born, the ewes will leave the lambs if they are disturbed; in many cases they do not go back to their lambs, which die of malnutrition. Even if the farmer picked up the lambs, he would find it hard to ascertain the cause of their being deserted by their mothers. Because of that, something should be done to tighten the cattle trespass Act.

I will not have a bar of the part of the Bill which proposes to give to the informant any fine which may be imposed on a trespasser. I do not think that is justifiable. I support the second reading of the Bill in the hope that something will be done to tidy up the measure. I support it principally on behalf of the stock owners who may suffer considerable damage as a result of trespass.

MR. FLETCHER (Fremantle) [9.25]: I object to the Bill in its entirety; even the title.

Mr. Brand: Why?

Mr. FLETCHER: For a start there should be a comma after the word "cattle." That is not my only objection. My principal objection is that I do not agree that the public should be considered as a mob of sheep or cattle. One could get the impression from the Bill that people would be impounded as a result of trespass. That is my impression after reading the title. Both the Bill and the title are unsatisfactory.

It was pointed out by the member for South Perth that there already exists legislation to protect farmers against trespassers. As was pointed out by the last speaker, if people cause damage as the result of their trespass on to property where ewes are lambing, there is already legislation to penalise the offenders.

What causes me great concern is one provision contained in the Bill. I wonder how it will affect prospectors who go on to properties to seek minerals. I assume that the provisions of the Mining Act will not be superseded by the provisions in the Bill. I assume there is a limited amount of mining being carried on in the South-West.

In my varied career I have been on to pastoral properties as a prospector, and I was able to retain the gold I recovered from beneath the surface of the land.

Mr. Burt: And even on the surface.

Mr. FLETCHER: That is so. I understood that the pastoralists had the right only to grazing and pastoral pursuits on their property. As a prospector has the right to enter land in the North-West for the purpose of prospecting, I assume he also has the right to go on to land in the South-West Land Division for the purpose of gathering mushrooms. Would this Bill prevent a prospector from going on to an enclosed property that was in, say, the Greenbushes district, where tin is found? A person might have a *bona fide* reason for entering upon the land; but I suspect he would be subject to the provisions of this Bill, if it is passed.

I am assuming that the South-West Land Division takes in Greenbushes as well as Ravensthorpe, where copper is found. The prospector looking for copper around Ravensthorpe will be subject to the provisions of this Bill and to any penalty contained therein. On that score the Bill is condemned. I wonder whether the

framers of the Bill have thought about the provisions in the Mining Act. I take exception to one provision under which private citizens are to be appointed unofficial policemen.

Mr. J. Hegney: As revenue collectors.

Mr. FLETCHER: Not necessarily for the Treasury. As far as I can gather it will be revenue for the farmer; and it can be a very remunerative source of revenue. There is a possibility of these unofficial policemen coming into existence; that is contrary to the Australian way of life, and the Bill should be condemned for that reason.

I feel that the erection of notices on private properties, in the vicinity of the fences, should be sufficient warning to the public at large to refrain from entering the properties. I am sure that if the notices were there, the public would be sufficiently considerate not to enter. For those reasons I oppose the Bill.

MR. NORTON (Gascoyne) [9.31]: Whilst I am in sympathy with the farmer in respect of those persons who trespass, I feel this Bill contains many dangerous points. It endeavours to amend the Cattle Trespass, Fencing, and Impounding Act which, to all intents and purposes, deals with trespasses by cattle. If one goes back to the reason for this Act being introduced, one will find that it was not meant to deal with trespass by human beings.

The authority contained in the Bill is confined to enclosed land; and the Bill also gives power to the owner of the land, to his employees, or to members of his family to intercept and demand from a trespasser his name and address. A similar power to this is in another Act which I will quote later. Under this Bill a teenage child—the child could be of any age—could go to an adult who was trespassing on his or her father's land and demand the name and address of that adult. What right has a child to do this? The average adult would be very reluctant to give his name and address to a child. I know that you, Mr. Speaker, would be. The Bill does not require any identification to be shown by the person who is demanding the name and address.

Another bad precedent contained in the Bill is the fact that a fine of £2 can be remitted to the owner of the property. The owner of the property could use that money to pay his employees or his children to keep watch on the unsuspecting trespasser. For that reason alone this Bill is bad and should be thrown out. I point out that under the Police Act there is ample coverage. I will read the relevant portion of section 49, which is as follows:—

> Any person found committing an offence punishable in a summary manner may be taken into custody without a warrant by an officer or constable of the Police Force, or may be apprehended by the owner of the property on or with respect to which the offence shall be committed, or by his servant, or any person authorised by him, and may be detained until he can be delivered into the custody of a constable, to be dealt with according to law.

That is all-embracing. It gives the owner of a property authority to delegate any person to hold and deliver into the custody of a constable any person who is breaking the law, and that person can be dealt with in a summary manner. Now I will read portion of section 80, as follows:—

> Every person who shall wilfully, wantonly, or maliciously commit any damage, injury, or spoil, to or upon any real or personal property whatsoever, either of a private or public nature, not otherwise herein provided for, shall, on conviction, be liable to a penalty not exceeding five pounds; and shall also forfeit and pay such further sum of money as shall appear to such justice to be a reasonable compensation for the damage, injury, or spoil so committed, not exceeding the sum of ten pounds, or may be imprisoned for any term not exceeding two calendar months;

and so on. There is ample coverage in the Police Act for any farmer who wishes to take action against trespassers. For the reasons outlined, I strongly oppose the Bill.

MR. OWEN (Darling Range—in reply) [9.35]: I wish to thank the various speakers for putting forward their various points of view. Most of those who have spoken have been on the other end of the proposition—that is, they like to enjoy trespassing on other people's property, irrespective of any damage that might be done.

Many points have been raised; but I would like to say that the only penalties in the parent Act, the Police Act, or any other Act that I can find, are for damage which must be proved. That is the crux of the whole matter. I think I made it clear in my second reading speech that most farmers have little objection to mushroomers or others who go on to their properties, unless they do damage. I mentioned in particular the damage which occurs to fencing and to stock, particularly at the time when ewes are lambing. That damage is difficult to prove; and that was pointed out by the member for Warren, the member for Moore, and others.

Most members have said that they have every sympathy for the farmer. However, the farmer has no redress whatsoever unless he can catch the offender and prove that a lamb was abandoned, a ewe was destroyed, or a fence was destroyed or

damaged. These things are almost impossible to prove. Take fences: I can point out along the road many modern ring-lock fences through which people have been getting. The first person bends the fence down a bit; the second person bends it down a bit more; and by the time a dozen people have passed through it, it is practically on the ground. How can one prove to a magistrate that a particular person did the damage? It is absolutely impossible. When these fences are beaten down, cattle can wander out on to poison country and be poisoned, or on to the road and become a potential danger to the motorist through no fault of the landowner or farmer.

As I mentioned when introducing the Bill, the only redress a farmer would have would be to take a trespasser to court for stealing mushrooms. As was pointed out by the member for Subiaco, this is futile. What is the value of a mushroom, or a bag of mushrooms? The case would probably be dismissed and the farmer would have to pay the costs. The person who caused the damage would get away scot-free. Most members who have spoken have appreciated that the farmer is in a difficult position, but none has offered any real solution to the problem. I admit that this Bill is badly drafted, and I would not object to amendments being made because of some of the ambiguities contained therein.

The sole object of the Bill is to give the farmer and the landowner some protection from those people—I would say irresponsible people—who enter on to his property and cause damage. A person at Mundaring told me that on this side of Mundaring; —the metropolitan side—the people concerned are respectable citizens who would not do anything out of place; but once they, as travellers, get to the other side of Mundaring they just lose all sense of right and wrong and go berserk in regard to trespassing.

It was interesting to hear some of the comments of members; and I would like to touch on one or two of them to point out how far, in my opinion, they were astray. The member for Guildford-Midland said that the trespassing was innocent and not important. It might be from the trespasser's point of view, but I think I have made it clear that it could involve the farmer in some hundreds of pounds' worth of damage every season. The honourable member mentioned that shooters did a good turn in destroying vermin. I would say here and now that farmers do not appreciate shooters coming on to their property, because they do not do a great deal of good but quite a lot of damage. In regard to the control of vermin, we have only to consult the Agricultural Department to be told that shooters, by destroying a proportion of buck rabbits, do more to encourage rabbits to breed than to eliminate them.

The member for Guildford-Midland also said that notices to the effect that trespassing was not appreciated would be 100 per cent. respected and that a good fence would keep trespassers out. I beg to differ with him there. Notices to that effect are promptly filled with shot by the irresponsible shooters; and, although it is an offence to discharge a firearm along the road, there have been in the past very few convictions. I know that farmers have suffered in that direction; and even if they have been able to apprehend the shooters, they cannot hold them and yell for a policeman. There may not be a policeman within 20 miles; and how can a single person hold on to a trespasser—or a group of them—and get a policeman at the same time?

Mr. O'Connor: You could take the car number.

Mr. OWEN: And what is the good of that? The former Minister for Police introduced a special measure—I think it was the session before last—to try to obtain more authority so that the owner of a car would have to divulge to the police the name of the person in charge of the car at a particular time. To know the number of a car does not mean a thing. I could lend my car, and I would get blamed.

Mr. O'Connor: You should not lend it to an irresponsible person.

Mr. OWEN: That may be so. But it could be stolen. I think I have demonstrated the futility of erecting notices and good fences in an effort to keep out trespassers. The member for Mt. Hawthorn I thought displayed—as an ex-Minister of the Crown—the greatest ignorance by talking in the way he did. He said that a justice of the peace who could be the father of a landowner could say, "You have trespassed. You are fined £5. Hand it over here and now." Surely the ex-Minister has some knowledge of the normal procedure under the law. Of course a justice could not do that. The complaint must be lodged and the case must then be heard in the court of petty sessions.

Mr. W. Hegney: But he has to be given £2 or £10.

Mr. OWEN: If it can be proved that the trespasser was there for an unlawful purpose. I think that that is a pretty good let-out for probably 99 per cent. of the cases. But the Bill is, as mentioned earlier, designed to give the farmers some little redress against those irresponsible people who go on to their properties and cause damage either—as is often the case —unwittingly, or deliberately.

The member for Collie gave us some fatherly advice; but of course we cannot take him seriously, though we know he meant well and was not just talking for the sake of opposing the Bill.

Objection has been made to the provision which allows for the taking of a name and address. I agree that the Bill

is badly framed in this regard. It was not intended that anyone suspected of being on the property should be asked his name and address but only those who were suspected of being on the property for an unlawful purpose. I have an amendment in mind which should be acceptable if members are agreeable to the principle behind the Bill.

It was stated that the right to take names and addresses has been restricted to certain inspectors and to members of the Police Force; and that is true. However, in this instance I think the case warrants more authority to demand the name of these trespassers; and I therefore suggest the provision could be altered to read somewhat as follows:—

> Where an owner in possession of enclosed country land finds any person trespassing on that land and on reasonable grounds suspects that he has intentionally and without lawful reason or excuse entered on such land, he may require of that person his name and address.

That certainly makes it plain as to what is intended.

Mr. W. Hegney: And what would be the penalty if he did not give his name and address?

Mr. OWEN: The owner would not be much better off, would he? He would then have to try some other tactics, and perhaps take the car number in the hope that he could trace him that way. If he refused to give his name, I think it would be hard to take him to court on those grounds. However, the farmer would be given some protection against those people who deliberately trespass on his land.

The member for Mt. Lawley professed sympathy for the farmers, as did most other speakers, but did not offer any solution of the problem. He said that they "may" have some grievance. They certainly have; and in many instances they are very great grievances.

The other members who spoke more or less followed the same lines. I think that the member for South Perth must surely be an Irishman considering the fact that he said he did not like the Bill but would support it because if there was a possibility —and he knew there was not—of amending it satisfactorily in Committee he would prefer that; but if it was not amended, he would vote against it on the third reading. But perhaps, under the circumstances, one should be grateful for even such little support for the measure as that.

I think I have touched on all the points raised in opposition to the Bill. Although the measure was drafted by an experienced officer, I am disappointed at its ambiguity; and I would not object to any reasonable amendments which might knock it into better shape. I have looked through other legislation, and even the Police Act, to which the member for Gascoyne referred; but I do not think we would get very far under that measure; and the same applies to the parent Act of this Bill. There is no protection provided unless one can prove damage; and in 99 cases out of a hundred that is impossible, particularly in the case of lambing ewes, because probably the damage would not be apparent until the next morning. I repeat that the Bill would give the farmers some protection, and so I hope members will agree to the second reading.

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

Ayes—12.

Mr. Bovell	Mr. Lewis
Mr. Brand	Mr. Nalder
Mr. Court	Mr. Owen
Mr. Craig	Mr. Roberts
Mr. Grayden	Mr. Watts
Mr. Guthrie	Mr. I. W. Manning
	(Teller.)

Noes—27.

Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Lawrence
Mr. Burt	Mr. Moir
Mr. Cornell	Mr. Norton
Mr. Crommelin	Mr. O'Connor
Mr. Evans	Mr. Oldfield
Mr. Fletcher	Mr. O'Neil
Mr. Graham	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. May
Dr. Henn	*(Teller.)*

Majority against—15.

Question thus negatived.

Bill defeated.

[*The Deputy Speaker (Mr. Heal) took the Chair.*]

JURIES ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

NATURAL THERAPISTS BILL

Second Reading

Debate resumed from the 30th September.

MR. CROMMELIN (Claremont) [9.58]: This is a Bill to provide for the training, qualification, and registration of persons as natural therapists and for the practice of natural therapy and matters incidental thereto. I feel that any person who so desires should have the right, when suffering from some complaint, and believing that relief can be got by going to a chiropractor or osteopath, to go to such a person.

I draw attention to the fact that as the law stands at present the people who practise in this way have every right to do so; and, until such time as they contravene the Medical Act, they have a perfect freedom to carry on with their methods of treatment.

I find it somewhat difficult to reconcile some definitions in the Bill with those already in existence in various Acts. In clause 3 of the Bill we find "chiropractic" defined as follows:—

> "chiropractic" means the science or art concerned with the adjustment of the spinal column and related structures of the human body in order to restore and maintain normal physiology.

But in the Physiotherapists Act the definition of "chiropractic" reads—

> "chiropractic" means the system of palpating and adjusting the articulations of the human spinal column by hand only, for the relief of nerve pressure.

Then in a pamphlet which most members received on the 1st September last year, from an organisation known as The West Australian Citizens Chiropractic Association, the definition of "chiropractic" reads as follows:—

> A system of treatment based on the premise that the nerve system controls all other systems and physiological functions of the human body; and that interference with the nerve control of these systems impairs their function and induces disease by rendering the body less resistant to infection or other causes.

So I wonder whether it is possible, by a Bill such as we have before us, to have a definition which reads entirely differently from one which is now in an Act already in force. The definition in the Physiotherapists Act states quite definitely that this class of treatment can be given only by the hands. In my opinion there is a serious difference between the two definitions; and the definition given by the association is different again. As regards osteopathy, the definition in the Bill reads—

> "osteopathy" means the method of correcting body conditions, either structural or functional, by means of scientific manipulations aimed at effecting skeletal adjustment, free circulation of blood and coordination of nerve force;

The definition of "osteopathy" in the Physiotherapists Act reads as follows:—

> "osteopathy" means the adjustment by hand only of the bones or soft tissue of the human body for the purpose of curing or alleviating any disease or abnormality of the body;

There again the two definitions are completely different. But the main point which strikes me is that in the definitions of both oestopathy and chiropractic, in the Physiotherapists Act, the means of adjustment is to be carried out only by the use of the hands.

To find a definition of "naturopathy" is, I must admit, rather difficult. The definition in the Bill reads—

> "naturopathy" or "naturopathic dietetics" means the system, by the use of hydro-therapy, electrotherapy, hygiene, dietetics, suggestion or bio-chemistry . . .

Hydro-therapy is the use of hot and cold running water internally and externally for the treatment of disease; and electrotherapy is treatment to the body by electricity through water. Hygiene is cleanliness; and dietetics is actually the practice of diets. To become a dietician, one obtains a degree at the University; and there is nothing to stop anyone becoming a dietician so long as he has the qualifications.

The next method of treatment is by suggestion, and suggestion should only be used by people having an adequate training in normal and abnormal psychology. This course can be taken at the University. I understand it is a three-year course. I imagine that "suggestion" could quite easily mean the use of hypnosis, a practice which is in use in many parts of the world today.

The definition of "bio-chemistry" reads as follows:—

> "Bio-chemistry" is the study of the chemistry of living organisms.

It is never used in treatment but only as a means of research into the possible causes of disease. A degree in biochemistry can also be obtained at the University. So members will appreciate that to have a complete knowledge of naturopathy one must study a large number of subjects; and they are all listed in clause 3 of the Bill. I doubt whether there would be many people in this State, unless they had passed a medical degree, who would have the necessary knowledge to qualify in all the items mentioned in the definition of "naturopathy."

Mr. Oldfield: Are you supporting the Bill?

Mr. CROMMELIN: If the honourable member will only wait, he will learn eventually.

Mr. Oldfield: I was not sure, and that is why I asked.

Mr. CROMMELIN: Be patient! Now we come to clause 5, which deals with the constitution of the board. In almost all Acts of a similar kind, the boards concerned are subject to a Minister. But it is particularly noticeable that in this measure such is not the case.

It is provided that the board shall be composed of the Commissioner of Public Health or a person nominated by him; a medical practitioner nominated by the Minister; and three other persons approved by the Minister, two of whom shall be nominated by the United Health Practitioners' Association (Incorporated), and the

other shall be nominated by the Chiropractors and Osteopaths Association of W.A. (Incorporated).

It will be appreciated, therefore, that if one of the first two named were the Commissioner of Public Health, he would be a qualified medical man. I can imagine that it would be with considerable misgiving that he would sit on a board which had to decide whom it would register, knowing full well that no matter how strongly he and his colleague expressed their opinions against any applicant who sought registration, their efforts would be in vain because they would be outvoted by the other members of the board.

This proposed board would have the power to grant registration to those people whom it considered worthy of being registered. If a person holds a diploma in one or more of the natural therapies from any recognised chiropractic college, osteopathic college, or school or college of natural therapy, he would be eligible for registration as a natural therapist. I have tried to locate a school that is recognised.

Mr. Toms drew attention to the state of the House.

The DEPUTY SPEAKER (Mr. Heal): There are 17 members present in the Chamber, which number constitutes a quorum. The member for Claremont may proceed.

Mr. CROMMELIN: I have, without success, tried to locate what is considered to be a recognised school, as is laid down in subparagraph (i) of paragraph (c) of clause 11 (1). There is no college in Australia that provides a course such as is mentioned in this Bill. In America there is a well-known school—the Palmer Institute—which has been established for many years. The course of training given at that institute covers all the qualifications that are suggested in the Bill.

The course is a four-year one. Some medical men who have attended that institute have informed me that any man who has completed the course laid down by the Palmer Institute and has received a certificate from it is near enough to being a qualified medical practitioner, except that he has had no training in surgery and allied subjects. However, as far as the treatment of bones and the manipulation of muscle are concerned, including the practice of bio-chemistry, dietetics, and such-like, he is most proficient. The opinion expressed was that if a man held a certificate issued by the Palmer Institute one could not but agree that he was well qualified as a natural therapist.

I have not heard of any person who has attended the Palmer Institute. Therefore, I wonder on what grounds this board will base its determination of a worthwhile diploma. If there is only one recognised college with a standard upon which it could judge whether a candidate for registration was qualified, surely it would have to decide that a certificate or diploma issued by a college with a lower standing would be sufficient. In this respect I have ascertained that a person can complete a correspondence course with certain colleges in America and within three months obtain a diploma in natural therapy.

However, I cannot imagine for one minute that the minority members of the proposed board would accept such a diploma as being sufficient qualification to warrant the registration of a natural therapist. It is true that any person, if he so desired, could employ a knowledgeable chiropractor to train him to be a natural therapist. There would be nothing to prevent the person so engaged in instruction from issuing a certificate over his name, certifying that the person he had trained had passed an examination set by him and was qualified to be registered as a natural therapist.

Once again I ask: How would the minority members, or even the majority members of the board view such a certificate? Subparagraph (ii) of paragraph (c) of clause 11 (1) provides a more or less blanket cover because it gives the board the right to register a person within six months if he has, for the last three years, been practising as a natural therapist.

The same provision also permits a person who has been employed by a natural therapist to be registered. It does not lay down that the employee has to be a natural therapist. It merely states that a person must be in the employ of a natural therapist before he is eligible for registration. That constitutes a weakness in that part of the clause. In the last week I have spoken to many people who have attended natural therapists for the treatment of various complaints. To them, I have put this question: Why do you think these osteopaths and chiropractors should be registered? In each instance the answer has been: "Because I think, if they are registered, we will be entitled to receive benefits under the Commonwealth Health Benefit Scheme."

Although the Deputy Leader of the Opposition suggested that natural therapists might be registered, I think he will agree, at this stage, that there is slight possibility of their patients becoming eligible for benefits under the Commonwealth Health Benefit Scheme; because at present, as a result of the sickness policies that they have taken out, people may obtain free treatment from physiotherapists. In those cases, there is no passing of money. If the patients of a natural therapist are to obtain any relief from naturopathy, surely there is nothing wrong with these natural therapists continuing to practise in the future in the same way as they have in the past, provided they do not contravene the Medical Act by administering drugs or some other treatment.

What a difficult problem it would be for the board when constituted, when it says that they shall be registered if they can prove their ability! How are they going to prove their ability? Are they going to prove their ability by having a patient brought to them, and by proving they can correct the damage that may have been done to his back, or suchlike; or are they going to be asked to prove their ability by sitting for an oral or a practical examination as well? I cannot understand how the board will decide that they should prove their ability. It will have to be either by theory or by practical demonstration; or by a recognised diploma, which it is very hard to obtain.

In its pamphlet that we all received last year from the W.A. Citizens' Chiropractic Association the association enlarges somewhat on chiropractic; its principles and its growth. It says that today there are 27,000 qualified chiropractics; and that in 46 out of the 49 States in the United States of America full recognition is accorded. It then states—

> The minimum course of study required by the council on education of the National Chiropractic Association consists of 4,400 hours, and the curriculum of a chiropractic college compares favourably with that of the Australian medical schools. This academic course of study covers 4 to 4½ calendar years and includes a comprehensive course in the basic science subjects of anatomy, physiology, chemistry, bacteriology, pathology, diagnosis, x-ray analysis, in addition to a specialised study in the nervous system and spine.

So if this board is prepared to say that it wants a certificate as suggested by this association then, indeed, there would be a great deal of difficulty in getting such a certificate.

Mr. Roberts: What is the full name of that association?

Mr. CROMMELIN: It is called the W.A. Citizens' Chiropractic Association.

Mr. Roberts: It is not mentioned in the Bill.

Mr. CROMMELIN: That does not matter. The object of this association is to inform the sick that there is hope and help in chiropractic; secondly, to establish the moral right of the sick to a health method of their choice—with which I heartily agree. The third objective, and this is the important one, is to marshal public support for the enactment of honest health legislation to provide for a payment of health benefit funds to persons treated by qualified chiropractors. Those are the objectives of this association. There is another paragraph which reads—

> Legal Status in W.A.
>
> Up to the present chiropractors are without legal recognition or protection in Western Australia.

I do not think that is a correct statement, because they are under protection provided they do not contravene the Medical Act. It continues—

> It sometimes happens therefore that the name "chiropractic" is associated with varying types of treatment which have little or no relation to it whatsoever. Under these circumstances the importance of consulting a qualified—

and the word "qualified" is heavily underlined—

> —a qualified chiropractor cannot be over-emphasised.

The final paragraph of importance to which there is reference is—

> Why Legislation is Needed
>
> The need to protect the public from the activities of persons calling themselves "chiropractors" who do not possess the proper qualifications for the practice of chiropractic.

They are asking for legislation to protect the public from persons who are not qualified chiropractors. I pose the question once again: How do we know who is a qualified chiropractor? The next reason why legislation is needed is—

> The need for legal distinction of chiropractic from other types of practice to prevent it from being misrepresented to the public, extended beyond its defined limits or embraced by other healing practices.

In other words they seem to suggest that there should not be other healing practices tied up with that of chiropractic. To continue with the reasons why legislation is needed—

> The need for legal protection of the high standards of practice and ethics of the chiropractic profession in this State so that the public may be safeguarded.

People have been going to chiropractors here for a great number of years. The chiropractors are safeguarded; that is to say that no-one is breaking the law if he is a chiropractor and treats a person—therefore he is safeguarded. He is safeguarded under the Medical Act and also under the Physiotherapists Act; unless he contravenes those Acts, he is allowed to practise.

It has been suggested that if these people received legal status they could charge fees. But I do not know of anyone who has been able to go to these people and who has not had to pay a fee, unless he were perhaps in extremely poor circumstances.

I asked some people last week as to the different charges that were made. They seemed to me reasonable charges, and I do not think the chiropractors need legal standing to make a charge. I understand it is the law that if one gives a service one

can demand a fee for it. So as the position is today, I feel these people have every right to practise. They will not gain anything by being registered unless the board is so severe as to set a standard of 4,400 hours, such as is laid down by the National Chiropractors' Association of America, or a standard even higher; and then I am afraid we would find very few chiropractors coming into the country. It would not be possible for people to go to America for four to 4½ years to learn, unless they were of substantial means.

The point is whether people will gain any benefit under the Commonwealth health scheme by attending the practitioners referred to in the Bill. As it is fairly obvious they will not, and as these practitioners now have all the opportunities which they do have to continue giving treatment, I feel they should be permitted to carry on under the existing method. I cannot support the Bill for the registration of these natural therapists, because I honestly believe that no benefit will be conferred on them or on the public by so doing.

DR. HENN (Leederville) [10.31]: I was very disappointed with the second reading speech of the Deputy Leader of the Opposition who introduced this Bill. I was disappointed because the subject referred to in the Bill is of very great public interest and importance. It has been so over the years—the decades and the centuries. I shall content myself by saying that the honourable member's speech was rather anaemic, and that the Bill itself is rather disjointed and will need a lot of manipulation in the later stages.

What did the member for Melville say in his speech? He commenced by saying, as reported on page 1661 of *Hansard*—

> From time to time, when the British Medical Association requests it, the Commissioner of Police instructs some of his officers to go out into the community to obtain evidence to proceed against persons who have been engaged in helping other persons who are sick.

I would like to correct the impression which the honourable member may have given to this House when he referred to the British Medical Association. That is merely a voluntary association, of which most doctors are members. Its functions are very similar to those of the Parliamentary Association, in that it fosters the welfare and promotes the interests of doctors. What the honourable member meant was that the Medical Board of Western Australia did what he suggested. That was what he really meant. I want to correct any wrong impression which may be held not only by the member for Melville, but also by other members of this House and the general public.

Referring to the case of Mr. Watts, who was mentioned by the member for Melville, the Medical Board received a complaint, and it found itself in the position where it had to act. The Medical Board is set up to guard the public against offences committed not only by the medical practitioners, but also by unorthodox practitioners. The medical profession does not mind the establishment of the Medical Board. The doctors welcome it, because it safeguards the public against malpractices. For that reason I cannot understand why the unorthodox practitioners should object to the Medical Board. It was a most necessary part of the machinery set up when the Medical Act was introduced.

The member for Melville referred in a later portion of his speech to the admission of new members to the register; and that aspect is also mentioned in the Bill. On page 1663 of *Hansard* he said—

> Regarding the admission of new members in the future, all applicants must be able to produce a diploma from some recognised college or university in which the requisite studies have been undertaken.
>
> Mr. Crommelin: Where would these people come from?
>
> Mr. Tonkin: From Australia, as well as other parts of the world. A number of them now practising in Australia came from Great Britain where they obtained diplomas. They could come from Great Britain or the U.S.A. They would be admitted so long as the registration board was satisfied that the diploma showed that the applicant had undergone the necessary training to fit him for his task.

That sounded very nice, and when I heard what he said I felt quite happy and safe. But when one looks into the registration of these unqualified practitioners one finds that their training is not as satisfactory as one is led to believe.

I now refer to a report of a committee which inquired into the costs of medical care and conditions in the U.S.A. in 1932. Here we are able to obtain an idea of the situation in the training schools for chiropractors, osteopaths, and naturopaths, because in the Bill "natural therapies" is defined as including chiropractic, naturopathic dietetics, and osteopathy. When we deal with one branch we deal with the lot.

Mr. Graham: Who is responsible for the publication you are about to quote?

Dr. HENN: The publication is entitled "Osteopathy and Manipulation," by James Cyriax.

Mr. Graham: Who is he?

Dr. HENN: I understand he is the Professor of Physical Medicine in the University of London and is attached to the Westminster Hospital. I am not quite

sure but I think he practises manipulations there. This is a fairly unbiassed publication, which is obtainable from Ramsays in Perth. I refer to this publication because parts of it are relevant to the Bill. The first extract I refer to is as follows:—

> Osteopathy and other healing cults suffered a bad blow in 1927 when the Basic Science Examinations were instituted in the U.S.A. Not all states within the Union have enacted the provisions, but the law was brought in to regulate the swelling numbers of unqualified practitioners in several branches of healing. The law made possession of certain fundamental knowledge (anatomy, physiology, chemistry, bacteriology and pathology) obligatory on all who wished to follow any healing cult.
>
> In 1932, the Committee on the Costs of Medical Care investigated conditions in the U.S.A. It estimated the number of osteopaths at 8,000, chiropractors at 16,000, and Christian Scientists at 10,000. With the nature-curers and other miscellaneous cultists, a total of 36,000 healers without medical qualifications existed, in comparison with 162,000 registered doctors. (There are approximately twice as many doctors in the U.S.A. as in Britain.) The Committee was not purely medical; it contained government representatives and persons interested in sociology as well. The Committee authorised a report, which was published under the name of L. S. Reed, a doctor of philosophy. The part relevant to osteopathy and chiropraxy can be condensed as follows:—
>
> > The growth in the numbers of osteopaths had practically ceased, this failure to increase being probably due largely to the advent of chiropraxy and the way osteopathy had evolved. The osteopaths lost to the chiropractors those patients who were attracted by the "cure-all" feature. Again, as osteopathy approached medicine and took on its methods of treatment, the osteopath had to recognise his own limitations, thus losing his basis for remaining a school of healing. He also came for the first time into disadvantageous competition with doctors on their own ground. As osteopathic standards rose, the sect ceased to attract students who wanted to practise healing by evading—rather than surmounting—the rigorous full medical course.
>
> Since osteopaths in many States conduct a general practice, the quality of medical care available for the patients is impaired; for they are less well-qualified than doctors of medicine. Osteopathy really designates a group of sub-standard medical practitioners, and the existence of any such group is undesirable.

That is the report or part of the report on the training conditions for osteopaths and the results of the committee which I mentioned in the U.S.A. in 1932.

Now, I feel we should continue our travel around the world; because, after all, this subject is not one just suddenly brought up in this Parliament of Western Australia; it has been going on for years—as I said before—for decades, in every country of the world. I think when putting it to the House it is fair to give members the benefit of the findings that have been stated in other countries by other committees. Therefore, I turn to the inquiry in the House of Lords which took place in 1935. I quote again from this book, which says—

> The famous second attempt to secure legal status for osteopaths took place in 1935. A Bill to register and regulate osteopaths was laid before the House of Lords. It was sponsored by the British Osteopathic Association, the Incorporated Association of Osteopaths, the Osteopathic Defence League (i.e., Mr. Streeter), and the British School of Osteopathy. The Select Committee consisted of Lords Esher, Elibank, Redesdale, Carnock, Dawson of Penn, Amulree and Marley. It will be noted that only one member was a medical man. Moreover, at the hearings Lord Elibank showed himself at least as favourable to the ideas behind osteopathy as Lord Dawson showed himself critical.
>
> At the hearing it became obvious that the osteopaths had not prepared a proper case and that the matter submitted consisted entirely of various witnesses' personal opinions; no real evidence was brought forward at all. The osteopathic witnesses found themselves in a series of quandaries, and soon found themselves contradicting their own and each others' assertions.

There was one witness, amongst others, who was called before the House of Lords Select Committee, and whose name was Dr. K. McDonald. He was an osteopath, but he was also a fully qualified medical practitioner. This is his evidence as quoted in this book—

> Dr. McDonald appeared for the British Osteopathic Association, founded in 1910. In a reply, he stated that no school of osteopathy existed at that time in England, whose degree the Association recognized. This was a bombshell; for the Bill contained a Clause recognizing the British School of Osteopathy as the official undergraduate training centre. All the

members of the B.O.A. had qualified in the U.S.A., though it was doubtful if all of them, so it transpired, would now have been allowed to practise osteopathy in the U.S.A. on account of not having also passed their Basic Science Examinations.

I will leave out some parts, as they are not relevant. I am continuing to quote—

> When it came to the students' study, Mr. Littlejohn had handed in to their Lordships a detailed analysis of the curriculum. He afterwards had to admit that it was out of date and quite misleading. Anatomy was taught without bodies or dissection; pathology without specimens or any but the most rudimentary apparatus; X-ray photography without an X-ray machine; ultra-violet rays without a proper lamp. Acute diseases were taught without patients ill from such disorders; fatal diseases without inpatient beds or post-mortem facilities. He claimed to have 10,000 microscopical slides (purchased, not made in his own laboratory) but not a single one that demonstrated the osteopathic lesion, nor did the school possess any post-mortem specimen of the lesion.

Now we come to the part concerning the student. In his evidence he stated—

> No student had ever failed; all those who had got as far as the final examination had passed it. Finally it was proved that Mr. Littlejohn had given his diploma to a student stating that he had pursued his studies at the School for four years when in fact he had been there for only one year. Unusual practices clearly ran through all matters on which Mr. Littlejohn was questioned. Small wonder that the Select Committee's verdict on him and his works was as follows:—"The only existing establishment in the country for the education and examination of osteopaths was exposed as being of negligible importance, inefficient for its purpose and, above all, in thoroughly dishonest hands." (Mr. Littlejohn remained head of the school until his death in 1947.) They went on to advise deferring further consideration on the recognition of osteopaths until a well-equipped and properly-conducted educational institution had been set up.
>
> The committee found that the osteopaths' claim to be able to treat all diseases had not been established and that it would be neither safe nor proper for Parliament to recognise osteopaths as qualified, on a similar footing with doctors, to reach a diagnosis and treat all human complaints.

I have covered rather a lot of that ground because the part of the Bill which I am particularly worried about is that which deals with the training of these ladies and gentlemen who are going to be registered under the Bill. It is not the only part of the measure that I am worried about, but it is the part that I am most worried about. I think I have demonstrated that in the U.S.A. and U.K. they were not found to be satisfactory on examination; and I think if we were to look around, we would not find one in the whole of Australasia.

In the Bill there is mentioned the United Health Practitioners Association (Incorporated) and the Chiropractors and Osteopaths Association of W.A. (Incorporated); and it is three persons from those two associations who are going to be the representatives on this board. In this regard, I would like to refer to the speech of the Minister for Health, because I think it cannot be repeated too often. He read out a letter from the President of the Australian Chiropractors' Association—

> None of the members of the Health Practitioners Association or the Chiropractors and Osteopaths' Association have graduated from a chiropractic or any other recognised school so how come they sit on a board and prescribe qualifications, etc., since they have none themselves?

He goes on—

> If this Bill were passed it would give recognition only to the many and varied quacks and charlatans while the qualified chiropractors would think seriously of leaving the State rather than be forced to accept registration under this Act.

I think that is very pertinent to the question.

Mr. Tonkin: It would be if it were factual.

Dr. HENN: I am quoting from a letter of the President of the Australian Chiropractors' Association. I cannot vouch for anything other than that it was quoted as such. However, I am prepared to look into it.

Mr. Graham: He may be the charlatan.

Dr. HENN: Could be. The member for Melville read out a number of letters from grateful patients, and I think that he believed they were the backbone of his speech. I do not desire to speak of them at length, but I feel I should mention one or two of them. From memory, I think the first case was of a gentleman who had two stones removed from the one kidney—which I think was the left one—on two different occasions. He then came to Western Australia from Sydney and took ill again. Some doctor said that he should have the kidney removed because he had a discharging sinus. I think that was what the letter contained.

[*The Speaker Resumed the Chair.*]

The doctors who worked on that gentleman did a pretty good job in removing two stones from the one kidney at different times, even if he was left with a discharging sinus, because everyone knows that stones in the kidney do bring on that infection. If he had been living in the days of antibiotics, I do not think he would have had to go to Broome or wherever it was. That gentleman would have recovered whether or not he had seen this naturopath or chiropractor, or whatever he was.

Another case I can remember was one of toxic arthritis; and another was of asthma, and involved an elderly gentleman and his grandson or daughter. Now, as usually happens when we are dealing with the subject, we find that the greatest percentage of cures come from people having suffered with diseases which can be of organic origin, or functional or somatic origin. In order to explain myself more fully, I would say that there are certain diseases which cannot be functional or somatic but which can only be organic, like a stone in a kidney.

However, this group of diseases—toxic arthritis, asthma, the allergic diseases, and so on—definitely come into the category of somatic diseases; and I think that it is best expressed—or at least is the best way that I have seen it expressed—by Professor Brock, of the University of Cape Town. I refer now to a report of a Select Committee which was set up by the House of Assembly in the Union of South Africa in 1939 on the petition of Mr. De Marillac, who was not only a herbalist, but also an irridiagnostician and a naturopath. For that reason I believe I am within your ruling, Sir, if I quote from this report.

Professor Brock was giving evidence and being questioned by the chairman of the committee, who said—

> There are one or two things in your memorandum which I would like you to elucidate. First of all, I want to refer to your definition of "functional disease" in the fifth paragraph. You say: "The term 'functional disease' as used in this statement is meant to include complaints referred to by the patient to his body, but arising in fact mainly or entirely in his mind or emotions." Do you mean by that that he really is not ill at all?—(Professor Brock.) No, that is an entirely wrong interpretation of it. I think a person who is ill with a functional illness is just as ill as anyone who has an organic disease. It means the origin is different. A man suffering a functional disease is in every way an ill man.
>
> The point I am trying to get at is, do you mean he has actually something wrong with his body as opposed to his mind?—He has something wrong with his body, but it is a disturbance of function rather than of structure
>
> Can you illustrate that?—Take rheumathoid arthritis which is a very well-known organic disease; the joints swell up and the patient becomes completely crippled. You can get all the early symptoms of rheumathoid arthritis simulated by a person who has some disturbance of the emotions. For example, as so often happens, a middle aged woman has unhappiness in her home and she begins to complain of pain in her back or neck, and when you examine her thoroughly and take an X-ray and so on you may find nothing seriously wrong and yet that woman is just as ill as anybody who has rheumathoid arthritis, only what is happening in her case is that a disturbance of emotions has reflected itself in a disturbance of bodily function although we can find no disturbance of bodily structure.

Later on, when questioned regarding other functional diseases, he quoted headaches and stomach disorders. I quoted this man because I feel he knows more about the subject than I am ever likely to know. The fact remains that there are these functional disorders, and that is where the whole difficulty arises in assessing the value of the chiropractor, osteopath, or naturopath—call him what you will—as against the medical practitioner. It is a very difficult problem, because I would not mind admitting that many of the people I have cured would have got better even if they had not come to see me.

Before leaving the report of the Select Committee, I would like to read parts of its findings; and I quote, as follows, from paragraph (5):—

> After giving long and careful attention to the petitioner's case in all its aspects, as presented by himself and the witnesses who appeared on his behalf, your Committee has reached the following conclusions:—

Before continuing, I would like to add that the committee consisted of Mrs. C. C. E. Badenhorst, Messrs. Boltman, Christopher, Dr. Henry Gluckman, Messrs. Hirsch, Johnson, Long, Madeley, the Rev. S. W. Naude, Messrs. Tothill and J. J. M. van Zyl. From those names, we can see that it was a fairly representative body. To continue my quotation—

> (a) That the petitioner is either self-deluded or consciously fraudulent in his claim to be able to diagnose and heal disease.
>
> (b) That, as not uncommonly happens, he is able to persuade patients that he can diagnose their ailments and cure them. In this connection your Committee would refer to the evidence of Professor J. F. Brock, Professor of Medicine

> at the University of Cape Town, on the powers of professing healers, endowed with strong personalities, in connection with "functional disease".

I will leave out paragraph (6) and quote paragraph (7) as follows:—

> For these reasons your Committee does not recommend that the prayer of the petitioner, quoted in paragraph (1) of this Report—

This prayer was that he be registered as a herbalist. He did practise as an irridiagnostician, and as a naturopath. To continue—

> —be acceded to. On the contrary, your Committee recommends that the loopholes afforded by the present state of the law to unqualified practitioners such as petitioner and others . . . be stopped by more effective legislative provisions with the least possible delay.

As I have said, that was part of the report of a Select Committee set up in the Union of South Africa in 1939.

Before leaving the question of functional diseases, which I think is the most important subject matter in any debate of this kind, I will quote from the annual report of the South African Public Health Commissioner for the year 1939. With regard to functional diseases, he says—

> Still another group of diseases which provides a ready field of exploitation by herbalists and other unqualified practitioners is a group of diseases known as allergic diseases; such diseases as asthma, hay fever and certain migraine headaches are classed together in this group. One of the outstanding characteristics of these diseases is that the symptoms frequently disappear at one of the physiological threshholds of life; at puberty or menopause. Frequently asthmatic children who have received attention from one medical practitioner after another without avail are at last taken to a herbalist who achieves a miraculous cure. This cure, however, is only too frequently due to the fact that the young patient visits the herbalist at about the age of puberty, when his symptoms would have disappeared without any treatment whatsoever.

I think it will be granted that there is a large group of diseases with which both these people and medical practitioners are associated, and which are functional in origin. I can only repeat that I have cured some of them and have had the credit for it; but I think they would have been cured without my attention. The member for Melville referred to the treatment of footballers at the hands of osteopaths and chiropractors when they had been injured and said that, although he had medical officers attached to his football club—the East Fremantle Football Club—the injured players did not go to those medical officers for treatment of injured knees, but went to the chiropractor and were accordingly back playing football much more quickly.

I do not deny or disbelieve that statement for one moment; but it is here that the medical profession begs leave to disagree in regard to the unqualified practitioners. We do not believe that all cases of injury to a joint should be manipulated, either immediately or at a later stage. We do believe in manipulation, but not that every such case should be manipulated as part of the treatment. I therefore say that if we line up all these footballers in 30 years' time and examine their knees and compare the knees of those who have been treated by chiropractors and the knees of those who have not, I think the knees that have not had chiropractic treatment will look much more normal than the ones that have had it. That is only a personal opinion, but I think it is also the opinion of most of the medical profession.

Mr. Tonkin: What did the doctors say about Sister Kenny's treatment of poliomyelitis?

Dr. HENN: I would like to go into that, but I do not think it comes within the scope of the Bill. I will deal briefly with a pamphlet that was received by most members of Parliament. I did not get a copy, but managed to borrow one from one of my colleagues.

Mr. Graham: They probably diagnosed you correctly.

Dr. HENN: I think it is rather a pathetic pamphlet; but one paragraph which I cannot swallow without comment says—

> It is pointed out that the term "Health Services" is a misnomer. More appropriate would be the term "Medical Service", since it is self-perpetuating and self-enlarging, producing more drugs, begging more funds for research, advocating more hospitals, recommending more inoculations, more immunisations, more injections, more surgery, and still more of all that goes with medical treatment for the increasing amount of disease, due to the conditions and the extensions of the causative factors of ill-health. Yet it is no nearer understanding the common cold any more than it is cancer.

The medical profession is not perfect, and has not yet reached the end of the road. We have certainly not found a cure for the common cold, or for cancer; but the time when those cures will be found need not be far distant. The point to which I object is with regard to more immunisations, more injections and so on. I am now going to read out a list of diseases

with which the orthodox medical profession can deal and the drugs used to cure the diseases. The list is by no means exhaustive. It is as follows:—

Paludrine and atebrin for the treatment of malaria.

Calf lymph for smallpox.

Anti-Diphtheretic serum for diphtheria.

A.G.G. serum for gas gangrene.

Liver for pernicious anaemia.

Insulin for diabetes.

Salk vaccine for poliomyelitis.

B.C.G. and S.M. and I.N.A.H. for tuberculosis.

Penicillin for lobar pneumonia.

Terramycin and all other antibiotics for meningitis, syphilis and other venereal diseases.

There are a hundred other diseases I could mention, but I have not time to do it. The people of Western Australia and members of this House are asked to throw to the winds all the scientific knowledge which has brought untold benefits to humanity after centuries of scientific investigation and research. I will leave that circular at that. I do not think it would be out of place to refer briefly to some manipulative treatment which is undertaken by the medical profession, as I think it is perhaps not performed sufficiently by the medical profession or, alternatively, it is not advertised enough. I wish to refer to the paraplegic unit of the Royal Perth Hospital, situated in the annexe at Shenton Park.

This is a unit which is under the direction of G. M. Bedbrook and it is without doubt the best of its kind in the whole of Australasia; and some people say it is the best in the whole of the British Commonwealth of Nations. It is situated not far from here and with your permission, Mr. Speaker, I will quote briefly half a dozen cases which have had manipulative treatment in that hospital—

The SPEAKER: The honourable member has five minutes to go.

Dr. HENN: Then I had better leave that subject. If members wish to have the details, I have them here. I did want to go on to another question. I wish to return to the question of naturopaths. Shakespeare said, "There is no art to find the mind's construction in the face." I would paraphrase that and say, "There is no art to find the stomach's disorder in the eye." We are told in the Bill that chiropractors, naturopaths, and osteopaths are all one for the purposes of this legislation; and incidentally "suggestion" is also mentioned. That is another thing that frightens me very much, because "suggestion" is the first cousin to hypnotism.

I will have to leave that subject for the time being, but I should like to quote a few words from an American book entitled *Fads and Fallacies*. It is written by Martin Gardner, and I should like to read a definition of naturopathy. I shall have to cut some of it out in order to save time; but he talks of zone therapy, and mentions a book by Benedict Lust, who is described as the father of American naturopathy. He also mentions an early pioneer of naturopathy in the United States and goes on to say—

> Finally, there was Benedict Lust, a disciple of Father Kneipp who perhaps should be regarded as the most important early figure in American naturopathy. He established a school in New York, resort spots in Butler, New Jersey . . . . .

and so on. I would like to quote from Mr. Lust's book. He described how to treat most of the common ills, including cancer, polio, and appendicitis. The book goes on to state—

> Goiter requires pressure on the first and second fingers, but if "the goiter is very extensive, reaching over into the fourth zone, it may be necessary to include the ring finger".

There he is talking of the practice of zone therapy. The book goes on—

> Eye pains and disorders also call for pressure on first and second fingers, but deafness requires a squeezing of the ring finger or the third toe. "One of the most effective means of treating partial deafness", Lust writes, "is to clamp a spring clothes pin on the tip of the third finger, on the side involved in the ear trouble."
>
> Nausea is relieved by pressing a metal comb against the backs of both hands, and childbirth is rendered painless if the mother clasps a comb in each hand so she can press the tips of all fingers against the teeth.

This Bill will enable people who practise that sort of thing to be registered; and I, for one, shall not be a party to it. I shall vote against it. I realise that this is a problem for the public. It is one which has been in the public mind; and, while I shall vote against the Bill, I realise that the problem exists and I have thought of one or two suggestions which might assist in allaying public anxiety in regard to this matter. I have three suggestions.

Firstly, I believe that the medical profession does not practise the art of manipulation sufficiently. I know a lot of orthopaedic surgeons who do practise it, while others are inclined to disregard it. As we have a new medical school established in this State, I would say that this is an excellent opportunity for us to lead the way in the manipulative side of orthopaedic surgery. In their final year the medical students could be taught in this

work so that as doctors they could practise it. I believe that that would partially relieve the public demand for it.

My second suggestion is that the chiropractors and osteopaths should be absorbed with the physiotherapists. I do not expect Mr. Martinovich, at his age, to try to learn anatomy and physiology for two years. But these people have great skill; we cannot deny that. His son, or some of the others who work with him, could be absorbed in the physiotherapy set-up. They could be registered and could practise his art. That, of course, is only my own personal opinion, and I do not know whether everybody would agree with it.

The final suggestion is to bridge the huge gap which in my opinion exists in the relations between the general public and the medical profession. The position which now exists has been going on for centuries and something should be done about it. At this stage I should like to refer to a cartoon which I have. It shows an old chap lying in bed. It is a very good charcoal drawing and it would appear from it that the old chap is dying. His twin brother is sitting by the bedside and the doctor, who looks about 102, is standing on the other side. The wording underneath the drawing reads as follows:—

> Two brothers, both bachelors, used to live near Woolpit. Their surname was Theobald, locally pronounced "Tebbled". One of them was very ill and near his end and when the doctor called he said:
>
> "Ah, poor fellow, he's gone."
>
> But a weak voice from the bed announced:
>
> "I een't dead, doctor."
>
> Whereupon his brother said:
>
> "Howd yar tongue. The doctor knows better'n yow."

That, unfortunately, is the attitude that has existed between a great number in the medical profession and the public.

Mr. Tonkin: It is only one more case of a wrong diagnosis.

Dr. HENN: In these rapidly changing days, with new discoveries, the public are rather bewildered; they do not know what is going on. It is hard even for doctors to keep pace with the new drugs. The public do not understand; they want it all explained to them; and I feel that the Public Health Department's epidemiologist (Dr. Snow) is to be congratulated on the clear and concise explanations he gives to the Press and the public from time to time.

I do not know that the passing of the Bill will in any way alleviate the position in which chiropractors find themselves at the moment. They can still practise, and they are only just guarded by the policeman who guards the medical profession. I oppose the Bill.

MR. GUTHRIE (Subiaco) [11.18]: I listened with great interest to the member for Melville when he introduced the Bill, and I could not help but feel that the community is indebted to the honourable member for bringing this matter before the House. These matters must be debated. It is no good our simply setting them aside and saying, "No, we cannot have this and we won't have that." We must be prepared to examine these things and discover what are the rights and wrongs of them. At the same time I cannot help but feel that we must appreciate our responsibility to the public; and before we accept a measure of this nature, we must be sure that it is necessary, advisable, and desirable.

I do not think that we as 49 laymen in these matters, and one medical man, should be asked finally to decide on a difficult problem such as this without a great deal more evidence. I cannot help but feel that the member for Melville would have done better had he delayed the introduction of the Bill for another session. If I remember rightly, he did say in the course of his speech that he did not wish to chase this information or that information because it would have meant that this Bill could not have been introduced during this session.

After all is said and done, we have waited many years for this measure to be introduced; so what would it matter if we had to wait another session? I do not even understand the definitions in the Bill; and, to my mind, they are the essence of the proposed legislation. Those definitions set out what the terms mean; and once the terms are known, one is aware what these natural therapists will be permitted to practise.

I cannot help but feel that the proposed board is a little lopsided, inasmuch as the majority will comprise those who are seeking registration from it, and they will have the right to prescribe their own standards. There are no recognised schools of naturopathy other than the Palmer Institute in America, which has been mentioned by the member for Claremont; and, so far as I know, there are no recognised schools in Australia. Yet this board is to lay down the standards required. Subparagraph (i) of paragraph (c) of clause 11 (1) reads as follows:—

> A person who proves to the satisfaction of the Board that he—
>
> (i) holds a diploma in one or more of the natural therapies from any recognised chiropractic college, osteopathic college, or school or college of natural therapy.

Frankly, I would not know, nor would the board know, what would be considered to be a recognised school. It leaves the position too open and vague, and I would not be happy about voting for the measure at this stage. Since he spoke to the Bill,

the Minister for Health has received some correspondence concerning it, and he has handed it on to me.

I would like to read a letter dated the 6th October, 1959, from the Secretary, Chiropractors' Association of Victoria, to the Minister of Health. It is as follows:—

> It has recently come to our attention that a private member's Bill introduced by the Honourable Mr. J. T. Tonkin has been read and debated in the Legislative Assembly of Western Australia.
>
> With the greatest respect for the Hon. Mr. Tonkin the members of the Chiropractors' Association of Victoria (Inc.) feel that he has been gravely misled.
>
> It has been the aim of this Association since its incorporation in 1942, to maintain the highest possible standards of academic qualification and ethical conduct of its members in order to protect the public from the activities of unqualified and unethical practitioners.
>
> All of our members (19 in number) have completed a resident course of 4 academic years of nine months each or more at one of the Schools or Colleges of Chiropractic accredited and recognised by the Government of the United States of America either in the U.S.A. or Canada. There is no other place in the world where adequate training in Chiropractic is available.
>
> It is noted in part 5, sub-section 2 of the proposed Bill that at least 2 members of the proposed Board should be nominated by the group known as the "United Health Practitioners Association."
>
> This group originally banded together in Victoria under the leadership of a certain F. G. Roberts, who at the moment publishes literature advertising that he can train a complete layman to be a chiropractor within 3 months for the sum of fifty guineas. To our knowledge, the local members of the U.H.P.A. either have been trained by this man or have had no training whatsoever.
>
> May I also respectfully point out that there is no School or College anywhere in the world that teaches a course of so called "Naturopathy" that has any official recognition by any Government and that licences once granted to "Naturopaths" have been revoked in almost every state of the U.S.A.
>
> Qualified chiropractors and osteopaths do indeed perform a useful public service in Australia and overseas. Both these professions are recognised by many Governments including that of South Australia and we respectively submit to you that this proposed Bill which is being promoted by a group of unqualified and unethical persons will do nothing to serve the best interests of the general public or the chiropractic and osteopathic professions.

Mr. HAWKE: I move—

That the honourable member be given leave to continue his remarks at a future sitting.

Motion put and passed.

House adjourned at 11.26 p.m.

Legislative Council

Thursday, the 15th October, 1959

CONTENTS

The PRESIDENT took the Chair at 2.30 p.m., and read prayers.

QUESTIONS ON NOTICE

ROAD SUBSIDIES

Restoration in North-West

1. The Hon. H. C. STRICKLAND asked the Minister for Mines:

   (1) When, on the 17th March, 1959, in the pre-election advertisement, the Liberal Party promised to restore road subsidies in the North-West, was it the intention to restore the subsidies on Carnarvon