

**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 8.29 p.m.*

## Legislative Assembly

Wednesday, the 30th September, 1959

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

**QUESTIONS ON NOTICE****BRITISH PAINTS***Tabling of File*

1. Mr. **HAWKE** asked the Premier:

Will he lay upon the Table of the House the appropriate departmental file or papers covering the proposed expenditure of £100,000 by British Paints, as mentioned in his reply to my question without notice to him on the 22nd September?

Mr. **BRAND** replied:

In the time available, the only file papers located are a letter from British Paints, dated the 17th July, 1959, to the Government Tender Board and an extract from *The West Australian* of the 5th August, 1959. Copies of these are tabled. A search of the files is being made to see whether any other relevant papers are filed.

*The papers were tabled.*

**COCKBURN CEMENT CO. LTD.***Additions*

2. Mr. **HAWKE** asked the Premier:

Is the Cockburn Cement Co. Ltd. likely to carry out the suggested additions at an estimated cost of £100,000 during the current financial year or during next financial year?

Mr. **BRAND** replied:

Preliminary plans and works are well in hand. Some plant has already been purchased. It is not known when the work involved will be completed.

**GOVERNMENT PRINTING OFFICE***Transfer of Work to Private Firms*

3. Mr. **HAWKE** asked the Premier:

- (1) Which Government departments or instrumentalities have made printing work available to other than the Government Printing Office since the present Government took office?
- (2) What are the names of the private printing establishments concerned?
- (3) In how many of the instances covered by question No. (1) was the Government Printing Office given the opportunity to tender or quote for the work?

Mr. BRAND replied:

- (1), (2), and (3) Similar information was sought by the member for East Perth in question No. 29 appearing in *Notices and Orders of the Day* of the 22nd July, 1959, and by the Leader of the Opposition in a question without notice on the 22nd September, 1959. In both instances I advised that the information was not available and could not be supplied without investigation and analysis by all Government departments and instrumentalities, which is not considered to be justified.

### SALE OF TV SETS

*Inquiry re W. J. Lucas*

4. Mr. HAWKE asked the Minister for Labour:

- (1) Has a report been received from the Director of Investigation under the Monopolies and Restrictive Trade Practices Act dealing with the sale of television sets to the public and in the terms of his reply to my question No. 1 of the 5th August last?
- (2) If so, will he lay a copy of the director's report upon the Table of the House?

Mr. PERKINS replied:

- (1) No.  
(2) Answered by No. (1).

*Report of Director of Investigation*

5. Mr. HAWKE asked the Minister for Labour:

Is a detailed report being prepared by the Director of Investigation under the Monopolies and Restrictive Trade Practices Act into the recent alleged attempts by certain firms to exercise undue and unfair control over some retailers of television sets?

Mr. PERKINS replied:

I have not sought or received a report from the director on the practices referred to. It is entirely a matter for the director whether or not he will make a report.

### GOLDMINING

*Loan Money Expended in Leonora-Gwalia District*

6. Mr. HAWKE asked the Premier:

What amount of loan money, not including loan money made available to the Sons of Gwalia Gold Mine, has been expended each year for the last 10 years in the Leonora-Gwalia district?

Mr. BRAND replied:

Expenditure in the Mt. Malcolm district of the Mt. Margaret Goldfield by the Mines Department was:—

1949 to 1956	....	Nil
1957	....	£400
1958	....	Nil
1959 (to date)	....	£285

This expenditure does not include assistance to prospectors by way of food ration orders, explosives, etc.

*Government Assistance to Sons of Gwalia Mine*

7. Mr. HAWKE asked the Premier:

- (1) What amount of financial assistance has the State Government made available to the Sons of Gwalia Gold Mine at Gwalia in—  
(a) cash;  
(b) financial guarantees?
- (2) On what dates was each measure of assistance made available?

Mr. BRAND replied:

- (1) (a) £295,367 including the amount referred to in (b).  
(b) £125,000 which was cleared by the Government in November, 1956, and was thereby converted into a loan owing by the company to the Government.
- (2) The assistance mentioned in No. (1) (a) above commenced on the 25th March, 1955, and has continued since, the last advance having been made on the 20th July, 1959.
- In regard to No. (1) (b), a guarantee of £50,000 was issued on the company's behalf on the 30th December, 1955. The amount guaranteed was increased to £125,000 on the 9th April, 1956.

8. This question was postponed.

### IRON ORE

*Wilgie Mia Deposit*

9. Mr. BURT asked the Minister representing the Minister for Mines:

- (1) Was consideration given to the Wilgie Mia iron ore deposit near Cue, when the Cabinet sub-committee decided to call tenders from firms for the supply of iron ore?
- (2) If so, what were the reasons for not including this deposit as a possible source of supply?

Mr. ROSS HUTCHINSON replied:

- (1) Yes.  
(2) Koolyanobbing deposit has been drilled, and the ore also used satisfactorily metallurgically for

some time. The information thus available simplified the calling of tenders.

Mt. Goldsworthy deposit is close to a port and is regarded as an economic proposition.

It is proposed to drill Wilgie Mia at a very early date, in order to assess its economic possibilities.

### TRANSPORT SUBSIDY

#### *Payment on Produce from Carnarvon*

10. Mr. NORTON asked the Minister for Transport:

- (1) Has a transport subsidy been paid at any time on the transport of Carnarvon produce?
- (2) If so, in what years was it paid?
- (3) What was the amount per ton?

Mr. PERKINS replied:

- (1) Yes.
- (2) Years 1942-47.
- (3) 5s. per ton on bananas, beans, and tomatoes.

### FREMANTLE FISHING FLEET

#### *Provision of Adequate Anchorage*

11. Mr. FLETCHER asked the Minister for Works:

- (1) Will the Government give early priority to extending the mole and dredging behind same, to afford a more adequate and safer anchorage to the Fremantle fishing fleet?
- (2) If so, when?

Mr. WILD replied:

- (1) The Government is at present giving consideration to increased facilities for fishing boats at Fremantle, but details are not yet finalised. Some financial provision has been made on the loan programme.
- (2) Answered by No. (1).

### PORT BEACH

#### *Building of Road and Extension of Facilities*

12. Mr. FLETCHER asked the Premier:

- (1) Is it the Government's intention to build a road in the near future between the beach and railway line from Port Beach through Leighton to Cottesloe?
- (2) Has the Government given consideration to using the stone being quarried at the adjacent railway cutting as foundation for such a road?
- (3) Will the Government, in view of the land now occupied by marshalling yards, resite the lifesavers' club building and kiosks nearer to the railway station and subway?

(4) Will the Government provide lavatories and change rooms at this popular beach?

(5) Since the beach is on rail and bus routes, will the Government provide an access road to service by truck or ambulance, if necessary, the lifesavers' buildings, kiosks, etc.?

(6) Is there to be an overhead bridge in the near future at or near the railway cutting?

(7) Has the Government considered the danger hazard existing as a result of closing the Leighton crossing, in that children and others are crossing the rails to the beach?

Mr. BRAND replied:

(1) to (7) A proposal has been put forward for the construction of such a road and this is being investigated by the Main Roads Department in relation to alternative proposals.

Consideration of an access road, overhead bridge, and other amenities will depend on the result of this investigation.

### LAND RESUMPTIONS

#### *Independent Board of Valuers*

13. Mr. HEAL asked the Premier:

Will he arrange to have the Land Resumption Act amended during this session of Parliament to provide—

(1) That all property to be resumed by Government order be valued, prior to the act of resumption, by an independent board of valuers, to be comprised of three members of the Commonwealth Institute of Valuers, and in each case of land resumption one member of the board to be appointed by the resuming party, one member by the owner of the land and one member by the State Board of the Commonwealth Institute of Valuers Inc. (W.A. Division)?

(2) That in the case of resumptions involving claims up to £8,000 and dissatisfaction or disputes arising out of the compensation offered by the resuming party, that the latter be required to meet all costs associated with court or other legal proceedings?

Mr. BRAND replied:

(1) and (2) No.

**PUBLIC WORKS DEPARTMENT***Dismissals*

14. Mr. W. HEGNEY asked the Minister for Works:

- (1) How many employees have been dismissed from the architectural division of the Public Works Department since the 3rd April last?
- (2) How many are now under notice of dismissal?
- (3) What is the estimated number of additional employees to be dismissed before the Christmas-New Year holidays commence this year?
- (4) How many does he anticipate will still be in the employment of the division immediately prior to the Christmas holidays 1960?

Mr. WILD replied:

- (1) 336.
- (2) 13.
- (3) Not known. This will depend upon the requirements, from time to time, of the works now under construction.
- (4) See No. (3).

**WORKERS' COMPENSATION***Comparison of Legislation*

15. Mr. W. HEGNEY asked the Minister for Labour:

- (1) Is he aware that under the provisions of the New South Wales Workers' Compensation Act—
  - (a) an amount of £4,000 is payable to dependants of a deceased worker;
  - (b) an amount of up to £300 is allowed to an injured worker for medical expenses, £300 for hospital expenses, and £25 for ambulance expenses?
- (2) Is he aware that under the Tasmanian Workers' Compensation Act—
  - (a) an injured worker or a dependant of a deceased worker is entitled to an amount of £4,000;
  - (b) that an amount of £1,000 is payable in respect of hospital and medical expenses?
- (3) Is he aware that under the provisions of the Workers' Compensation Acts of Queensland, New South Wales, and Victoria, workers are entitled to insurance cover while travelling to and from their place of residence to place of employment?

(4) Does he agree that the foregoing provisions in the Acts referred to are more generous than those existing under the Western Australian Act?

(5) Does the Government propose to introduce legislation this session to improve the provisions of the Western Australian Workers' Compensation Act?

(6) If the reply to No. (5) is in the negative, will he state why?

Mr. PERKINS replied:

- (1) (a) and (b) Yes.
- (2) (a) and (b) Yes.
- (3) Yes.
- (4) Yes.
- (5) and (6) This whole question is under consideration, but no decision has yet been made.

16. *This question was postponed.*

**QUESTIONS WITHOUT NOTICE****WATER SHORTAGE***Position at Marble Bar*

1. Mr. BICKERTON asked the Minister for Works:

On the 17th September I asked the Minister a question in regard to the water position at Marble Bar. In reply, he said that a new bore was being equipped and that water should be available from it by the 30th September, so relieving restrictions. I would like to ask him whether he has received any notification today to the effect that the new bore has been equipped; and, if so, whether restrictions have been eased.

Mr. WILD replied:

No; I have not been advised today, but I will find out in the morning and let the honourable member know tomorrow.

**UNEMPLOYMENT***Comparative Figures for 1958 and 1959*

2. Mr. BRAND: On the 17th September the Deputy Leader of the Opposition asked me which State has the highest percentage of unemployment at the present time, and which State had the highest percentage of unemployment at August last year. I regret that it has taken so long to obtain the information, but the answer is as follows:—

August 1958—Western Australia, 2.3 per cent.

August 1959—Western Australia, 2 per cent.

**BILLS (3)—FIRST READING**

1. King's Park Aquatic Centre.  
Introduced by Mr. Court (Minister for Industrial Development).
2. Main Roads Act Amendment.  
Introduced by Mr. Wild (Minister for Works).
3. Marriage Act Amendment.  
Introduced by Mr. Ross Hutchinson (Chief Secretary).

**JURIES ACT AMENDMENT BILL***Third Reading*

Bill read a third time and transmitted to the Council.

**STATE CONCERNS (PREVENTION OF DISPOSAL) BILL***Second Reading—Defeated*

Debate resumed from the 9th September.

**MR. TONKIN** (Melville) [4.45]: As has already been explained, the real purpose of this Bill is to ensure that Parliament shall have an opportunity of giving consideration to any proposal to dispose of State trading concerns. That is very important because of the magnitude of some of these concerns and the very large sums of public money which are involved. I have very special knowledge of the State Engineering Works because at one time they were in my own electorate, and I visited them regularly, several times a week, during the war years. I became very familiar with the work which was being carried on and the growth of the State Engineering Works as the years progressed.

We have today in the State Engineering Works one of the best-equipped engineering works in Western Australia—if not the best equipped—because the policy in comparatively recent years was such as to permit of a portion of the profits being utilised for the purchase of machinery to build up the efficiency and capacity of the works generally. In the early years the works were starved for capital, and so they had to struggle along without full capacity in order to carry out tasks which they had allotted to them from time to time. However, that criticism could not be levelled at the works during the last 15 years at any rate, during which period they have been built up very substantially and have carried out undertakings of the greatest importance.

I go so far as to say that if it had not been for the works at North Fremantle, and the fact that they were well equipped, a lot of engineering work which was required to be carried out in Western Australia could not have been done at all, because the private shops did not have the necessary equipment to deal adequately

with the position. I shall give some examples to prove that statement a little later on.

The Minister for Railways from time to time refers to the unfair competition of the works so far as private enterprise is concerned. I do not know where he gets that idea, because the State Engineering Works have for a number of years gained a lot of the work which they do, in competition with private industry which has tendered for certain jobs; and I have a number of instances where the State Engineering Works did not tender and private firms were given the jobs, which they were quite incapable of doing; and subsequently they got the State Engineering Works to do the work for them, added their percentage of profit to the price charged by the State Engineering Works, and then presented the Bill to the persons concerned.

**Mr. Court:** That is not necessarily correct.

**Mr. TONKIN:** Yes; it is correct.

**Mr. Court:** It is just you saying that.

**The SPEAKER:** Order!

**Mr. TONKIN:** I will prove it. The honourable member sits there and says it is not correct, but I am telling him it is correct.

**Mr. Court:** I say it is not necessarily correct. You know why. The other firms often have not bothered to install the equipment.

**The SPEAKER:** Order! The Minister for Railways must obey the Chair. I will not have this argument across the Chamber. It does not get us anywhere.

**Mr. TONKIN:** I repeat that there are instances—and I have the proof in my hand—where private engineering firms, without the capacity to do the job, secured the work and then got the State Engineering Works to do it. Then, to the price which the State Engineering Works charged, these private firms added their percentage of profit and were paid.

**Mr. Brand:** Wasn't that the result of having a lot of equipment over from the war days?

**Mr. TONKIN:** It may have been. But that does not gainsay the fact that that was what happened; and it is not much satisfaction to the person who pays the bill, to know that because he gave the job to private enterprise, he has to pay more than he would have had to pay had he given it to the State Engineering Works. But the Minister for Railways talks about unfair competition. There is nothing unfair about that, as far as the State Engineering Works were concerned.

**Mr. Court:** You know the private companies were denied the right to tender for a lot of work which the Government required to be done. That is where it was unfair.

Mr. TONKIN: Take the case of the machinery that was required for Wundowie, for example, where Tomlinsons quoted for a steel furnace and obtained a price for the machinery; and the steel casting was completed at the State Engineering Works because Tomlinsons could not do it. There are a number of instances like that. I remember that, during the war years, it was a great thing that the State had these engineering works, because they did a marvellous job with regard to track links for Bren gun carriers. The State Engineering Works were subsequently complimented by the Department of Defence and the Department of the Army for the magnificent job that had been done in this connection; and other works were not equipped to do it.

If these works were sacrificed—and there is a danger that that could happen if the proposal is not brought to Parliament—we could have a situation where the works would be reduced to a mere skeleton. Some of the machinery could be taken elsewhere and used to equip other shops; and the efficiency of the State Engineering Works at North Fremantle could be considerably impaired, with possible disaster to the State in case of emergency.

I know the Minister for Railways was very concerned about the work that was given to the State Engineering Works in connection with the steel piles that were required for the Narrows Bridge. He was very upset because a firm which had tendered for that work did not get it.

Mr. Court: Because it was the lowest tenderer.

Mr. TONKIN: The Minister was not at all concerned with the fact that the State was saved money because the State Engineering Works got the job. He was concerned only because the other firm did not get it. I would have thought that the main concern, seeing that this was a job to be done for the State, was to get the work done efficiently and at the cheapest cost to the State.

Mr. Court: You juggled the tenders.

Mr. TONKIN: They were not juggled at all.

Mr. Court: The State Implement Works were not the lowest tenderer.

Mr. TONKIN: You wanted us to pay more than was eventually paid. If we had followed the course which the Minister for Railways wanted us to follow, we would have paid more than we had to pay by giving the State Engineering Works the job.

Mr. Court: What did you call tenders for?

Mr. TONKIN: To find out the price.

Mr. Court: And you did not give it to the lowest tenderer.

Mr. TONKIN: The tender of the State Engineering Works included the percentage of profit which the State Engineering Works were going to make; and the view of the Government was that if it could reduce the amount of anticipated profit, it was obvious that the State Engineering Works could produce these piles at a lower cost than anybody else could.

Mr. Court: It was a bit of obscure reasoning.

Mr. TONKIN: It was not obscure at all.

Mr. Court: And then you spent money on capital equipment to do the job.

Mr. TONKIN: And what is this Government doing? It lends Government equipment to private enterprise so that private enterprise can do jobs. It takes equipment, purchased with State money, and lends it to private enterprise at a peppercorn rental or at no charge at all, so that the private enterprise which gets the job can charge the Government more than the State Engineering Works would charge.

Mr. Court: You are running away from the Gambia piles contract.

Mr. TONKIN: I suggest that the Minister obey the Chair and keep order. I am not running away from anything.

Mr. Court: You are—

The SPEAKER: Order! I do not propose to allow this to continue. I have spoken to the Minister for Railways once, and he has taken no notice whatsoever. I will not speak again.

Mr. TONKIN: To round off the illustration I was giving in connection with that particular contract: It is indisputable that the action which the Government took resulted in a substantial saving of public money; and I should think that is the most important criterion. The Government did not stop the calling of tenders, although I admit that with regard to some jobs it did not call tenders, but gave the jobs to the State Engineering Works, because it was satisfied with the quality and price of the work—in many instances the State Engineering Works secured jobs in competition with private enterprise.

The State Engineering Works have carried out a large amount of work for mining companies. One would expect that, ordinarily, these companies, being private organisations would prefer to give their work to private engineering firms rather than to the State Engineering Works; but the fact remains that the State works have carried out very substantial orders for mining companies, because they have preferred to give the work to this State instrumentality.

A lot of work was done for the Lake View & Star Mine, for example; and it was not solicited. The company elected to give the work to the State Engineering Works. Naval authorities also show a

marked preference for the State Engineering Works, because they can rely upon the quality of the work done and the reasonableness of the price charged.

Mr. J. Hegney: They have a better organisation there, too.

Mr. TONKIN: All the repairs to naval ships of the R.A.N. and the U.S.N. surface ships and merchant vessels have been done by the State Engineering Works on a cost-plus basis. All the sheets are available for checking, and the departments concerned have been perfectly satisfied with the results achieved—both as to the quality of the work and the price charged for the job. The proof of that is that they continue to go back time and again to get more work done.

On numerous occasions, when private firms have obtained work and found themselves in difficulty, they have passed the work on to the State Engineering Works to fulfil the contract, the main reason being that those firms did not have the equipment to complete the work for which they had tendered.

I have a record of a big job which was done for a ship at Albany. The contract was given to a small engineering firm at North Fremantle which did not have anything like the equipment that was necessary to do the job. So it did not carry out any of this work, but passed the whole job over to the State Engineering Works; and when it received the price from the State Engineering Works, it added its percentage of profit and passed the bill on to the shipowner. That is the case to which I referred when the Minister for Railways interjected earlier and stated that it was not correct.

Mr. Court: I did not say it was not correct. I said, "Not necessarily correct." Be fair in what you say!

Mr. TONKIN: I also have a record of a most remarkable case which goes to show how it is a question of dog eat dog in private enterprise. It is not concerned with the fact that the price charged is unreasonable, so long as it gets its profit. An engineer and a representative of a foreign shipping firm asked the State Engineering Works for a quote for a cylinder and liner. He was quoted £3,000. This representative then wanted to know whether the price could be raised to £4,000. When he started to talk in that fashion, he was sent on his way.

It was subsequently discovered that this representative engaged a private firm to do the job for £4,000—as was his desire—and the final price that was paid for it by the shipping firm he represented was £4,500. Yet the State Engineering Works offered to do the job for £3,000. So the very existence of these works ought to be a great safeguard for the people in private industry who want a fair deal and no shenanigan.

Mr. O'Connor: What did he want the extra £1,000 on the price for?

Mr. TONKIN: So that he could put it in his pocket.

Mr. O'Connor: You said that the firm charged it.

Mr. TONKIN: The representative wanted to know what the price was for the cylinder and liner, and the State Engineering Works said its price was £3,000. The representative wanted to know whether the firm wanting the job done could be charged £4,000. One does not have to go into that.

Mr. Roberts: Was the representative of the owner advised of this?

Mr. TONKIN: The representative was shown the door very quickly.

Mr. Roberts: I mean the representative of the firm wanting the job done.

Mr. TONKIN: No; the firm was not so advised. This representative was sent on his way because the State Engineering Works did not want the job in those circumstances. However, it was subsequently learned—because this was a fairly big job, and there are not many engineering works in Western Australia—that a private firm did this job, and the price paid for it was £4,500. Hooray for private enterprise and this unfair competition that the Minister for Railways complained about!

Mr. O'Connor: But if he had got the job done for £3,000 and charged the firm £3,500, he would still have got £500.

Mr. TONKIN: But he would have had to show the bill for it then. However, if he had a bill for £4,000 and he paid only £3,000, it would have been handy.

When Kwinana was being built, a number of private firms held contracts; and in a great many cases they had to call on the State Engineering Works to help them to complete the jobs that had been assigned to them, because they did not have the capacity to perform the work themselves. They were able to pay the price asked by the State Engineering Works and still make their profit on the contract. So is it likely that the State Engineering Works are not an efficient organisation, and that their prices are not reasonable?

I have seen these works built up until they have been carrying more than 500 employees. I have seen the works equipped with many fine machines which have cost tens of thousands of pounds, and I do not want to see them sacrificed by their being handed over as a gift to somebody simply because the Government does not believe in the State owning anything.

Recently a 500-ton hydraulic press was installed. It is a very fine piece of machinery, and it is very useful to have in the State. The cost of that press, and some other machinery which was installed at the same time, amounted to about £100,000. This covered the cost of the

machines and the labour used for installing them. It would be a crying shame if that piece of machinery were given away for a mere song; and that is quite a possibility unless the proposal for its sale is brought to Parliament.

In order to provide decent amenities for the men, a canteen has been built and suitably equipped; and although it had to struggle along for some time, it has been very satisfactorily managed. It is very pleasing to know that those associated with the works—the manager, the foremen, and the workmen—have been complimented time and again upon the excellence of the work they have carried out; and the manager, I think, was decorated on more than one occasion by foreign countries because of the excellent service rendered by his works.

Although the State Engineering Works price their articles in order to make a profit, that profit goes to the Treasury. However, everything is not subjugated to the making of profit, and the first consideration of the State Engineering Works is efficiency and high quality workmanship. Whilst on this point, I want to refer to the contract for school desks and seats which the Government gave to a private firm that tendered a quote substantially lower than that made by the State Engineering Works. This fact has me completely puzzled; because the State Engineering Works, having performed similar work for a number of years, have built up an efficiency and skill in production that would cause me to believe that it would be almost impossible for anybody to underprice them. Yet it was found, when tenders were called recently, that the works were not only underpriced, but considerably underpriced.

I have spoken to a few people about this job, and they have expressed the opinion to me that it is physically impossible to maintain the quality of workmanship which was previously performed by the State Engineering Works on school seats and desks and manufacture them at the price quoted, and still make a profit. So it may be that the schools are going to get a cheaper, but inferior article. Nevertheless, we will wait and see, because that will become obvious when the goods are delivered.

We will be able to find out from the Education Department and the school-teachers, who are in charge of the rooms where the seats and desks are used, how they will compare with those which are already in use and which were manufactured by the State Engineering Works. There must be something radically wrong somewhere.

I recall the tremendous job that was performed in association with the dredging of the channel through the Success and Parmelia Banks when preparations were being made for the establishment of the Kwinana Oil Refinery. It became necessary to put in leading lights to guide

the ships that were to use the channel. The making of these leading lights constituted a very ticklish job, but the State Engineering Works were able to carry out the work satisfactorily and to time, and were congratulated on having done this urgent work by a new method. As a result of a new technique in welding—which was evolved by the State Engineering Works—the job was completed cheaper than was anticipated, and certainly cheaper than any private firm could have done it in the same time.

We have been told that if the Government disposes of any part of these works, it will take steps to ensure that the men will not suffer. Even as late as yesterday, the Minister for Works made a statement along those lines. It would be very interesting to the members of this House if the Ministers in the Government would indicate how they are going to achieve this objective, because no known method has yet been devised. Any private owner of an establishment reserves to himself the right to hire and fire; and he fights strenuously to retain that right. Just imagine the Government attempting to take away that prerogative from any prospective purchaser! Imagine anyone buying under the conditions that he cannot sack anybody unless the Government agrees!

Mr. Wild: If a man was doing a fair day's work and a good job, would he need to be sacked?

Mr. TONKIN: Who would be the judge of that? Of course, this business of doing a fair day's work and so on is so distorted that it becomes meaningless. I have in mind now, since the Minister interjected, a case that occurred shortly after the Government put into operation its policy of sacking so many employees every week. One of these men who was sacked got a job with a private concern, and the first week he was underpaid. He knew he was underpaid but did not say anything about it. The second week he was also underpaid and still said nothing about it; but when he was underpaid the third week he felt it was time he spoke up. So he pointed out to the foreman that he was not getting his correct wage. The result was that he got his correct wage and got the sack at the same time. He was told that he knew the reason why he had got the sack.

Mr. Fletcher: He was an agitator!

Mr. TONKIN: There was no question of a fair day's work involved there. I have no doubt that if the employer were put on the spot his answer would be that the man did not do a fair day's work.

Mr. Wild: If you keep on repeating that, you will believe it yourself.

Mr. TONKIN: I tell the Minister it is true.

Mr. Wild: I know you do, and if you repeat it often enough you will believe it.

Mr. TONKIN: I do believe it.

Mr. Roberts: That must be a very isolated case.

Mr. TONKIN: It is the only one I know of its kind, but I would not say it is the only case that has occurred. These things happen, and members of Parliament do not get to know of them because the unfortunate people concerned grin and bear it; they put up with it.

Mr. Roberts: There are not too many employees today who are underpaid.

Mr. TONKIN: The member for Bunbury should read his newspapers, and he would see instances where from time to time the unions are taking up cases in the court because people are being underpaid.

Mr. Court: How many times in a year?

Mr. TONKIN: Quite often.

Mr. Court: Nonsense! The unions would not thank you for saying that.

Mr. Toms: Almost every week.

The SPEAKER: Order!

Mr. TONKIN: Accordingly there is no substance in the argument of the Minister for Works that so long as these people do a fair day's work they will not be sacked. If the Government disposed of a State instrumentality it would have no hold over the enterprise whatever. The people who bought it would be able to put off men or put them on at will. As a matter of fact, by its own example the Government itself has shown what can happen. One only has to consider the number of men who have been dismissed from the State Engineering Works since this Government took office to appreciate that fact. Well over 100 men have been dismissed.

If the Government itself sacks men, how can it prevent anybody buying the State Engineering Works from continuing to do the same thing? They would simply say, "We have not got the work." What would the Government do about that? So there is no possible security in the assurance which the Government gives in this connection; it is completely worthless. The Government would not even be able to prevent the closing down of the works, if it suited the buyer to make some other alteration. Once a buyer purchased the assets they would be his to do what he liked with.

Mr. Court: You do not give us much credit for commonsense.

Mr. TONKIN: I do not give the Government much credit for any at all, because it does not deserve any.

Mr. Court: I think we have enough to negotiate.

Mr. TONKIN: The Minister says he has enough, and yet he brings in a figure of £1,400 for KA wagons and tries to make out it is a departmental estimate.

Mr. Court: It was.

The SPEAKER: Order! The Bill has nothing to do with KA wagons.

Mr. TONKIN: The Government Workshops made them.

The SPEAKER: It is not a question of disposing of the workshops.

Mr. TONKIN: What is to prevent the Government from disposing of the Midland Workshops?

The SPEAKER: It does not relate to this Bill.

Mr. TONKIN: Surely I am entitled to argue that point, because in the Government Workshops work of various kinds is done. We are given a price that was charged, and fictitious figures have been mentioned which create an entirely wrong impression. The Minister interjected in such a way as to counter what I was saying. I was endeavouring to point out to him that I would not give the Government credit for very much, because one of its representatives tried to tell this House that a figure of £1,400 was the departmental estimate for the construction of the wagons by the department; when, in fact, the figure constituted what the department thought the Government would have to pay if the contract were given to Tomlinsons.

Mr. Court: It was the departmental estimate.

Mr. TONKIN: On what would have to be paid if the job were given to Tomlinsons.

Mr. Court: Who said Tomlinsons?

Mr. TONKIN: I did.

Mr. Court: They gave an estimate to your Government.

Mr. TONKIN: At a time when my Government was considering giving the contract to Tomlinsons; and the estimate of £1,400 was the figure which the department thought the Government would have to pay Tomlinsons if it gave them the job.

Mr. Court: That is a feeble story.

Mr. TONKIN: We will see in due course whether it is a feeble story. I hope the Minister has taken action to get the Auditor-General to move in this matter.

Mr. Court: We have.

Mr. TONKIN: I am very glad to hear it. Can anyone wonder why I do not give the Government credit for very much when that is the sort of thing that happens in this House?

Mr. Court: I am afraid you get obsessions.

Mr. TONKIN: And now we have the State Brickworks which the Government would dispose of. It is rather remarkable that the present Minister for Works was responsible for additions to this State

enterprise at a time when private enterprise said that should not be done. I can remember that they put on quite a song and dance on this proposal of the Government to extend its own brickworks. The Minister, who is now such a great protagonist for private enterprise, was responsible for the enlargement of the State Brickworks.

Mr. Wild: Was it not a short-term expedient when bricks were in short supply?

Mr. TONKIN: No; it was not. If it was, the Minister was not justified in expending State funds in that way.

Mr. Wild: Yes he was!

Mr. TONKIN: No he was not!

Mr. Wild: That is your story.

Mr. TONKIN: It was not a short-term expedient at all, because the job was not by any means a temporary job. It was a very expensive extension, and private enterprise did not have the capacity to meet the State requirements. That is why; because private enterprise did not have the capacity to meet the State's requirements, and the State accordingly had to come to the rescue of the people, as it must always do when the need is great. This was done during the war by the State Engineering Works when it kept a number of vessels afloat, and when it carried out important tasks for the Department of the Army; and when the addition of this extra capacity was a godsend to the nation instead of being a handicap to it.

I remember also—and I suppose I will be told this was another expedient—when the State sawmill at Kent River was established despite opposition from some quarters. That State sawmill was established by a Government that does not believe in State enterprise. For what reason was it established in the Kent River area? Was it established as a temporary expedient? Oh no! But in order to supply cheaply something that private enterprise would not supply to the settlers.

Accordingly, when private enterprise is not interested, members opposite use the State money to do the work; and having used the State money in that way they call it a temporary expedient, and see whether they can sell it quickly. That is the Government's policy, and it does not make sense to me; because if we use State money to establish State enterprises and we make them efficient, we should use their efficiency to ensure that goods are supplied at a reasonable price, and are of first-class quality.

How often do we get goods of an inferior quality from private enterprise? I can give the Minister for Railways several instances where goods were obtained by private contract for the Railway Department; and when they were obtained, they were unsatisfactory, and the railway workshops had to be employed to make the goods usable. I asked a few questions

with regard to some of these matters a while back. State enterprises are a guarantee that the people will not be exploited, and they provide a very useful nucleus for the development of gainful activity at a time when employment requires some stimulus such as can be given by stable concerns of that nature.

I remember that during the depression years all sorts of plans were being put forward to counter the depression. It was being argued—and I agreed with the arguments advanced—that in order to create confidence and stimulate purchasing power and get the wheels of industry turning, it is necessary to inject a substantial sum of money into the economy; and the best way to do that is through Government work. So, if we started off that way—if we have, for example, our Government departments building schools and hospitals—they must buy materials, which means that men must be obtained to provide the materials, and thus there is employment for them.

So it is possible gradually to start the wheels turning in the right direction and thus counter deflationary periods which result in extensive unemployment. But, of course, if the Government disposes of all our State works and depends on the cut-throat competition of people in private enterprise, then the State will find itself in a sorry mess.

In this connection I think I should give a word of warning to the Government, which seems to be going headlong into this job of sacking men from the architectural division of the State Engineering Works. When business is brisk and there is plenty of work for private builders, prices go up and up; and in some cases these builders are not interested at all in doing Government jobs, because of the strict supervision. So if the Government has not its own work force, it just cannot get the jobs done.

I can recall cases where we called tenders no fewer than four times without getting a single tender, because private enterprise was busily engaged and was not interested in Government work. I can also recall that when private firms did put in tenders under those circumstances, the prices tendered were so high that the Government could not possibly entertain them. In order to make the money go further, we had to decline a lot of contracts on such terms and call tenders again; and the result was that urgent works were held up for a very long period.

If a Government has its own work force during periods like that, it can carry out some work and meet the needs of the various Government departments; but the way this Government is going, of course, it will not be able to do that, now it proposes to extend the idea to the various State instrumentalities—the State Brickworks, the State Saw Mills, and the State Engineering Works. I was very amused to hear

the present Premier's explanation of how he was going to dispose of the State instrumentalities.

Mr. W. Hegney: That is funny.

Mr. TONKIN: He said he was going to bring them to the stage when they were paying propositions; then he was going to put them on the Stock Exchange. As the State Engineering Works were already a paying concern at the time the Premier made that statement, he did not have to bring those works to a stage where they could make a profit. But he is speedily bringing them to the stage where they will make substantial losses. For many years now the State Engineering Works have made a substantial contribution to the Treasury because of the profit made.

Just how could the State Engineering Works be put on the Stock Exchange if they are still owned by the Government? The whole thing is absurd, and showed a complete lack of knowledge on the part of the then Leader of the Opposition, the present Premier—a total lack of knowledge regarding the situation. He did not have a clue as to how the shares of a company become listed on the Stock Exchange. Have you, Mr. Speaker, ever heard of a Government enterprise being listed on the Stock Exchange without being sold?

If the idea was, first of all, that the Government would bring these things to a profit-making stage, then the State Engineering Works were ripe for this policy. So we can anticipate that before very long a move will be made by somebody to gain possession of these works at hundreds of thousands of pounds below their proper valuation. Should we be obliged to stand by and see that happen when hundreds of thousands of hard-earned cash of the people have been used to equip these works to the excellent standard they are in today? Should we be in the position where we have to stand by and see them sacrificed, without being able to lift a hand to prevent it?

That is the reason which was behind the action taken by the Leader of the Opposition in bringing this Bill to Parliament. It was to ensure that before any such transaction for a sale was completed, the Parliament would have knowledge of what was intended and an opportunity of discussing the course which was to be followed. There is nothing unreasonable in that. From time to time, Ministers have used the argument that if that were done, it would not be possible to effect a sale, because a long period of time would elapse.

A special session of Parliament was called in order to cancel a proclamation. A little thing like that! The session was put on earlier than usual specially for the purpose of cancelling a proclamation which was issued in accordance with the law! If the Government can expedite the calling of Parliament and change the date after

it has been decided—when the Premier finds he cannot attend on one date, he alters it and fixes another date—there is very little argument which can be advanced against bringing a proposal for the sale of State assets to the Parliament for consideration.

The McLarty-Watts Government did not hesitate to call a special session of Parliament in order that Parliament could agree to a proposal for the establishment of the Kwinana Oil Refinery. It did not frighten the people away, because Parliament had to discuss the agreement and agree to it. There was no undue delay with regard to the matter; and the oil refinery was subsequently established. So it is so much flapdoodle to advance the argument that to call Parliament together or to place a proposal before Parliament would occasion too much delay and result in the loss of the business. I refuse to accept that view under any circumstances whatever, because it is contrary to what a reasonable man would expect to happen.

The SPEAKER: The honourable member has another five minutes.

Mr. TONKIN: I do not require it, Mr. Speaker; but thank you for telling me. I hope that the House will agree to this Bill; because, after all, all it proposes to do is to put every member of Parliament into the picture. It does not take away from the Government—it has the numbers—the right to follow the course it has determined upon; but it does put every member of Parliament into the picture and permits of a thorough exploration and discussion of the proposals which are being entertained. In view of the attempts which are made from time to time to put matters over us here, the more we know about what is going on the better. I support the Bill.

MR. J. HEGNEY (Middle Swan) [5.39]: I propose to support this Bill because I think it is a measure that is democratic in character; and it gives to the Parliament of the State an opportunity of making a decision on the question of the sale or lease of State trading concerns or State instrumentalities. The elected representatives of the people should have a say and should exercise a vote in connection with these assets before they are disposed of. That is a very reasonable proposition to submit to the Parliament; and I think all members, no matter what side of the House they are on, must give their support to this measure. Many of the State trading concerns have been in existence for many years. They were established in the early days because, in many instances, private enterprise had failed to look after the interests of the people.

Mr. Mann: It is the policy of the Government.

Mr. J. HEGNEY: For the information of the honourable member I remind him that—if I remember correctly—the State Engineering Works, when first established, were known as the State Implement Works; and, at the time, the Labour Government set out to try to manufacture agricultural implements to supply to the farmers of this State.

Mr. Mann: They were made of shocking material, too.

Mr. J. HEGNEY: Farmers are always ungrateful, no matter what the State does for them. They are always complaining and crying out that the State is this, that, and the other thing. However, they are on the doorstep of the State when they want a handout. Over the years, the State Implement Works—even before the period of the war and the time about which the Deputy Leader of the Opposition spoke—have done a good job at Fremantle. As a matter of fact, that organisation has been used for servicing the State ships; it has kept them maintained and moving at all hours of the day and night in the port of Fremantle.

It has also attended to most of the works on the waterfront—on dredges and work of that nature—which is definitely work that should be carried out by a department of the State. Over the years those works have rendered excellent service in that connection. I know this, because I worked there for many years. Some of the most skilled tradesmen in this State were employed at the State Implement Works. There were some small engineering shops at Fremantle, but they did not have the capacity of the State Implement Works.

The small shops were not able to do the work which was required in respect of State ships and some private ships. Unfortunately, in Western Australia we have no docking facilities, and consequently there is no other organisation save the State Engineering Works able to do the servicing for ships so that they may sail to Singapore, Sydney, or elsewhere. I think it ill becomes this Government, or any other Government, to try to reduce the status of the State Engineering Works with the idea of handing them over to some of its political friends.

We have the analogous case of a few years ago when the Chifley Government established a whaling station at Carnarvon. This whaling station was built up until it reached a profit-making basis—substantial profits were being made—and the Commonwealth Government, which is of the same ilk as the Government in Western Australia, sold it to its political friends, instead of holding it for the benefit of the people.

Mr. O'Connor: It was no worse than building up an organisation and putting in your political friends.

Mr. J. HEGNEY: The honourable member will have an opportunity to talk in a few minutes.

Mr. Mann: We will keep it going all night.

Mr. J. HEGNEY: I will be pleased to hear the member for Avon address himself to this question, and tell us how the farmers lost in connection with their activities at Fremantle. I will be interested to hear him on that issue. Labour Governments of other days established works of this kind for the purpose of safeguarding the public welfare.

An enterprise analogous to the State Implement Works is the State Electricity Commission. In the early days, many of the electrical plants were run by private enterprise, or were municipally owned, and quite a number of them were run at a loss. Eventually we established the State Electricity Commission, and in the early years the commission negotiated with the Perth City Council an agreement to sell electricity to the council. The arrangement was to sell electricity within a five-mile radius of the City of Perth at practically a peppercorn price—a price at which the commission could not produce the electricity. Subsequently the McLarty-Watts Government, to its credit, saw the necessity of taking over the unexpired portion of the lease from the Perth City Council.

The State Electricity Commission has grown and developed throughout the State, so that most municipally-owned electricity undertakings have become absorbed by it. To such an extent has the commission grown, that it is now able to stand on its own feet and to go on the loan market and raise funds for itself in order to supply electrical power throughout the State.

Is it proposed by the Government, in a declaration of Liberal policy, to sell the State Electricity Commission? Will the member for Avon say he is prepared to support such a proposition? He is silent! He is not prepared to say where he stands on that issue. But the Electricity Commission is an important State instrumentality. Its purpose, of course, is to generate power as cheaply as possible and to make it available to the agricultural areas so as to help modernise farms and provide power and modern lighting throughout a great portion of Western Australia. Therefore, the State Electricity Commission is an important State instrumentality. But if the Government has its way it will be able, without bringing to Parliament a proposition to dispose of the commission, to get rid of it; and that is not a fair thing.

There are many other instrumentalities of State—for instance, the Midland Junction Workshops. The Government, since it has come into power, has done its utmost to reduce the status of those workshops, where there are hundreds of skilled men employed, so that they will become an effete organisation. I started life as

an apprentice at the Midland Junction Workshops, and I worked there for some time. In the early days boilers were constructed at the workshops, and much other new work was carried out.

In 1912, I think, we had a great drought—much worse than the present one—and the Midland Workshops were engaged in nothing else but making water tanks in which to cart water into the back country for the farmers. The organisation to make those tanks was available at the workshops, because they had the skilled tradesmen to do the work.

In those days the private shops around Perth were of little substance. As a matter of fact, I had a brother who started as an apprentice fitter, and before he finished his time, three shops in and around Perth ceased to exist. The trade union—the Amalgamated Engineering Union—of which he was a member, safeguarded his interests as an apprentice by ensuring that when one establishment failed, another took him on. At that time, when the Midland Workshops provided opportunities for young people to become apprenticed to skilled trades, the activities of private industry were very poor indeed.

It is a crying shame that the Government should be trying to destroy the efficiency and skill that has been built up in the Midland Workshops over the years; and that is what the present position is tantamount to, because allegedly there is a struggle going on between private enterprise and the State in this direction.

When this Government is defeated, what will happen when the incoming Administration sets out to re-establish the position? It is far better to have those engaged in doing, for the Government, certain works that are fundamentally of a Government character—particularly when they can do it at a fair and reasonable price—than to whittle down the workshops and so cause a lot of unemployment in the town of Midland Junction. The railway workshops have machinery that is probably second to none in the State, although it might not be as up to date as some of the machinery in Eastern Australia. Nevertheless, it is very up to date here, and it behoves Western Australia to have such an organisation in order to do the work that is needed in this community.

The sole purpose of the Bill is to give Parliament an opportunity to make a decision on whether any or all of the State trading concerns should be disposed of; at least the merits of each case, if the Bill is agreed to, will be considered by Parliament. I do not think that is an unfair proposition. We would have all the cards on the table instead of the Executive Council negotiating the disposal of any State concerns; and I point out that private members would not have much say in

the disposal of a State instrumentality if the negotiations were carried out by the Executive Council.

It is important that Parliament, particularly the members representing the various constituencies concerned, should have the opportunity to express itself on these issues. The member for Guildford-Midland and I are vitally concerned in the activities at the Midland Junction Workshops, and so is the member for Beeloo, who is also a Labor member, because many people who work at those works live in his area. From time to time we become perturbed at the whittling down of the Midland Junction Workshops.

Mr. Court: What whittling down has taken place there in the last six months?

Mr. J. HEGNEY: I know boys who have finished their time, but there is no further work for them. When they finish their time, they leave the State.

Mr. Court: But that was the policy of your Government.

Mr. J. HEGNEY: At least there was some activity there, and work could be found for most of them. Not too many of the qualified ones were dismissed, but those who were not highly efficient were probably put off and had to seek employment elsewhere.

For the edification of my friend from Avon, who does not feel too kindly towards the late John Scaddan, who was an erstwhile Labor Premier, and an erstwhile Minister for Railways in a Liberal Government—

Mr. Mann: I have a lot of respect for him.

Mr. J. HEGNEY: —I point out that his Government introduced the system of technical training for apprentices, and this specialised system of training apprentices has continued ever since.

The young men who become skilled artisans at the Midland Junction Workshops go to Eastern Australia. Our difficulty is to retain the young men in industry because, unfortunately, we have not sufficient industry here for the purpose.

Mr. Court: We soon will have.

Mr. J. HEGNEY: The Midland Junction Workshops and the State Engineering Works train young men to become skilled artisans; and if we could retain them in the State, it would be to our advantage. But, unfortunately, too many of them are lost to Western Australia. In my early years I went to Eastern Australia, and many of our tradesmen found employment in different parts of New South Wales and Victoria; and some have never returned to this State. One young fellow who finished his time with me, was a married man with two children, and he lived at Cottesloe. He went with me to New South Wales, but

he never came back here. He has since become the chief boiler inspector in the New South Wales railways.

Mr. Roberts: Look where you finished up in Western Australia; you returned to a good country, and you are now a member of Parliament!

Mr. J. HEGNEY: I forgot that. But I served a good apprenticeship before I came here; I fought for many Labor principles before I got into Parliament. The man to whom I just referred was only one of many who left this State. I have two nephews who are fitters. They served their time in the Midland Junction Workshops. One was not retrenched, but the other was. They both went to Victoria. There are many people who have done the same thing. Over there they probably meet some young women and marry them, and so they become lost to this State.

It will be a sorry day for the young men of this country, and for Western Australia generally, if these organisations are reduced to the stage where they have very little efficiency. It ill behoves the Government to want to dispose of these instrumentalities or any other State works. They are State assets, and the taxpayers' money is invested in them. I do not think that a Government, without consulting Parliament, would be justified in disposing of any of our State works.

The proposition contained in the Bill is not an unreasonable one. Before the Government sells or leases the various instrumentalities or State trading concerns, it has an obligation to fetch the relative documents to Parliament so that members may say "Yea" or "Nay" to them. I support the Bill.

MR. TOMS (Maylands) [5.57]: I support the Bill. I feel that the Minister for Railways, when speaking in opposition to the measure, dealt with it rather as though a constitutional majority was necessary to carry any Bill.

The measure, as was indicated by the Leader of the Opposition when he presented it to us, is just a small one, but it contains a vital principle, which I believe Parliament would do well to put on the statute book.

There is nothing in the Bill to say that the Government shall not dispose of State works or concerns; all it seeks to do is to provide that before any such sale is completed, Parliament shall have an opportunity of seeing the figure quoted for the particular works, and deciding whether it is a fair and reasonable one. Nearly 30 years ago—about 1932—a Liberal Government amended the Act so as not to make it mandatory for Parliament to have to ratify the sale of a State trading concern.

Since then we have had Governments of various political colours in power, and yet no move has been made to dispose of State trading concerns. Members ought

to pause long enough to wonder why. State trading concerns have been a vital and necessary part of our set-up for many years; in fact, ever since they were first introduced into the State. From the time of their introduction they have grown and rendered a valuable service to the people of this State.

At page 1506 of *Hansard* No. 10, for this year, the Minister for Railways had this to say—

The question of a fair and reasonable price is something that can be proven and determined beyond all reasonable doubt. No Government would be so irresponsible as not to protect itself in regard to what was a fair and reasonable price. As a Government, we are prepared to take the judgment of the people on what would be a fair and reasonable price.

Unless this Bill is agreed to, the people will have to accept the Government's judgment; because by the time the people can do anything about it, the State's assets will have been disposed of. A fair and reasonable price from our point of view and from the point of view of the people, would probably be different from that envisaged by the Government. The attitude the Government is adopting at present is such that the assets of the people will dwindle to such an extent that they will become valueless.

Perhaps the Minister for Railways would give us some idea of why orders from Government departments, which used to be sent to State concerns, and particularly for timber, which is quoted at a super foot rate—and the rate is not really competitive—are being sent to private concerns. The Minister knows as well as I do that the Timber Merchants' Association has decided what the rate per super foot of timber shall be; and yet the State Building Supplies are not getting the orders which they used to get from Government departments; those orders are given to private enterprise. I shall not name the concerns; but I believe that Government departments which have been set up and have expanded over the years should at least have the opportunity of quoting, if a tender is required, and particularly, as is the case with timber, when the price is set down by the association.

Mr. Court: The State Building Supplies tender for these jobs.

Mr. TOMS: Surely the price at which the State Building Supplies could tender would be the same, or almost the same, as the price tendered by the other concerns, and then the only difference would be in the charges for cartage.

Mr. Court: They are getting a considerable number of the orders.

Mr. TOMS: They are not getting half the orders they used to get.

Mr. Court: But they have an equal opportunity to tender, which the private merchants were denied before.

Mr. TOMS: That might be the Minister's idea, but I have other ideas as to why the concern is not getting Government orders.

Mr. Court: Are you doubting the Tender Board?

Mr. TOMS: That is not the position at all; it is a matter of whether the tenders are being quoted as they are supposed to be quoted. I am thinking of the boom period, when Government departments were only too happy—and this includes the period when the McLarty-Watts Government was in power in 1952—to expand State instrumentalities. The McLarty-Watts Government expanded the State Brickworks and the State Saw Mills; those concerns did a job which private enterprise was incapable of doing at the time. These works have been built up over the years and they are a real asset of the people. Therefore, I believe that Parliament is the place where the disposal of such assets, should that ever be considered, should be brought for ratification.

Mention has been made of profits. The State Saw Mills have now been amalgamated with the State Brickworks to form the State Building Supplies, and that department has for many years been known for the quality of its work. It has been concerned not so much with profit but with quality, and yet it has still been able to make a profit. Members of the Government will probably say that private enterprise can make a greater profit than Government enterprise, despite the fact that private enterprise has to pay for many charges which Government departments do not have to face; but those same members do not make any comparison of the quality of the work done.

There was no interjection in regard to that statement; and it has taken me a long time to convince members opposite that State trading concerns put quality before profit. In talking of quality, I can remember when the State Housing Commission was geared up to full production; and yet, even in those days, the State Saw Mills went to the bother of sandpapering the moulding of sash material, something not done by private enterprise. Workers at the State Saw Mills also ran the rebate plane up the back cut on the rebates of door frames; and that was not done by private industry at the time. They were concerned not so much with profits as with making a complete and proper job of everything before the work was sent out.

These State assets have been built up over the years, and this State should be justly proud of them. If and when the time ever comes that we need to dispose of them, for any political reason, Parliament should have the say in regard to the price paid for them. I support the Bill.

MR. HALL (Albany) [6.7]: In this morning's issue of *The West Australian* the Minister for Works gave an assurance on State works. The appropriate part reads—

Works Minister Wild yesterday told a deputation that the Government would sell the State Engineering Works if it could get a fair price and an assurance that the interests of the employees would be safeguarded. The deputation which was introduced by Opposition Leader Hawke said that there was an uneasiness among employees who did not know from day to day whether they were going to get a dismissal notice.

The insecurity of their employment would certainly worry the men and their families because many of them have been associated with the State Engineering Works for many years.

I wonder whether the Minister is sincere when he says that he is worried about the conditions of the workers, and that he will ensure they will be safeguarded if anyone purchases the works! The workers at the State Engineering Works are enjoying a certain standard, such as long-service leave after 10 years, and many other advantages; and I wonder what would happen if the works changed hands!

State works are more or less the yardstick for measuring industrial standards; and surely the workers, if the State Engineering Works are sold, are not going to lose their long-service leave entitlements, accumulated sick leave, and all the other advantages they have at present! Many of the workers there have probably sacrificed the best part of their lives, and have given of their best. Now, when they come to the end of their journey, and perhaps are not as vigorous as they were in their younger days, they are to lose their security of employment. It might not be so bad if they had an assurance that their industrial standards would be protected, and that they would lose nothing by the changeover. But no assurance has been given.

Although the Government claims that it has a mandate to dispose of State trading concerns, I do not believe it has the right to dispose of the State's assets without coming to Parliament for approval. Recently one of the Independents crossed over to the Government side of the House so that the Government would have greater voting power. But let us look at *The West Australian* of the 16th September. Under the heading of "Government Loses Voting on Hotels' Option Time," we read the following:—

The Legislative Assembly last night agreed on a 24-23 vote to delay the sale or lease of State hotels for nine months to give local communities the option of buying them.

If a majority of members feel that Parliament should have some say in the disposal of State hotels, surely the same

position should apply to the disposal of other State concerns! On many occasions private enterprise has had to depend on State instrumentalities for the hiring, or leasing, or borrowing of machinery; and even the skill and ability of Government workers to assist them with certain contracts. I believe every Government should try to assist industry if it is for the benefit of the State.

I understand that cylinder linings can be manufactured at the Midland Junction Workshops for £60 whereas the imported article costs £120. I am not an engineer so I cannot be sure of the figures; but if they are correct, it shows that private enterprise is getting a big margin of profit and the matter should be thoroughly investigated.

To me, the disposal of the Public Works day-labour force is a disposal of a State concern. As the workers are to be dispensed with, no doubt the machinery which they have been using will be sold; and it is doubtful whether the price received for it will be equitable, because the number of people bidding will be limited to those firms operating in the State. Therefore, I am of the opinion that the Government will not get full value for the money which has been expended over the years.

The actions of the present Government are causing Government workers and their families great concern, and they have a feeling of insecurity. If the Government, before disposing of State concerns, could give an assurance to the workers that the industrial standards which they now enjoy will be preserved, and that they will have a continuity of employment, the position might not be so bad.

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

**MR. HAWKE** (Northam—in reply) [7.30]: Practically all the speakers in connection with this Bill have supported it. The only speech in opposition to the Bill was made by the Minister for Railways. He dealt with the Bill in a manner which was not really effective, even from his own point of view. He said that the passing of this Bill into law would place such difficulties in the way of any attempt to sell or lease a State trading concern or a State-owned concern, as to make it impossible for any sale or lease to be effective.

He told us that anyone who might be interested in the purchase, or in entering into a lease, would be unlikely to do so when he knew it would be necessary for the agreement of sale or the agreement to lease to be debated in Parliament, and to be approved by Parliament if the agreement was finally to become binding and effective.

There is nothing new in the principle of Parliament having to consider agreements of this kind, nothing new in Parliament

debating in full such agreements, and therefore nothing new in Parliament deciding finally whether any such agreement should become effective. After all, the Government of the day, irrespective of the Party it represents, is only an executive, as it were, of 10 persons. It has always been regarded under the British Parliamentary system that Parliament itself is supreme, except where Parliament delegates authority to the executive or some other organisation.

Another point raised by the Minister for Railways against the Bill was that an agreement of sale or an agreement to lease might be entered into in January between the Government, and a businessman or company, for the sale or lease of one of these concerns; and that in the ordinary course of events, the person or the company and the Government would have to wait six or more months for Parliament to meet, in order that Parliament might consider, debate, and decide the matter. When someone suggested by interjection that Parliament could be called together in a special session to deal with a situation of this kind, the Minister stated there would be a great howl from members of Parliament if they were called together in a special session in February, March, April, or May.

I do not think there would be a howl. Whether or not there would be a howl does not matter one scrap. After all, it is the business of members of Parliament to deal with such affairs as require attention by Parliament from time to time; that is the first and foremost duty of members of Parliament. That is mainly what they are elected to Parliament to do. Should circumstances necessitate the calling of Parliament together in February, March, or April, then Parliament should be called together, and no member of Parliament is entitled to complain—certainly not to howl in protest—about action along those lines.

The Minister also stated that once private business individuals or companies knew that Parliament would have to study the provisions of any agreement for sale or for leasing, they would lose interest, and would not consider for a moment longer any idea of purchasing or leasing a State-owned concern. That would not be the situation at all. If individuals or members of a company were sufficiently interested and keen enough to purchase or lease one of these concerns, then they would not lose interest simply because any proposition for sale or leasing would have to be debated in, and decided by Parliament.

For one reason—and I do not think that is a solid reason—any businessman or members of a company would know that the Government which agreed initially to sell or to lease, and agreed to the conditions which would be part of the contract of sale or part of the lease, would have a

majority in each House of Parliament. In 99 cases out of 100 the Government would have the numbers in Parliament to ensure that any such contract or lease was ratified.

Therefore when this question is resolved absolutely, the only objection—and it is not a valid one—which can be raised is that all the conditions of a proposed sale and all the conditions of a proposed lease will be known to Parliament. By being known to Parliament they would be known to the public. Surely there cannot be any effective argument against that sort of thing happening! Surely members of Parliament are entitled to know before any such deal is finalised!

If the conditions of the proposed contract of sale or the proposed lease of a State-owned concern are reasonable, then the Government of the day will have nothing to fear from Parliament, except criticism on some points, and it will have nothing to fear from the public. However, if the conditions of any proposed sale were not reasonable, and the same applies to any proposed lease, the Government would have much to fear from Parliament, and maybe even more from the general public.

These concerns have long been established. They have been operated effectively in the great majority of instances, if not in every instance, by Governments of different political complexions. They represent very solid assets to the people of Western Australia. One of the very important duties of members of Parliament is to protect the assets of the people. That is not only a very important duty of members of Parliament, but also of Ministers of the Crown. There is just as much responsibility upon members of Parliament in that regard, as there is on members who happen to be Ministers for the time being.

There is, beyond any shadow of doubt, an obligation upon us to do whatever is within our power to ensure that the assets of the people, as represented in these State-owned concerns, shall be protected. If in the process of time the Government proposes to sell or lease any one of them, then those who are the representatives of the people in Parliament should know the conditions, and should make a decision on the proposals which are involved. On that note, and by stressing that very important principle, I commend the Bill to the House.

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

**Ayes—17.**

Mr. Andrew	Mr. W. Hegney
Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Lawrence
Mr. Fletcher	Mr. Nulsen
Mr. Graham	Mr. Sewell
Mr. Hall	Mr. Toms
Mr. Hawke	Mr. Tonkin
Mr. Heal	Mr. May
Mr. J. Hegney	

(Teller.)

**Noes—20.**

Mr. Bovell	Mr. Mann
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Sir Ross McLarty
Mr. Cornell	Mr. Nimmo
Mr. Court	Mr. Oldfield
Mr. Craig	Mr. Owen
Mr. Crommelin	Mr. Perkins
Mr. Grayden	Mr. Roberts
Mr. Guthrie	Mr. Watts
Mr. Hutchinson	Mr. I. W. Manning

(Teller.)

**Majority against—3.**

**Question thus negatived.**

**Bill defeated.**

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

*Second Reading*

**MR. HAWKE** (Northam) [7.50] in moving the second reading said: When a Bill to amend the Royal Commissioners' Powers Act was before the House earlier this session there was, as will be remembered, a considerable amount of debate in connection with it. Members on this side of the House attacked very strongly certain provisions in the Bill. The provision which we attacked most strongly was the one which was calculated to give practically all of the legal protection in the world to any witness who cared to go before the Royal Commission, or who was called before the Royal Commission, to give evidence. At the time, the Attorney-General, speaking on behalf of the Government, assured members that they were indulging in flights of fancy, although he did admit that a few of the objections raised had some substance in them, and he undertook to have some consideration given to those few points. He carried out that undertaking; and subsequently some assurances were given in this House, and some in another place, in respect of the legislation.

I want to quote from some of the speeches made in each House of Parliament. I consider some of the comments by the speakers concerned regarding the provisions of the Bill to be very pertinent, and that these statements have been justified by the passing of time, and some of the activities before the Royal Commission.

The Deputy Leader of the Opposition, when speaking in connection with the Bill, said—

But almost anything can be said in a Royal Commission of inquiry; and what chance is there of providing against an action for perjury if a man says that he heard that somebody had told somebody else that such-and-such a thing had happened?

*Point of Order*

**MR. WATTS:** Mr. Speaker, will you give consideration to this question, and advise the House as to whether this Bill is in

order in view of the provisions of Standing Order No. 181 and the fact that during this session the principle that is involved in this Bill has been determined in the affirmative?

### *Speaker's Ruling*

The SPEAKER: The Attorney-General has asked whether this Bill is in order in terms of Standing Order No. 181. I would refer the Attorney-General to Section 44 of the Interpretation Act, on page 233 of the Standing Orders. It reads as follows:—

Any Act may be altered, amended, or repealed in the session of Parliament in which it was passed.

Obviously there is something in the nature of a conflict between Standing Order No. 181 and the Interpretation Act. The Interpretation Act being the law of the land, it prevails; and under those circumstances, I rule the Bill in order.

### *Debate resumed*

Mr. HAWKE: Not by way of gratitude to you, Mr. Speaker, but simply by way of what I would regard as a fairly common-sense observation, I think your ruling is correct. Parliament would find itself in an impossible situation if it could not, during a session of Parliament, amend a Bill which had been passed in that same session. The situation could arise where a Bill might be passed which, in operation, could do injury to a great many people, which might not have been foreseen when Parliament passed the Bill. Therefore, if Parliament had no right to amend that Bill or could not put right the wrong which was being done, our parliamentary system would soon become a laughing stock—and deservedly so.

When the Attorney-General interrupted me in such a friendly fashion, I had completed one quotation from one of the speeches made by the Deputy Leader of the Opposition in connection with the Bill. The second statement which I desire to quote from one of his speeches reads—

If persons are not prepared to come forward and give evidence in the same way and subject to the same obligations of responsibility as hundreds of witnesses down the years have done, let us do without them.

The next quotation is from one of the speeches delivered by the member for East Perth, and reads—

Then we have this proposal in the Bill to amend the legislation to allow persons freedom to say what they like and to blacken the names of decent citizens.

The second quotation from the speech of the member for East Perth reads—

The Premier has admitted—because he cannot deny it—that the basis of this Royal Commission was the talk of bribes and handouts.

Mr. R. Thompson, a member in another place, in a speech he made upon the Bill said—

The SPEAKER: I must draw the attention of the Leader of the Opposition to Standing Order No. 130 which reads—

No member shall allude to any debate in the other House of Parliament, or to any measure impending therein.

Mr. HAWKE: Thank you, Mr. Speaker. I think what the gentleman said is covered to some extent by what was said by other speakers in this House. However, I regret that I cannot—as it were—put into the box such a pragmatical witness as Mr. Watson, because he, too, made a very important statement in another place in connection with the Bill.

As a consequence of not being able to make these other quotations, I am brought with some embarrassment to the stage where I must quote from some of the speeches which I myself delivered in connection with the Bill. I have reached this point much sooner than I had anticipated.

Mr. Perkins: I hope this is not unnecessary repetition.

Mr. HAWKE: One of these quotations is as follows:—

However, if we take notice of the things which were responsible for influencing the present Government to give a promise during the election campaign, to set up this Royal Commission, we can readily believe that persons will appear before the Royal Commission to make all sorts of low-down suggestions and accusations.

The second quotation reads—

Are we to be expected to pass legislation which will encourage to come before this Royal Commission, or any other, men of low repute;—

I repeat that—men of low repute—

men of no conscience; men who will tell lies, no matter how wicked they might be; men who will pick up rumours from the street corners, and the gutters, and from the columns of *The West Australian* newspaper?

The next extract reads—

I am not prepared, by any vote of mine in Parliament, to give legal protection to liars, and thieves, and cheats—and that is what this protection would do if we put it into the law. As I have said, the reputable witness would not require protection.

And I think that is worth repeating. The next extract of what I said reads—

So for the protection of everyone concerned, we do not want to encourage this muckraking hearsay type of evidence which will be given by some witnesses if they are, in advance, given some guarantee of legal protection.

The next and final quotation reads—

We on this side of the House oppose the third reading of the Bill, because we consider it contains some provisions which are obnoxious and some provisions which we feel in practice will be detrimental and which will give special privilege and special protection to certain persons and by so doing will immediately expose to vilification innocent persons in this community.

I think it would be a vast understatement, in view of some of the things which have happened before the Royal Commission, to say that the quotations which I have read here this evening have been proved by the passing of time to have been abundantly justified. I will now quote two extracts from speeches made by the Attorney-General at the time when the Bill was before us. The first reads—

I think I have indicated sufficient to show that many of the statements which have been made during this debate have not been founded on very secure premises, but have indeed, in many respects, been founded as I said, on flights of the imagination.

It could be—I think the fact was—that at the time the Attorney-General made that statement, he wished to apply it to some of the extracts which I have read this evening from speeches made by members on this side of the House, in opposition to the worst features of the Bill. The second extract from the speech of the Attorney-General reads—

It is my belief that this legislation, when passed, will be entirely satisfactory and that when it is brought up for renewal, probably next session, while I certainly would not say there would be no possibility of its being amended, I am convinced its life will be extended.

There are many other extracts from speeches made by members in this House which could be quoted; but I think that those I have read out are sufficient to indicate the clear-cut understanding of what would happen in practice if the Bill did become law.

To show that members who opposed the Bill, and who strongly criticised what I would describe as its worst features, really knew what they were talking about and had a true appreciation of what could happen and certainly would happen once the Royal Commission commenced to operate under the provisions of the then proposed new law, I wish now to quote some extracts from the evidence given before the Royal Commission; and I would quote from *The West Australian* of the 5th September, as follows:—

Under cross-examination during the hearing yesterday Peat admitted that at a billiards tournament he had bet on one player to win and offered the opponent £30 to get beaten.

That is an abundant-plus justification for everything I said in the strongest denunciation of the provisions in the Bill which proposed to give almost total legal protection to any witness who would go before the Royal Commission, no matter how disreputable he might be. Peat was also reported as having said that statements in a statutory declaration he had made about the sale of his Victoria Park betting premises were untrue. I think that on that point the Attorney-General would agree, without argument, that in making false statements in a statutory declaration—and especially statements which he knew to be false—Peat had seriously broken the law of the State.

Another witness, by the name of Berry, admitted that he sold his Kalgoorlie business for £4,000, but had told the Betting Control Board that the price was only £1,050. I do not know whether it is necessary for me to refer to some of the other witnesses who appeared before the Royal Commission. One of them was shown to have been almost continuously in the d.t.'s for a long period of time, and had to be especially doctored to enable him to go before the Royal Commission at all.

Another witness admitted that he had robbed the Treasury in his off-course betting transactions; and I think it is true to say, beyond any question, that all of the witnesses who appeared before the Royal Commission to make allegations of bribery or corruption, were witnesses of poor repute; witnesses on whose evidence no-one of decent mind would hang even a dog. I think it has been shown that, when the Attorney-General introduced this legislation into the House, he did not know of some very vital considerations which were known to some of his ministerial colleagues.

The truth of that is clearly shown as the result of a question asked of the Attorney-General by the member for Victoria Park on the 8th September. In effect the question was whether the Attorney-General, when he introduced the Bill to amend the Royal Commissioner's Powers Act, knew that Messrs. Berry and Peat, two witnesses at the Betting Royal Commission, had interviewed the present Premier of the State. The Attorney-General's reply was, in effect, that he did not have any knowledge at all of that point, although he was aware that some representations had been made.

Presumably no Country Party Minister in the Cabinet was given any clear-cut information that the interview between Berry and Peat and the Premier had taken place. Apparently that information was given only to the Liberal Party members of the Ministry. I must say that I was absolutely astounded when the Attorney-General answered as he did the question put to him by the member for Victoria Park.

I could not imagine a situation of that kind arising in any Ministry. Here was a Ministry, the members of which were considering the framing of a Bill to amend the Royal Commissioners' Powers Act; and one of the provisions which had been suggested by someone to the Government as a provision which should go into the Bill, was to give almost total legal protection to each and every witness called before the commission. The Premier, the Minister for Works, and probably the Minister for Railways, the Minister for Lands, and the Minister for Health knew that two of the men who would be sure to appear before the commission had already told their tale to the Premier and the Minister for Works; and therefore the Premier and the Minister for Works, for certain, knew—and the Minister for Railways, the Minister for Lands, the Minister for Health, and the Liberal Party Minister in another place knew—

The SPEAKER: Order! Is this related to the Bill?

Mr. HAWKE: Most decisively! It is the Bill!

The SPEAKER: I hope the Leader of the Opposition will be able to illustrate that.

Mr. HAWKE: Yes; I think that will be clearly shown in a few moments' time.

Those Ministers knew not only that Berry and Peat would go before the Royal Commission to give evidence, and therefore would have the protection which this Bill proposed to include in the principal Act; but also—which is a million times worse—that Berry and Peat had broken the law of the State in swearing false statutory declarations, even if they did not know of some of the other unlawful activities of those two persons—

Mr. Watts: How would they know, at that stage, that these men had made false declarations?

Mr. HAWKE: Because when Berry and Peat interviewed the Premier and the Minister for Works at Parliament House, they told them the story.

Mr. Watts: But why were those declarations, at that stage, false?

Mr. HAWKE: Because Berry and Peat had sworn, in the declarations, to certain facts which were not true.

Mr. Watts: But how were the Premier and the Minister to know they were not true?

Mr. HAWKE: Because they were told they were not true.

Mr. Watts: When?

Mr. HAWKE: They were told by Berry and Peat at Parliament House that they were not true. Those men have sworn, in a statutory declaration, that they were to receive a certain amount for the sale of a betting shop; and that the man who undertook to pay them much more than

that sum, was stated, in the declaration, to have welched on them. He did not pay them the amount stated in the statutory declaration. So the deal which was, in this statutory declaration, sworn to and signed by these two men, was for £2,000; but in actual fact, they had been asking £6,000.

Just as bad as anything I have said is the fact that the Premier and the Minister for Works for certain knew—and their other Liberal Party colleagues in the Ministry probably knew—that Berry and Peat, provided they were given this legal protection by Parliament, would go before the Royal Commission and smear the name of the present Deputy Leader of the Opposition.

Mr. May: What a lovely set-up!

Mr. Brand: Nothing of the sort!

Mr. HAWKE: Listen to the Premier, Mr. Speaker! Nothing of the sort! He knew one of the vital statements that Berry and Peat would make before the Royal Commission if Parliament gave this almost total legal protection to witnesses. He knew that Berry and Peat would appear before the Royal Commission and make certain allegations against Healy; and, in the process, make insinuations against the Deputy Leader of the Opposition. Of course the Premier knew that! What is more, the Minister for Works knew it, and almost certainly every other Liberal Minister in the Cabinet knew it; but they kept it a close secret from the Attorney-General and his Country Party colleagues.

Mr. Bovell: What right have you to make that statement?

Mr. HAWKE: Which statement?

Mr. Bovell: The statement that you just made; that it was certain that every other Liberal Party Minister in the Cabinet knew. On what grounds do you make that statement?

Mr. HAWKE: I make that statement on the ground that unless the Premier played the game false, with his Liberal Party colleagues in the Ministry—

Mr. Bovell: We were not in the Ministry.

Mr. HAWKE: —as well as his Country Party colleagues in the Ministry, the Liberal Party Ministers would know. Of course the Minister for Lands, in his most silly way, says, "We were not in the Ministry when this Bill was drawn up; when it was approved for introduction to Parliament; when it was decided that the Attorney-General would be the instrument of the Government to introduce the Bill, to explain it and defend it."

Mr. Bovell: We were not in the Ministry at that stage.

Mr. HAWKE: What is the matter with the Minister for Lands?

Mr. Bovell: What is the matter with you?

Mr. HAWKE: If this debate is outside the scope of the understanding of the Minister for Lands, the most effective thing for him to do is to keep quiet.

Mr. Bovell: We know your tactics!

Mr. HAWKE: I am saying—and I repeat it, if necessary—that when this Bill was before Cabinet for consideration, and when this proposal in the Bill to give absolute protection to witnesses was under consideration and discussion, the Premier and the Minister for Works knew for certain and their Liberal Party ministerial colleagues almost certainly knew—

Mr. Bovell: That is what you are saying.

Mr. HAWKE: —that Berry and Peat, if this Bill became law, would go before the Royal Commission and tell the story which they, some months before, had told to the Premier and the Minister for Works. I cannot imagine anything more politically dishonest; anything more disgraceful than for the Leader in a Government and the majority of Ministers in a Government to put a thing like that over some of their ministerial colleagues.

Mr. W. Hegney: That's it!

Mr. HAWKE: No wonder the Attorney-General, when replying to the debate said, among other things, that he thought some of the strongest criticism from this side of the House of the provision to protect witnesses was, in a way, flights of fancy. I am sure that, had the Attorney-General known all the facts of the situation, he would never have said that. Clearly, and beyond any shadow of a doubt, these disreputable witnesses who have appeared before the Royal Commission, because of the protection which was given to them by the legislation introduced by the Government, would never have appeared if the Bill had not come before Parliament.

Not only was the character of the Deputy Leader of the Opposition smeared as a result of this political double-crossing by the Premier, but the name of a highly placed civil servant was also smeared because this provision became the law of the State of Western Australia. The civil servant I refer to, of course, is the Director of the State Tourist Bureau, Mr. Miller, who was, and, as far as I know still is, a member of the Betting Control Board.

Mr. Andrew: Not now.

Mr. HAWKE: I said "was and, as far as I know still is, a member of the Betting Control Board." Some people may say that by Mr. Tonkin appearing before the Royal Commission and denying that he was implicated, it makes everything clear, clean, and quite all right so far as he is concerned. They may also say that the Royal Commissioner has said that there was no evidence against Mr. Tonkin or Mr. Miller. However, as you know, Mr. Speaker, being a man of the world, there

is a saying which finds a place in the forefront of many minds in the community—too many—which runs, "Where there is smoke there is fire." When that statement is used the suggestion, of course, is: "Where there are lies there is truth."

It is disgraceful, particularly as the Premier and the Minister for Works were aware of the facts, that such a Bill should have been brought before Parliament, particularly the provision to give legal protection to witnesses, well knowing—as the Premier and the Minister for Works did beyond any shadow of a doubt—that at least two of the witnesses who would appear, once Parliament gave this legal protection, would be people of low repute, law-breakers, and self-confessed rogues. I suppose it could be argued, quite logically, that this provision to protect witnesses was put into the Bill because of the knowledge which the Premier and the Minister for Works had in regard to Berry and Peat.

Mr. Watts: No; you cannot get away with that statement. It was put in because the Crown Law officers advised that the witnesses should be protected.

Mr. HAWKE: I am prepared to accept what the Attorney-General has said on that point.

Mr. Tonkin: Had not the Crown Law officers seen Berry and Peat before that?

Mr. Watts: That I cannot answer.

Mr. Tonkin: Well they did.

Mr. HAWKE: Let that point rest for a moment. Certain it is, beyond any shadow of a doubt, that the Premier and the Minister for Works knew, when this provision was being discussed in Cabinet; when it was approved in Cabinet; when it was being discussed in Parliament; when it was approved in Parliament, that it would give protection to Berry and Peat and that, as a result, they would go before the Royal Commission and say what they had to say. Whereas, if this provision in the Bill had not become law and those two witnesses had been required to appear before the Royal Commission on their merits, they would not have appeared because the persons against whom they made accusations and insinuations would have had effective remedy against them at law.

Mr. Watts: I am afraid the same remark applies to many people who do not come within your category.

Mr. HAWKE: Today, however, those persons have no remedy at law against Berry or Peat or anybody else of their kidney who appear as witnesses before the Royal Commission.

Mr. Watts: A great many reputable people would not have appeared before the Royal Commission, either.

Mr. HAWKE: I think they would have. I do not think the Attorney-General can get out of it that way.

Mr. Watts: I am stating what I believe to be a fact.

Mr. HAWKE: The Attorney-General, of course, is quite entitled to state his opinion; but I am bound to say—even if, for a moment, I agree with his expression of opinion—that it would have been far better if a few of the reputable witnesses had not appeared before the Royal Commission provided these disreputable ones, had they appeared to give evidence, would have taken upon their shoulders responsibility for what they said. Surely that is a reasonable principle to expound in a British Parliament!

I must confess that I have not read every word of the evidence as published, but I have glanced through most of it; and I cannot, for one moment, see why any reputable witness who has appeared before the Royal Commission would not have appeared had there not been this legal protection which this Parliament approved a few weeks ago. I cannot see one statement which any of the reputable witnesses have made which could not have been made with great safety even if this additional legal protection had not been given by Parliament.

When it became clear that Berry and Peat had broken the law of the State—as it did become clear when they made their admissions before the Royal Commissioner—and when it was known to me beyond doubt that they had, prior to the Royal Commission being appointed and prior to this legislation being approved by Parliament, told their story to the then Leader of the Opposition and the then member for Dale here at Parliament House, I think I was justified, as Leader of the Opposition in this Parliament, in asking some questions of the Premier—which I did—and I propose to read my questions and the answers given.

I asked the following questions of the Premier:—

- (1) Did Messrs. G. A. Berry and N. J. Peat, or either of them, have discussions with him at Parliament House along the lines of the evidence given by them before the current Royal Commission on betting?
- (2) If so, did Messrs. Berry and Peat confess to the carrying out of the illegal activities which they have admitted before the commission?
- (3) On what date did these discussions take place?
- (4) Should the answer to No. (2) be "Yes," did he at any time prior to the 31st March this year report the confessions of illegal activities to—

- (a) The Commissioner of Police?

(b) The then Minister for Police?

(c) The then Minister for Justice?

The Premier replied—

The Leader of the Opposition gave me ample notice of this question and I referred it to the Crown Law Department. I have received advice that the matter of evidence referred to is the subject of a Royal Commission which is still sitting. Therefore I treat the evidence as at present being *sub judice* to save any embarrassment to the Royal Commission.

Let me repeat that part of the answer—

Therefore, I treat the evidence as at present being *sub judice* to save any embarrassment to the Royal Commission.

Of course the commission was in no danger of being embarrassed. The person who was in very great danger of being embarrassed was the Premier himself; and, doubtless, he answered the questions in this way to try to push aside the very great embarrassment that was enveloping him. So he avoided the questions which, of course, was his prime purpose in framing the answer in the way it was framed. Subsequently I asked the Premier the following question:—

Did Messrs G. A. Berry and N. J. Peat, or either one of them, have any interviews with the present Premier prior to the 31st March this year at Parliament House?

I think the Attorney-General would agree that a simple "Yes" or "No", to that question could not embarrass the commission; but it could, of course, very greatly embarrass the Premier. The Premier's answer was—

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

Mr. Watts: What date of the month was that?

Mr. HAWKE: I have not the date, because these are copies of the actual questions; but the date does not matter.

Mr. Watts: It does not matter, but I am interested to know.

Mr. HAWKE: I can assure the Attorney-General that these extracts were faithfully taken from the appropriate *Hansard*.

Mr. Watts: I will take your word for it.

Mr. HAWKE: I thank the Attorney-General.

The SPEAKER: I hope the Leader of the Opposition will connect his remarks to the Bill.

Mr. HAWKE: Yes, Mr. Speaker. The only reason why I want to repeat the last question and answer is to give my point emphasis. The question was—

Did Messrs. G. A. Berry and N. J. Peat or either one of them have any interviews with the present Premier prior to the 31st March this year at Parliament House?

The Premier replied—

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

Have members ever heard such nonsense? Clearly the Premier could have said, "Yes" or "No". That would not in any shape or form have affected the proceedings of the Royal Commission; and I am sure the Royal Commissioner himself, had he read a reply from the Premier of either "Yes" or "No" to that question would not have batted an eyelid, or lost one second's sleep over it. I then subsequently asked the Premier another question which read—

As it is obvious that these discussions did take place, and that the Premier was in possession of information covering the illegal activities of these persons, and did not make any report of any kind to the Commissioner of Police, the then Minister for Police, or the then Minister for Justice, I ask him whether he intends immediately or in the near future to resign his position in the Ministry?

Evidently the Premier decided that was not *sub judice* because his answer was, "Decidedly not." When the question was asked, some of the more injudicious members on the Government side guffawed loudly as if the matter was a joke.

Mr. Craig: Wasn't it?

Mr. HAWKE: It might be that the new member for Toodyay would feel if he were to come into possession of information, in his capacity as Leader of the Opposition, of the serious law-breaking activities of certain persons that his duty would be to say nothing about it.

The SPEAKER: I think we had better get back to the Bill.

Mr. HAWKE: The point I was making was in reply to a disorderly interjection, which you, Sir, allowed the member for Toodyay to make. So I think you will agree that in some circumstances such interjections have to be answered. The Premier did appear before the Royal Commission, and I understand he was a very protected witness. I hope that is appropriate to the Bill. The Premier was a very protected witness. Among other things which, in effect, he said before the Royal Commission was that no slur was intended on the Deputy Leader of the Opposition.

Of course, we all know that when we have two self-confessed rogues coming to one and telling one a story which involves

somebody prominent in public life; and one subsequently, because one holds the position of authority in the Government, approves of the framing of legislation to enable those self-confessed rogues to make statements publicly, and in the making of the statements they insinuate vicious things against some other person prominent in public life, it becomes impossible to justify a claim that no slur was intended; because clearly the slur has been cast, and broadcast, not only to Western Australia but to other parts of Australia.

Once a slur of that kind is uttered and broadcast, one never catches up with it. Accordingly, I say that a slur was intended; a slur was uttered; and a slur was broadcast against the Deputy Leader of the Opposition, because of the action of the Premier, primarily, in agreeing to legislation to protect these self-confessed rogues in their appearance before the Royal Commission. The Premier's action in that regard is made all the worse, as I said earlier, by virtue of the fact that he kept from a number of his ministerial colleagues the fact that when this Bill became law and the commission started its operation, the self-confessed rogues and others would go before the Commission and say things which beyond any shadow of doubt would cast a dirty slur, and a thoroughly unjustified one, upon the Deputy Leader of the Opposition.

It is for the Premier at some stage to say whether he was out to do the Deputy Leader of the Opposition harm personally, or whether he agreed to what he did agree to only because of dirty, Party-political considerations. When he appeared before the Royal Commission, the Premier tried to hold himself up to the public as a grand fellow.

Mr. Bovell: So he is.

Mr. HAWKE: I dealt with the Minister for Lands about half an hour ago. I thought I had finished him off.

Mr. Bovell: Very ineffectively. That would be the day!

Mr. HAWKE: The Premier made this smooth statement: He said that he and his colleague, the present Minister for Works, did not use the information made available to them by Peat and Berry during the election campaign, nor did they ever intend to make the information available to the public.

Mr. Roberts: It is a factual statement.

Mr. Andrew: He does not know what is a fact.

Mr. HAWKE: As I said, it is a very smooth statement, but a very dishonest one in view of what has transpired in regard to this legislation and the proceedings before the Royal Commission. Does the member for Bunbury think it would be honest for him to hear a story from somebody else which was a slur against

the good name and high reputation of someone in the public life of this country; then for him to say to someone else, "I have some pretty hot stuff in my possession against so and so, but I do not intend to use it during the election campaign, nor will I ever use it publicly"; and then to use his position of authority in the Government and in the Parliament of this State to get legislation upon the statute book which would make it certain, beyond any shadow of doubt, that the self-confessed rogues who saw him would publicly go out and broadcast the slur against that person of high standing in the community? Does the member for Bunbury think that is honest? Of course he does not! When he understands the real situation, and when it is put clearly before him, he will realise it is not honest; and it is as dishonest as it is possible for anything to be.

So it is true that the Premier, and so it is true that the Minister for Works did not during the election campaign broadcast this slur against the present Deputy Leader of the Opposition. It is true that neither of them have since publicly done so. But they made sure, by virtue of the strong positions they occupy in the Ministry of the day and in the Parliament of this State, that a situation was created which would ensure that Peat and Berry went before the Royal Commission, and went there with full legal protection to broadcast this slur, well knowing that it would receive the greatest possible prominence in the newspaper.

I think I am entitled to say that the stand of members of the Opposition in this House in connection with this part of the Bill relating to legal protection for witnesses was justified a million times over. As was said when this provision in the Bill was being debated by many speakers on this side, the proposed Royal Commission on betting and racing will not be the first Royal Commission ever to be held in the State. Many have been held previously, and they have been as effective as they possibly could be in any circumstance, and probably all the more effective because every witness who went before the Royal Commission was either reputable, or had no special legal protection to look after him, no matter how dishonest he might be in what he said before the commission with which he was associated.

I emphasise that, because a leading article in *The West Australian* of the 25th July stated, among other things, the following:—

The occasion he chose—

That happened to be myself. It goes on—

—for the delivery of this piece of unparliamentary vituperation was a debate on the proposal to clarify the powers of Royal Commissioners.

I break into the quote to say that the next few words, which I am about to read, are the important ones. The article continues—

The Bill which normally would not have been given more than formal attention.

In other words this newspaper, which is supposed to be the guardian of the rights and privileges of the people of this State, declared in effect that the Bill which was then before us should have been just formally introduced and formally approved by every member on both sides of each House of Parliament, and placed on the statute book. Clearly the newspaper concerned had a great big axe to grind in regard to this issue and was 100 per cent. behind the Premier.

However, the things which have taken place since, and the highly disreputable type of witness who has given statements, mostly on hearsay, have shown that the members of the Opposition, during the debate on the Bill in this House, were thoroughly justified in everything they said. If there can be any criticism at all in the light of what has developed, the criticism would be that the members of the Opposition did not criticise the Bill half strongly enough. I say this, too, Mr. Speaker: that had this Royal Commission sat prior to any amendment to the Royal Commissioner's Powers Act; and had these disreputable witnesses dared to go before it—they would have had to go before it without legal protection—and made the statements which they have made, no Government would have dared to come subsequently to Parliament with a Bill of the kind which was brought to us here some weeks ago.

I am positive in my own mind that the Attorney-General would have refused to accept any suggestion that a Bill of that kind should be brought here in those circumstances. So the proceedings of the Royal Commission themselves have justified abundantly the stand which we took in this House against the provision in the Bill which was calculated to give almost unlimited legal protection to witnesses who went before the commission, irrespective of what they said.

This Bill, as you have already seen, Mr. Speaker, provides to take away from witnesses before a Royal Commission the legal protection which the Bill in question, when it became an amendment to the Act, gave to them. The Bill does not attempt to take away the legal protection which Parliament, a few weeks ago, gave to a Royal Commissioner. It does not attempt in any degree to take away from counsel who appear before a Royal Commission the legal protection which that Bill, after it became an Act, gave to them and gives to them; although one could, if the necessity

arose, justify an argument to some substantial extent for the refusal of legal protection to at least one of the counsel appearing before the present Royal Commission.

Summed up, this Bill aims to remove from the statute book of Western Australia a very serious blot; a blot which has been placed upon our statute book because of an overriding anxiety on the part of some Ministers—though not all—of the present Government to ensure among other things that the Deputy Leader of the Opposition should be smeared, taunted, and slurred against publicly, and therefore have his reputation and standing very greatly reduced in the mind of the general public of Western Australia.

I hope that this proposed amendment to the law will receive unanimous approval from both sides of the House, because it is an amendment to the law which is urgently required. The blot upon the statute book should be removed from it with the least possible delay. There would be justification for action to suspend Standing Orders in both Houses to ensure this amendment would become the law of Western Australia with as little time as quick parliamentary procedures would allow. I move—

That the Bill be now read a second time.

On motion by Mr. Watts (Attorney-General), debate adjourned.

### **BILLS (3)—RETURNED**

1. Interstate Maintenance Recovery.
2. Noxious Weeds Act Amendment.  
Without amendment.
3. Tourist.  
With amendments.

### **NURSES REGISTRATION ACT AMENDMENT BILL**

#### *Council's Message*

Message from the Council received and read notifying that it agreed to the Assembly's amendment to the Council's amendment.

### **CATTLE TRESPASS, FENCING, AND IMPOUNDING ACT AMENDMENT BILL**

#### *Second Reading*

Debate resumed from the 9th September.

**MR. BRADY** (Guildford-Midland) [8.53]: As the House will recall, the member for Boulder took the adjournment of the debate in connection with this Bill. However, as he, with the member for Kalgoorlie, had to journey to Kalgoorlie during the week with the visiting

members of Parliament who are in Australia for the Commonwealth Parliamentary Association conference, it has been left to me to deal with this Bill at a few moments' notice.

As far as I can see, it is not a Government Bill, but was introduced by a private member in another place. In addition, it seems as though it will stop people from going on to private property in order to collect mushrooms. To that extent I feel it is not a very serious Bill and the House should not pass it. But, as I proceed, I think members will realise that somebody is trying to give more serious import to people gathering a few mushrooms than is desirable.

I hope that when I have finished my speech on this debate the House will see eye to eye with me and turn this proposition down. This Act was apparently one of the early measures introduced into Western Australia, because it was assented to on the 21st September, 1882. The preamble reads as follows:—

Whereas it is expedient to consolidate into one Act, and to amend all the enactments and provisions respecting the Law of Trespass by Live Stock and the Poundage thereof, and to encourage the construction of Boundary Fences: Be it enacted by His Excellency the Governor of Western Australia and its dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

The Act then went on to bring into one consolidated measure various Acts dealing with cattle trespassing, fencing, and impounding. It will be seen from the outset that this Act had regard mostly for damage done by cattle which wandered on to other people's properties in those early days. There could possibly have been justification for people wanting protection against such damage. However, there is a remarkable feature about this Bill. It has the effect of turning farmers into a semi-police force. I will read the proposed new section 13A (1), which is self-explanatory—

Notwithstanding the provisions of section thirteen of this Act, 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,—

That is all the person has to do, enter on the land—

—the Justice shall, 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.

I feel that that is rather drastic. Whether or not any damage is done, the person has to pay a minimum of £2 or a maximum of £10 merely because he entered on someone else's block of land.

During the few minutes available to me to consider this measure, I could not help thinking of Shylock who at one time claimed his pound of flesh because someone had breached a contract. He was subsequently told that he could have his pound of flesh if he did not spill any blood. I am afraid that farmers will spill a lot of blood if they try to enforce this particular provision. It will create a very bad feeling between members of the farming community and the people of the metropolitan area, a feeling which would be far worse than that which would arise as a result of the slight damage that might be done by trespassers. Never in the whole of my life do I remember anyone complaining to me about damage done to farming property by trespassers.

Mr. Roberts: What about stock?

Mr. BRADY: Well, my friend, this is not referring to stock but to people, which is the angle I am discussing. I believe that the bad feeling that would be created would offset any good that could be achieved by the passing of this legislation.

The average farmer with any common-sense can take adequate steps to prevent people entering his land, without having to resort to this type of legislation. I understand that already under the Police Act people can be charged for trespassing. Under this particular Act people can be brought before a justice of the peace and charged with wilful damage. However, the farming community, or certain of them—I cannot imagine that all the farming community want this legislation—now desire to go further.

One can think of half a dozen reasons why people might enter in private property without doing any damage. They might want to go to a creek to get water; to obtain fuel to light a fire; to chase a dog; or even to retrieve a cow or horse. A man came into my front garden only a week ago and told me he was trying to get his dog. I had no objection. It was a lawful reason, and he soon got his dog back.

Mr. SPEAKER: Order! There is altogether too much talking. There were, just now, no fewer than five members all talking in the one group with another member waiting to get to his seat. There has just been a conversation across four separate seats. I am very reluctant to interfere with the debate, but I must ask that members show a little more consideration for the one who has the call at the time. Five members talking at once are far too many, and a conversation across a quarter of the width of the Chamber is inexcusable.

Mr. BRADY: Thank you, Mr. Speaker. If so many members are inattentive during the debate on this legislation, it proves that they do not consider it very important.

I was about to say that the farming community will cause far more trouble for itself than will be compensated by the advantages to be derived from such legislation. As I said before, there are a half-dozen reasons why people might want to enter on private property. Even if they wanted to do so to gather mushrooms, very little damage would be done.

Mr. Owen: You do not know the facts of the case.

Mr. BRADY: I have travelled around Western Australia as much as the member for Darling Range. The farmers who may desire to keep people off their blocks invariably erect a few notices such as "Trespassers Beware"; or, "No Mushrooming Allowed." Those who want to go to a little bit of trouble do that, and I should say that on every occasion those notices are respected.

Mr. Owen: What a babe in the woods you are!

Mr. BRADY: The member for Darling Range will have an opportunity to give his testimony; and I would like to hear it, because I have an open mind at the moment. What I am trying to do is point out to the farmers the trouble they will create for themselves.

Mr. SPEAKER: Order! The member for Subiaco will either resume his seat or leave the Chamber. I have already spoken about the talking in this Chamber during the present debate. The member for Subiaco was first of all speaking at the back; then he had a conversation with the member for Darling Range; and now he is with the member for Claremont. He will either resume his seat or leave the Chamber.

Mr. BRADY: I was saying that the farmer who has any sense will see his property is properly fenced and will erect adequate notices. I say they are invariably 100 per cent. respected. Although in isolated cases someone may enter a property on which notices are erected, it is not the usual practice. Over a period of 40 years I have entered land from one end of the State to the other, when mushrooms were to be obtained—on the average about once per year. I have been in company with Ministers of the Crown on private land for that purpose, and I have never seen any damage done to private property under those circumstances. When travelling to Bunbury on one occasion in the last 12 months, I desired to get some mushrooms and passed three or four blocks which had warning notices erected. When I finally pulled up to enter another block, which had no such notice, it was too well fenced and I could not enter. That has been my experience, and I think it would be similar to that of most other people in this regard.

I believe that the sponsor of this measure in another place is doing the wrong thing, because the Bill provides that a farmer may demand the name and address of the person who has entered on his property; and that would cause a lot of trouble. I can recall the present Attorney-General, within the last year or so, trying to have passed an amendment to prevent a policeman asking the name and address of a person; but fortunately I was able, as Minister for Police, to prove to the member for Stirling that it was necessary for the police to have that power, and he did not persist in his intention.

It would appear that the farming community are endeavouring to secure the passing of sectional legislation, as it is sought to have the provisions in the Bill applied only to the South-West Land Division, and not to other parts of the State. I do not think that sectional legislation of that kind is a good thing, because it is a wrong approach to the law. Many farmers are willing to take advantage of the results of people from the towns visiting the country areas and getting rid of vermin such as foxes, kangaroos, rabbits, and emus. They derive considerable advantage from the fact that over the last 50 years townspeople have killed off large numbers of vermin; but when such folk wish to pick a few shillings worth of mushrooms, we find legislation of this nature being brought down.

A measure similar to this was brought down last year; and the people of the Goldfields were hostile when it was suggested that their innocent recreation on Saturday afternoons and Sundays was to be interfered with; and the Bill was defeated. I hope the House will not agree to the second reading of this measure, because it would only do harm to the farming community by causing feuds and destroying the respect which most citizens now have for the farming community. I oppose the second reading.

**MR. W. HEGNEY** (Mount Hawthorn) [9.15]: I think anyone who understands the idea behind this Bill will concede that it seeks to deal with people who enter on to certain country land to gather mushrooms; yet there is in the measure no mention of mushrooms. I suggest that there is, in existing statutes, ample provision to deal with the situation envisaged in this Bill. To begin with, there is the law of trespass. Any person owning land is entitled to take action, by ordinary legal processes, against any individual for trespass; yet this measure is sought to be superimposed on the present law.

A close examination of the provisions of the Bill shows that we are asked to return to the dark ages; and so the measure is worthy of further examination. It contains reference to country land; yet country land is not defined in the Bill. The final provision in the measure is that it

shall apply only to the South-West Land Division; yet as far as I know, Perth, Midland Junction, Bullsbrook, Kalamunda, Albany, and Geraldton are all in the South-West Land Division, as is practically all the wheatbelt and farming country in this State. So there is a contradiction there.

On reading the Bill I became hostile to it, as I think all others who believe in freedom and wish to protect the rights of the individual will. The measure provides that, notwithstanding the provisions of section 13 of the Act, where a person proves a complaint made by him to a justice of the peace that, while he was in possession of enclosed country land, some other person intentionally and without lawful reason or excuse entered on the land, the justice shall, whether or not the entry has caused any damage, order the defendant to pay the complainant, on account of the entry, a sum of not less than £2 or more than £10.

Under that provision we could easily have this position arise: A son might own a property and his father might be a justice of the peace. If some person walked on a part of that property for no lawful purpose, the son could complain to the father, and forthwith the justice of the peace could order the payment by the trespasser of £2 or £10 to his son. The Bill further provides that any sum so ordered by the justice of the peace to be paid, shall be in addition to any damages awarded by the justice of the peace.

The Bill also provides that where a person is in possession of enclosed country land, an employee of or a member of the family of that person, who on reasonable grounds suspects another person has intentionally or without lawful reason or excuse entered on the land, may require of that other person his name and address. It reads—

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.

There is no ambiguity about that. If a landowner, an employee, or a member of the landowner's family asked a person who was on the property for his name and address, and the person refused to give it, he would be liable to a fine of £5 under that section.

**Mr. Crommelin:** How does he find out his name?

**Mr. W. HEGNEY:** The law already covers trespass. The other day I mentioned legislation which was of a sectional character; and this legislation is distinctly sectional in character. I know what it is aimed at. But it will be all-embracing, and under this legislation any person going on to any land in the South-West Land Division would be

liable to prosecution. It is just too ridiculous. The Bill is ill-conceived. I do not know who is responsible for it, but I do not think this Chamber should agree to it. Here is another provision in the Bill:

The provisions of this section apply only to the South-West Division of the State as defined in section 28 of the Land Act, 1933.

Why does not the Bill apply to the Murchison, the Kimberleys, or the Gold-fields?

Mr. Owen: You would not know whether you were on enclosed land in those areas.

Mr. W. HEGNEY: One would know whether the land was enclosed; and in some of those areas one has to have a gate opener.

Mr. Owen: You would not know which side of the fence you were on.

Mr. Nalder: He would be flat-out with a tin-opener.

Mr. W. HEGNEY: I do not think that sort of interjection aids the Bill. It shows that the member for Darling Range realises the distinct weaknesses in it. I do not know whether he intends to continue to sponsor it; but I suggest that the legislation is undemocratic; and if it is to apply to the South-West Land Division, why should it not apply to the whole of the State? Is the metropolitan area in the South-West Land Division?

Mr. Owen: Of course it is!

Mr. W. HEGNEY: Is country land defined in the Bill? Of course it is not!

Mr. Owen: You cannot have country land and town land.

Mr. W. HEGNEY: The metropolis is in the South-West Land Division; and if it is proper for these unfair and unjust restrictions to be placed on people who happen to be in the South-West Land Division, it is logical that the same restrictions should be applied to the whole of the State. The member for Darling Range might give some further explanation of the Bill to throw a little more light on the position; but so far as I am concerned I shall vote against the second reading, and I hope there will be the requisite number of members in this Chamber to defeat the measure at the second reading.

MR. MAY (Collie) [9.24]: I do not like this Bill. I will not have a bar of it; and I am not going to support the second reading. I hope I have made myself perfectly clear. There are so many clauses in the Bill which are so objectionable that, although I have a lot of respect for the member for Darling Range, and his desire to do something in this regard, I am certainly not going to support this legislation.

In the first place, it will leave everybody wide open to victimisation. There could be many valid reasons why a person could be on another person's property. I

could give dozens of instances where it is most essential for someone to go on to another person's property. Let us suppose I owed the butcher or the baker £2 or £3, and he saw me standing on my front lawn watering the garden—I would not be doing that tomorrow, I hasten to assure the Minister for Works. He could jump the fence and say, "Ah, I have got you. Where is my money?" I could say, "Right! I have got you. You are up for £10."

Mr. Nalder: You would not be on country land.

Mr. MAY: But it would be in the South-West Land Division. The Minister is forgetting about that.

Mr. Nalder: You would be on a town block and not on country land.

Mr. Oldfield: What sort of land is that?

Mr. MAY: What sort of land is it if it is country land? According to the provisions of the Bill a person who hopped over my fence could be fined from £2 to £10. I think it is just too silly. We all know that people have differences with their neighbours. In the country, cows and sheep get out and wander on to other people's property. The member for Murray has often mentioned the cows he has lost. If I happened to be passing the property of the member for Murray at Pinjarra, and I saw one of his cows or steers—or whatever he breeds there—in a bog, and I went through the fence to help the cow up, although I would be doing him a good turn I would be liable under this Bill.

Mr. Lawrence: You are not referring to the member for Murray, are you?

Mr. MAY: The member for Murray could come along and say, "Ah! I have got you!" And he would probably do something about it, because I am a member of the Labor Party.

Mr. Brady: You would not want to go canvassing on his property.

Mr. MAY: I am trying to show how silly the Bill is. As I said, people in the country and in the metropolitan area have differences with their neighbours; and if this legislation were passed, they would wait their opportunity to get square with them as soon as they walked on to the property. It is too silly for words; and I think the member for Guildford-Midland was quite right when he said that we are inviting that sort of thing if we pass this Bill.

Mr. Lawrence: Were you referring to the bull or the member for Murray?

Mr. Graham: What is the difference?

Mr. MAY: As I drive along the road from Bunbury to Perth on a Sunday afternoon I see hundreds of Perth people travelling along the road in their cars, and climbing through and over the fences to gather mushrooms. I do not see them doing any damage; and if the owner of the property objects to it, he has a perfect right to tell them. As a matter of

fact, on a number of properties notices warning that trespassers will be prosecuted are displayed. But there are many landowners who do not object to people going on to their properties so long as they are respectable and know how to behave themselves. They are allowed to gather mushrooms or shoot any vermin which might be around. But I think a lot of trouble would be created if this Bill were passed. A person could lay a charge against anybody that he thought might have been trespassing; he could easily trump up a charge against such a person. He would probably say, "That is the man I want to get, so I will trump up a charge against him," following which the offender would appear before the court and be fined either £2 or £10.

I, like the honourable member who has just resumed his seat, think the Bill is ill-conceived. The only part of it with which I agree is the provision which refers to the damage that may be caused as a result of a person trespassing on another person's land. In my opinion, if anyone encroaches on another person's property and causes some damage, he should be prepared to put up with the consequences and pay the penalty.

Another clause in the Bill provides that if anyone is on the property of, say, a farmer, and that farmer asks the trespasser his name and address, he will be required to give it. Furthermore, any member of the farmer's family has that right. However, the age of any member of his family is not stated. The member of his family could be a child of six or seven years of age. That child could approach any person on his father's property and demand his name and address, and he could put up any story to his father in support of his action.

Mr. Hawke: He might be able to tell his father truthfully that he got a kick in his pants.

Mr. MAY: Probably he would get a kick in the pants for telling his father any story at all. Nevertheless, the fact remains that if such a person refuses to give his name and address to a child who is a member of the owner's family, he is liable to a fine of £5.

One part of the Bill is very sectional in its effect, and I am opposed to sectional legislation in any shape or form. If we pass this Bill in this House, it should apply to the whole of the State. If the Goldfields people had their way with the measure they would kick it from here to Darwin. I do not propose to say anything further, because I think I have said enough. I oppose the Bill.

MR. O'CONNOR (North Perth) [9.32]: I wish to comment briefly on the Bill which, although only small, could have a great bearing on the State in the future. It has already been discussed to some

extent by several members, and I support the remarks that have been made by them. I do not like the measure in any shape or form. Western Australia is a State which, at the moment, is anxiously endeavouring to attract more tourists. Let me quote, for example, the members of the Commonwealth parliamentary delegation who recently visited us. Whilst travelling down to Manjimup by car, if they had pulled up for refreshment and sat underneath a tree on someone's property they could have been fined £10 had this legislation been on the statute book. The same could apply to any tourist visiting the State.

I can quite agree with that provision in the Bill which relates to damage caused by trespassers on another person's property. I feel that that clause is quite justified. 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.

I do not feel too badly concerning that clause and possibly I could see my way clear to support it; but, in the main, I could not possibly support this measure.

MR. BICKERTON (Pilbara) [9.35]: I am opposed to the Bill even though I am mindful that it applies only to the South-West Land Division and therefore excludes my electorate and other parts of the North-West. Nevertheless, the Bill could be the thin end of the wedge to cover, at a later stage, the areas in the north. In its entirety the Bill represents something which, to my mind, is opposed to the Australian way of life.

I realise that farmers and property-owners have great difficulty on occasions with trespassers who damage their property; their fences; and, what is more important, their stock, particularly their lambs and ewes. However, under the Trespass Act already on the statute book I consider that they would have sufficient redress in such cases, and I do not think it would be wise for us to pass legislation of this nature, which seeks to impose such high penalties against persons who trespass on another person's land.

As referred to by the honourable member who introduced the Bill, these persons, in the main, generally embrace mushroomers, wood-gatherers, and wildflower pickers. The majority of those people do not cause any great damage to property; and, in fact, they would, if approached by the farmer, invariably leave his property without any further ado. I admit that he may meet the odd, abusive person;

but the use of abusive language constitutes a pretty serious offence, and no doubt a person who used such language could be effectively dealt with under the provisions of some other Act already on the statute book.

There are too many ways by which an unsuspecting person could be caught by that type of farmer who takes a delight in deliberately watching for people who may enter his property, with the sole object of taking steps to ensure that they will be penalised. The Bill further provides that any employee of the owner or a member of his family is entitled to approach any person encroaching on his land and demand his name and address.

Mr. Hawke: That person could be approached even if he were off the land.

Mr. BICKERTON: Furthermore, that person, when requested, is to be obliged to give his name and address. Such a provision would cause more harm than good. On occasion, all of us have had the hairs bristling on our backs as soon as anyone has asked a question of that nature. We are, perhaps, prepared to accept such a question being asked by an arm of the law, and we would quite willingly supply our name and address to him. However, if every Tom, Dick, and Harry were to approach us to ask for our name and address—particularly if we were only picking wildflowers—the situation could possibly develop into a good old bush fight, and undoubtedly would cause more harm than enough.

Even if one obtains permission from a farmer to go on his land, one does not know the dividing fences between that farmer's property and the property of another, and one could quite unwittingly get through a fence dividing two paddocks and find that one was trespassing on another person's property and thus became liable to a penalty if this legislation were to become law. I will have nothing to do with the Bill whatsoever. It is drastic in its entirety; and, as I have said, even although the North-West is excluded from its provisions at this stage, I oppose the measure because I think it could be used as a thin end of the wedge to embrace the northern areas of the State at some future date.

On motion by Mr. Guthrie, debate adjourned.

## TRAFFIC ACT AMENDMENT BILL (No. 2)

### *Second Reading*

MR. GRAHAM (East Perth) [9.40] in moving the second reading said: No doubt the member for Eyre would describe this as "a very little Bill," as the operative clause is embraced within 1½ lines only. The Bill seeks to repeal a subsection of the Traffic Act. As no doubt members are

aware, at the present time there is a requirement that when a motorist is asked by a member of the Police Force, or a traffic inspector, to produce his driver's license, he must do so forthwith; otherwise he is liable to a penalty of £10. There is a proviso, however, that that penalty will not be operative provided the license is produced within three days at the police station nearest to the place where the motorist resides.

I here make the comment—and I am certain the Minister will agree with me—that the latter requirement of producing the license to the police station nearest to the place of residence is by no means observed. I think the practice is that the driver's license can be produced at any police station, and this is regarded as satisfactory by the police.

The genesis of this small Bill lies in my own observations whilst Minister in charge of the Traffic Act. Had the political fates been kinder, it would have been embodied in a Government Bill, not necessarily dealing only with this matter, but perhaps with something to which we are all looking forward—namely, a consolidated and very much abbreviated Traffic Act; because the existing statute is very lengthy and most complicated, comprising approximately 140 pages, together with a very big volume which contains the regulations.

As is well known, drivers' licenses are issued by the police. Under the system which was brought into operation comparatively recently, all of the records are reposed in the Police Traffic Office in the metropolitan area. From those records reminders are sent to all motorists several weeks before the date of expiry of their licenses, intimating that it is necessary for them to take out new licenses in order to cover themselves in quite a number of ways, in addition to complying with the provisions of the Traffic Act.

That surely indicates that the Police Department has all the official information that is available in regard to any and every person who has a license, or who has not a license; and even those who had licenses which have expired. Here I might interpolate that there is a special section of the Traffic Act which deals with persons who have obtained their current licenses outside the State of Western Australia. It is necessary for them on all occasions to carry their licenses with them when they are in charge of motor vehicles. The reason for that is obvious; and this Bill does not interfere with that requirement, the position being that the State of Western Australia recognises licenses that have been issued by authorities beyond our own boundaries.

It is interesting to speculate on the amount of inconvenience and time that must be spent by motorists and by officers of the Police Department, because of the present requirements of the law. If one is involved in an accident, whether it be

slight or serious; or if one is suspected of committing some breach of the Traffic Act or regulations, again whether of some import or of a minor character, it is necessary to produce one's driver's license. That involves a motorist in having to go to a police station—as the Act is worded, nearest to his place of residence—within three days, even if he has committed the breach up at Wyndham and he lives in Esperance.

Commonsense has, however, prevailed in connection with the application of this provision, even though it be not in conformity with the law. But in any case there is considerable loss of time and inconvenience to a motorist in having to go to a police station to produce his license. Then I daresay the procedure would be that the motorist who had been called on to produce his driver's license, would stand in a queue at a busy police station. When his turn arrived he would say, "I had an accident the day before yesterday in a certain location under certain circumstances. My name is so-and-so and my address such-and-such." He would then produce his driver's license. It would be necessary, of course, for the police officer to make notes from his driver's license, writing down the name and address, number of the license, and other particulars that were perhaps related to the event, which might have been an accident, or a breach of the law.

Then, of course, it is necessary for that information to be transmitted to the authority which is investigating the matter—which may be a local authority in the country, or a police station in the metropolitan area. I am not certain of this, but I have a feeling that the information which is taken down is, in actual fact, checked from official records. If that be so, then surely it lends emphasis to my point that all the relative data is already in the hands of the Police Traffic Office, and that if there is to be any check on the information sent to them from another source, it necessitates perusing records that are contained within the department.

Why then should not the Police Department in the first place make its own inquiries? That is to say, why should it not turn over the cards? I realise there are very many cards, because there are a great number of drivers' licenses in existence in Western Australia. There are certain complications because, not only are they in alphabetical order, but in chronological monthly order; that is, for the month of January the names are listed from A to Z; the same for the month of February; and so on throughout the year. It could not require much more than the part-time services of a clerk to extract this information from the cards.

If we measure that procedure and the cost involved, against the inconvenience caused to many thousands of motorists in the course of a year by having to wait their turn; report, and give details; have

the details taken down by the police officers; and have certain factors summarised and forwarded to the appropriate authority which is investigating or seeking to prosecute, then the proposal in the Bill to repeal section 26 (2) of the Act will bring about, in the grand total, a tremendous saving of time and trouble to some thousands of people.

I trust I have not committed any breach when I say that I have discussed this matter with members of the Police Force on a non-official basis. In certain cases they were not able to give me any satisfactory reason for the present provision, other than that it has been in existence for a long time. In other cases, police officers have enthusiastically supported what is contained in this small measure.

In view of the change of circumstance, by which all licenses are now issued from Perth where there is a complete record of every license holder, I hope there will no longer be the need for motorists to be called upon to produce their drivers' licenses at the various police stations.

If the measure is passed, there will still be provision in the Act to enable police officers or traffic inspectors to obtain from any person his name and address. Surely it is obvious to anybody that if a person produces a driver's license at the time of a traffic accident or a breach of the regulations, the license is not necessarily his own. It may belong to somebody else and the person may have falsely represented it to be his own.

There is therefore no guarantee that a valid document has been produced. If I were to have in my possession the driver's license belonging to my uncle, and I held no license myself; and if I committed a breach of the traffic regulations in the country and produced that license as my own, the only way in which the authorities in the country could find out whether I really held a driver's license would be to check with head office records. There again difficulty could be encountered if I were to give a false name and address. In neither case would they be able to deal with the situation.

I am certain that the provision in this Bill will be received enthusiastically by the motorist organisations and welcomed by those persons who have been called upon to produce their drivers' licenses. Probably very few of us have not been requested to do that. However, in my case there is yet no black mark against my driving license even for a minor offence. That is perhaps more good luck than good management.

As anyone who has made a reference to his driver's license is aware, today no longer is the practice of endorsing offences on the licenses continued. Therefore it is necessary to refer to head office records to find out whether a driver is a clean skin or whether he is a constant breacher

of the law. As it is necessary to peruse the head office records to ascertain that fact, surely it is a simple matter at the same time to find out from the records whether the person concerned has a driver's license; and if so, whether it has expired; or whether he has never held a driver's license, as required by the law.

That is a longer explanation of the Bill than I intended to give. I hope and trust that the Minister concerned, and members generally, will be able to agree with the proposition contained therein. I move—

That the Bill be now read a second time.

On motion by Mr. Perkins (Minister for Police), debate adjourned.

## NATURAL THERAPISTS BILL

### *Second Reading*

Debate resumed from the 16th September.

**MR. ROSS HUTCHINSON** (Cottesloe—Minister for Health) [9.57]: This is a Bill to provide for the training, qualification, and registration of persons as natural therapists. Members will note that in the definitions, "natural therapies" is defined as including chiropractic, naturopathy, naturopathic dietetics, and osteopathy.

I believe there are considerable differences of opinion between these various-named crafts, as to whether or not they should be included in the one category, such as natural therapies. Indeed, the trained chiropractor and osteopath deny they should have anything to do with a Bill of this nature and consider themselves as apart from a naturopathic organisation.

How this Bill will provide for the training and qualification of natural therapists still remains a complete mystery to me, despite hearing the introduction of the Bill by the Deputy Leader of the Opposition. In addition, I have read his speech, and I have also read the Bill. Perhaps subsequently one or more speakers will be able to inform me how this training and qualification will come about.

It is my opinion that this is a strange Bill. The passing of it will mean that any untrained person, crank, cultist, or so-called natural therapist will be legally recognised and registered to practise his particular type of healing procedure in this State, if he has already had three years' experience of that type of work. "*Bona fide* engaged" is the phrase used in the Bill, a phrase which I submit is not untouched by a queer humour.

The immediate point I wish to make is that, as the Bill points out, these people have been actually engaged in practising the work for which this Bill seeks to provide registration. That is, of course,

excepting those who have been found by our laws to have been practising a fraud or to the danger of public health.

Of course, it will be realised by those giving real thought to this matter, that the safeguards of the Medical Act against fraud and improper practice in effect prevent those now practising from indulging in the more strange and bizarre types of healing cult.

When I mention the word "bizarre" I really mean that is the word to describe some of them. I think it might be truly said that as knowledge increases and becomes organised, science emerges. The practice of medicine has passed through the dark ages of superstition; the belief in magic; and the propounding of unbelievable or unprovable theories. Medicine is based on ascertained knowledge which can be tested and proved under controlled conditions; and all thinking people recognise the tremendous progress that medical science has made in combating sickness and disease.

However, I would like to point out, as has been pointed out to me strongly, that the modern and well-trained medical practitioner is conscious that his art and science are not infallible, and there is much to be done after test and trial in improving medical practice. This improvement is continually and logically sought. It is rather regrettable that such an awareness of fallibility does not exist in many of the unorthodox practitioners whose practice is frequently based on a belief in an unprovable theory or cult.

Indeed, I am given to believe that a great majority of natural therapists besides on many occasions feeling themselves infallible, completely, or in great part, reject medical practice which has been proved scientifically, practically, clinically, and successfully. In the face of that, they still say there is no truth in medical science. In considering this Bill, I suggest it would be well for Parliament to remember that the licensing of these people will not improve the quality of their work; but it does, without requiring any additional training, set the State's seal of approval upon their work.

I think we should remember that many people assume that a doctor is a doctor; and that a Government registered natural therapist is qualified; and that all are fully trained in the art of healing, whether it be chiropractic or not; or whether they follow any of the strange paths which I hope some speaker will mention during a later stage of this debate.

The public will believe that these natural therapists—having received legal approval by the Government—have, in effect, a Government license. This means, I suggest, that the State actually vouches for their competency. Of course, it is impossible for us to vouch for their competency. However, if this Bill is passed,

people will be led to think that way. We would be responsible for them—directly responsible for them. We would be to blame for registering and approving untrained healers who would be free to develop and practise their theories, without the safeguards existing now in the Medical Act, on an unsuspecting public.

The present position in Western Australia is that under the Medical Act it is illegal for any person, other than a medical practitioner, to practise medicine in any of its forms. The chiropractor and the dietitian are specifically excluded. The chiropractor and osteopath are specifically excluded in the operation of the Physiotherapists Act. A quick glance at these two Acts will reveal these facts. I made that point by interjection when the Deputy Leader of the Opposition was making his introductory speech. The chiropractor, the osteopath, and the dietitian are specifically allowed to practise.

The Medical Board and the Physiotherapists Board are quite rightly tolerant in their interpretation of these Acts, and only proceed where there is reason to believe that fraud or harm is being done to the public health. The boards are to be congratulated on their interpretation of their statutory responsibilities. This permissive practice, which follows the British tradition, is on the understanding that they confine their practice to their particular vocation. Thus chiropractors, osteopaths, and dietitians are free to practise in their own spheres. So, I repeat, these three types are free to practise in their own spheres at this time because of laws already on our statute book.

In regard to naturopathy, I have learned some rather amazing things in the research I have undertaken. Great numbers of strange methods of therapy cluster around naturopathy, so it is not easy to say what its tenets are. It is difficult of definition. I have no doubt that the honourable member who introduced this Bill had some difficulty in trying to arrive at definitions that catered properly for the vocations.

Among many movements in naturopathy, I would like to mention two rather curious ones which have found their way into this subject. One is iridagnosis, which is the diagnosis of ills from the appearance of the iris of the eye. This great science was discovered by Ignatz Peczey, a Budapest doctor, who published a book about it in 1880. This art found an immediate response among homeopaths in Germany and Sweden, and was introduced into the United States by Henry E. Lahn, who wrote the first book in English on the subject in 1904. Naturopath Henry Lindlahr, a pupil of Lahn's, produced a definitive study, "Iridagnosis and other Diagnostic Methods" in 1917, although a few more recent works have appeared.

According to Lindlahr, Dr. Peczey discovered the new science at the age of 10 when he caught an owl and accidentally broke the bird's foot. "Gazing straight into the owl's large, bright eyes," writes Lindlahr, "he noticed at the moment when the bone snapped, the appearance of a black spot in the lower central region of the iris, which area he later found to correspond to the location of the broken leg." Young Ignatz kept the owl as a pet. As the leg healed, the black spot developed a white border, indicating the formation of scar tissue in the bone.

According to iridagnosticians, the iris is divided into about 40 zones which run clockwise in one eye, and counter clockwise in the other. These zones connect by nerve filaments—which, incidentally, have never been demonstrated—to various parts of the body, much in the manner that chiropractic theory connects the body to parts of the spine. Spots on the iris are called "lesions." They indicate malfunctioning of the corresponding body part.

A Mr. J. Haskell Kritzer in his "Text-book of Iridagnosis", fifth edition, 1921, carefully explains how to recognise artificial eyes thus avoiding the embarrassment of basing a lengthy diagnosis on them.

Mr. Kelly: Apparently the eyes have it.

Mr. ROSS HUTCHINSON: Anyone who thinks that no so-called medical movement could be more insane than iridagnosis, is quite mistaken. Zone therapy is probably even worse. This is the second of the two types of naturopathy which I desire to mention.

Probably zone therapy is even more outrageous and ridiculous than the first-named. It assumes that the body is divided vertically into exactly ten zones, five on each side of the body, and each zone terminating in an individual finger and toe. Exactly how the parts of each zone are connected is one of the mysteries of this cult, since the ten divisions completely ignore the nerve and blood vessel systems. Zone therapists apparently suspect that some hitherto undiscovered submicroscopic network was involved.

Without going into detail, of which there is plenty, the zone therapists believed that almost every type of body pain could be checked, and in many cases the cause of the pain removed, by putting pressure on the proper finger or toe, or some other part of the affected zone. This pressure was applied by various means, chiefly rubber bands worn on the finger or toe until it turned blue; spring clothes pins; or the teeth of a metal comb pressed into the flesh.

If we were to register these people in Western Australia it would mean that they would be able to practise these particular types of their naturopathy. How

they are going to be trained and qualified in these particular practices, I have no idea. The Bill makes no provision for it.

I wonder from what school they will receive education; how the board is going to adjudicate; what the Commissioner of Public Health and the natural Therapy Board would do if faced with the problem of having to give one of these people a diploma in order that he might practise on the public and be given a Government license. I submit that there is very real danger in this Bill.

I would point out, however, that many of those who practise these, and other strange methods, are themselves personally convinced of the rightness of their methods and the truth of their beliefs. They are sincere. They believe they are perfectly right and that medical practice is wrong. I would like at this stage to offer a quotation. It reads very well and has high-sounding phrases. It is as follows:—

To me, truth is precious . . . I should rather be right and stand alone than to run with the multitude and be wrong . . . The holding of the views herein set forth has already won for me the scorn and contempt and ridicule of some of my fellowmen. I am looked upon as being odd, strange, peculiar . . . But truth is truth and though all the world reject it and turn against me, I will cling to truth still.

Those sentences are from the preface of a booklet, published in 1931, by Charles Silvester de Ford, of Fairfield, Washington, in which he proves that the earth is flat.

I submit that sooner or later every pseudo-scientist, and every crank cultist makes a statement along those lines. Indeed, it was brought home to me the other night when the member for Subiaco showed me two quotations very similar to this one. I made that quotation to illustrate that these people are sincere. To them, truth is precious, but what they believe is not based upon science, knowledge, and fact.

Mr. Hall: Did not Sister Kenny make a similar statement before she was recognised?

Mr. ROSS HUTCHINSON: I am not talking about Sister Kenny. Her work has long been recognised.

Mr. Hall: At last! After many years of fighting.

Mr. ROSS HUTCHINSON: If the member for Albany would like to start advocating the cause of iridiagnosis and zone therapy, good luck to him.

Mr. Hall: Thanks very much!

Mr. Heal: Good luck to you, too!

Mr. ROSS HUTCHINSON: Iridiagnosis is the cult practised by Mr. Watts. This gentleman first came before the notice of

the Medical Board in October, 1955, as a result of a letter of complaint received from a person who had attended him for treatment. The Medical Board only knew of him because of a letter of complaint, and the letter is available for inspection. It details how the patient was suffering from tuberculosis, of which he was unaware; and also nystagmus, which is an uncontrollable movement of the eyes. The patient consulted Mr. Watts who, after looking at his eyes, told him his trouble was not with his eyes but with his liver, kidneys, and stomach. He said that he had a dirty inside.

Mr. Watts said that his treatment would put him right generally. It would also make his hair grow. He prescribed a diet of soup and various vegetables, and also prescribed some drugs which he bought from the Marie Louise Health Centre in Trinity Arcade. There were five different kinds of tablets.

He continued the treatment for six months, with a total of 12 to 15 visits, paying a fee of £1 1s. per visit. As he was getting worse, he eventually attended the Perth Chest Clinic where he was found to have active pulmonary tuberculosis. This undoubtedly would have been made worse by the treatment received from Mr. Watts. He was admitted to the Wooroloo Sanatorium for treatment in December, 1954, against Watts's advice. He wrote a letter of complaint to the Medical Board in 1955; but as Watts had last treated him 10 months before, the board could not, under the Act, institute proceedings against Watts within the statutory period of 12 months.

It was because of the complaint of these dangerous activities of Mr. Watts that the Medical Board sought the assistance of the Police Department to obtain evidence against him, and prosecutions followed. These prosecutions were for providing drugs for the treatment of illnesses diagnosed in healthy members of the Police Force. Mr. Watts believes he can diagnose a person's illnesses by examining the iris of the eye. I want to make brief mention of the fact that in today's *The West-Australian* there is an article in which is stated—

Mr. Graham: Be careful it is not *sub judice*.

Mr. ROSS HUTCHINSON: —that a scientistologist has been fined £50. I think members will have some remembrance of this incident. The article reads—

A Perth scientistologist, Lancelot Allan Harrison, of Goderich Street, was fined £50 yesterday for having been willing to perform a service usually performed by a medical practitioner.

The Perth Police Court had been told that a 34-year-old woman was sent to hospital after she stopped taking drugs for an epileptic condition, in preparation for treatment by Harrison.

Harrison, pleading not guilty, denied that he had made any attempt to treat the woman for epilepsy.

His treatment was intended to change her attitude about life, people and her environment and help her to get a job. It was to stop her from feeling that she was a nuisance to her family and to other people.

The treatment, described as processing, was not based on the reduction of her epileptic fits.

Harrison said that when he first saw the woman, she seemed desperate. She told him about her epilepsy and said she had been taking prescribed drugs.

He told her that he was not prepared to treat her while she was under medical treatment and that he could not process her while she was taking drugs.

His wife, Evelyn Marie Harrison, who practised with him, said that she had been in touch with the woman's doctor, to ask his advice.

He had told her that any treatment they might give the woman would be at their own risk. He could not discuss his patient with someone who was not a medical practitioner. The woman had told them later that another doctor who had treated her would be prepared to treat her again, if she required it, after giving up the drugs. They had taken her word for this and had not been in touch with the second doctor, but at no time had they said that she must give up the drugs.

There was a woman brought to death's door by the treatment of this scientologist; and it was only medical art which was able to snatch her back to life. I suggest that we must have safeguards in the Medical Act to prevent this sort of thing happening; and to enable the Medical Board to take action at the appropriate time. Without such safeguards we could multiply this case many times. Many of these theories which are current here in mild form at present, owing to the safeguards that exist in the Act, would, without those safeguards, develop into more bizarre cults, of which I hope we will hear more later.

Strange as the case of Mr. Watts may seem, one should not doubt his sincerity. Some people do have strange beliefs of this nature, and develop elaborate systems for the explanation of the universe; but there is no reason why these theories should be believed by others. Mr. Watts prescribed certain vegetable soups, with a restriction of diet; and many people who are unwise in their eating habits might find a change of diet of this nature more conducive to health, as it might make them feel better—particularly those who are perhaps possessed of psychosomatic symptoms.

However, Mr. Watts has also prescribed drugs, and action was taken against him by the Medical Board for that reason. In

the measure introduced by the Deputy Leader of the Opposition the prescription of drugs by naturopaths is specifically forbidden; so even if the measure had been in force at the time, the natural therapists' registration board might have felt compelled to take action against Mr. Watts for wrongfully administering drugs to a person.

The Medical Board, the statutory body appointed under the Medical Act, is there to assist in safeguarding public health. In regard to practitioners who might be called healing practitioners of one kind or another, the board observes an attitude of vigilant tolerance. It acts only to protect the public where it considers action necessary in the interests of the public health.

Regarding eligibility of insured persons to claim medical benefits, the position is governed by Commonwealth laws, and the benefits are available only to those who receive treatment from registered medical practitioners.

People receiving treatment from natural therapists are not entitled to any benefits under the Commonwealth legislation, and would not be so entitled even if this Bill became an Act.

There are numbers of American colleges and foundations—"foundation" is a favourite word over there—of dubious origin and quality, which give dubious diplomas quite easily to natural therapists whom they purport to train, in so far as the amount of work prescribed is concerned. There is a fixed charge for the diploma which they send to the so-called qualified student.

Even as the position stands at present, there are schisms between the various colleges and foundations in the U.S.A.; and I submit that it would be impossible for a registration board, such as the Bill contemplates, to inspect and adjudicate on the *bona fides* of these institutions and on the quality of the trainees. Of course, there are reputable chiropractic and osteopathic colleges in the U.S.A.; but they are few in number.

In regard to naturopaths, heaven only knows how the registration board would adjudicate on the training and qualifications of the students, and on their registration. We, in this State, have recently founded a new Medical School which has been hailed all over the world. Medical men of first-class reputation have been chosen to come here and start off our Medical School in the best possible fashion; but notwithstanding that, the general medical council has recently sent two prominent members of the medical profession to this State to inspect the Medical School, and see whether it fulfils the requirements of a medical school, and check on the form of training and the curriculum.

It was considered essential to do that because, in the interests of public health, it is necessary to ensure that the highest

possible standard is maintained. Such is the care imposed on medical people; and we have gained kudos and stature in the world because we have begun this Medical School. If we were prepared to play around with this Bill, I believe we would make ourselves ridiculous in the eyes of the world.

Mr. Graham: But the Bill does not interfere with the Medical School.

Mr. ROSS HUTCHINSON: It puts at nought a lot of the work of medical practitioners, and it would prevent the safeguards of the Medical Act from being applied. That is the danger. I do not know whether it is realised, but osteopaths, chiropractors and dieticians may practise under the Act as it now stands, but with safeguards. I should now like to refer to what happened under the previous Government.

Mr. Graham: Before you leave that point, is it not possible now for a person who has no qualifications to operate as a chiropractor or osteopath?

Mr. ROSS HUTCHINSON: Yes.

Mr. Graham: Don't you see the significance of that?

Mr. ROSS HUTCHINSON: I do, indeed, and I will mention that later on. This Bill will not change that at all.

Mr. Graham: Yes it will.

Mr. ROSS HUTCHINSON: They get their diplomas now in the same way as they would get them if this Bill were passed. I should like to refer to what happened when the previous Government was in power, and explain how it regarded the proposition. As a matter of fact, it was not this particular proposition but one which only approximated the proposition now before the House. The proposal then was not as extreme as the one with which we are faced by this Bill, and I should like to read a letter sent from the previous Minister for Health to the State Secretary of the R.S.L., Anzac House, Perth. It is dated the 10th July last year and reads as follows:—

I refer to previous correspondence addressed to the department concerning the registration of chiropractors and osteopaths and would advise that the question of enabling legislation has been under consideration for some time, but that Cabinet has decided not to introduce a Bill during the coming session.

I would like members to realise that the Bill before us adds naturopathy to the list; and in answer to an interjection as to why he had not moved long these lines when he was in office, and had some power, the member for Melville said that he had not considered the matter. Yet that letter was

written in 1958, and it proves that the honourable member had considered the question; and, what is more, rejected it—he rejected the legislation for the coming session.

Mr. Graham: "For the coming session." They are the important words.

Mr. ROSS HUTCHINSON: I agree that the honourable member may have intended to introduce the legislation this year, or approve of it this year if he had been able to do something about it.

Mr. Graham: You know that it is customary in a pre-election session to obviate as much legislation as possible.

Mr. Heal: He may have supported it, but the majority of Cabinet may have rejected it.

Mr. ROSS HUTCHINSON: I should like to refer to another letter from the General Secretary of the A.L.P., Mr. Chamberlain, dated the 15th February, 1957. It is addressed to the Minister for Health at the time and it reads as follows:—

The following decision of our last State Congress is forwarded for your information and consideration:—

In view of the demand for chiropractic treatment, we recommend that a portion of the new medical school be put aside to train people in this field.

I would like members to note the date of that letter. The Labour Government had two clear years in which to act. Secondly, Mr. Chamberlain passed the motion on to his political party for information and consideration; he was not dictatorial on the point. Thirdly, consideration was obviously given to it and no action was taken. Therefore it appears to me to be anomalous, or more than anomalous, that the member for Melville should now introduce this Bill to widen the scope at this particular stage.

Mr. Lawrence: At what stage do you consider it should be widened?

Mr. ROSS HUTCHINSON: I think it might be of interest to explain what has happened to the legislation in one State of the United States of America. The history makes interesting reading and I am afraid I will have to weary the House a little more because I think it ought to go on record.

Mr. Watts: You are not wearying us yet, anyway.

Mr. W. Hegney: It is very interesting!

Mr. ROSS HUTCHINSON: This is the history of chiropractic legislation in the State of New Jersey—

The state with more chiropractic legislation on the books than any other is New Jersey. The cumulative effect

here has been to curb the cult which legislators once thought could be licensed.

The original act, passed in 1920, liberally defining chiropractic as the study and application of a universal philosophy, science and art, permitted the licensing of chiropractors by a Board of chiropractic examiners.

The following year, New Jersey legislators took four steps to annul the effect of their original action:

- (1) They tightened their definition of chiropractic to the "detecting and adjusting, by hand only, of vertebral sub-luxations."
- (2) They repealed the 1920 law, thereby abolishing the board of chiropractic examiners, but continuing in effect all licenses already issued.
- (3) They made provision for the Governor to appoint a chiropractor to the board of medical examiners and empowered that board to issue limited licenses to applicants after examination in subjects prescribed by the Act.
- (4) They specified that applicants must hold high school diplomas and degrees from an approved four-year medical college.

Two amendments were added to this Act. The first in 1923, permitted the board of medical examiners to examine those who had graduated from chiropractic schools on or before March 31, 1921. This is the so-called "Grandfather clause" designed to protect the men already in the field at the time legislation is passed. It is included in almost all statutes and represents one of the hazards of licensure—a device to "blanket in" chiropractors with negligible education and at the same time protect them against competition from recent graduates who must pass an examination in the basic sciences before they are eligible to appear before a licensing board.

In 1939 the Medical Practice Act was re-written, establishing uniform licenses for all who practice the art of healing. The act drastically restricted the practice of chiropractic in New Jersey for these reasons:

- (1) The educational requirements for licensure in any branch of medicine were raised to include two years in a college or school of arts and science approved by the Commissioner of Education; graduation from a professional school approved by the board; completion of

one year of internship in a board-approved hospital or one year of post-graduate study acceptable to the board.

- (2) The "Grandfather clause" and the veterans exemption in the Act to regulate chiropractic ceased to be effective January 1, 1940.
- (3) The limited licensure granted to chiropractors under the 1921 amendment became inoperative after July 1, 1944.

These statistics represent evidence as to the inability of chiropractors to meet up to the standards of professional men and they are as follows:—

	No. of Licenses Issued
1920 law	597
1921-23 amendments	105
1939 law	NIL

So the effect of this McClave Act—as the 1939 legislation was called—has been to put New Jersey into the ranks of those States which have steadfastly refused to accept the registration of these people.

Mr. J. Hegney: Those registered in 1920 were allowed to continue practising, were they not?

Mr. ROSS HUTCHINSON: No; these licenses were subsequently withdrawn.

Mr. J. Hegney: I thought they were allowed to continue practising.

Mr. ROSS HUTCHINSON: During his speech, the member for Melville made constant reference to the British Medical Association taking action against unregistered practitioners. He and all members of the House should know that it is not the British Medical Association, but the statutory body of the Medical Board that takes such action; and, in doing so, it fulfils the wishes of Parliament and carries out the laws of the land; and then only upon complaint and supportable charges being laid. This attempt to place the responsibility for the action of a statutory body in carrying out the wishes of the people, upon a professional organisation which has no such authority; but which, presumably, is acting only to protect its own interests, is to be deprecated.

According to the Bill, those whom it is proposed to register would have the responsibility of notifying any infectious disease. Reference to clause 15 of the measure will indicate that to members. The Bill, of course, does not explain how an untrained person would be able to notify an infectious disease that is prescribed.

Mr. Lawrence: They would probably have to write to Chris Martinovich.

Mr. ROSS HUTCHINSON: I have here a list of some 30 infectious and notifiable diseases. Among them are—

Amoebiasis.  
Anthrax.  
Brucellosis.  
Cholera.  
Dengue Fever.  
Diphtheria.  
Dysentery (Amoebic or Bacillary).  
Encephalitis Lethargic.  
Infantile Diarrhoea.  
Lead Poisoning.  
Leprosy.  
Malaria.  
Paratyphoid.  
Relapsing Fever.  
Rubella.

Then follow quite a number of others.

Mr. Andrew: Can't you read them?

Mr. ROSS HUTCHINSON: Frankly, I find great difficulty in pronouncing quite a number of them. In addition to that list of notifiable diseases there are dangerous infectious diseases, among which are—

Bilharziasis.  
Bubonic Plague.  
Cholera Asiatic.  
Diphtheria.  
Leprosy.  
Scarletina or Scarlet Fever.  
Typhus.  
Yellow Fever.

Then follow several more.

Mr. Lawrence: Is boredom listed there?

Mr. ROSS HUTCHINSON: There is always something the honourable member may do if he feels that way. Of course, there are also occupational diseases which are listed in the book that I have in my possession. The reason for my mentioning them is that it will show to the House how impossible it is for these people even to make pretence at notifying these diseases to the proper authorities. If the Government grants a license to such practitioners, people will attend on them in all sincerity and expect to be treated by a healer who has been given the seal of approval by the Government.

There was a point I made in part by interjection when the member for Melville was speaking. This should be of some interest to members. Should the Bill be passed, it will merely legalise those healers who are practising now. But what will happen to those who have been practising for less than three years? What about those who have natural talents and will become healers in the years to come? Quite conceivably there could appear another Martinovich whose natural talents had been developed, but he would be excluded because a ring had been drawn around those already practising. Such a man, like others, would meet a closed ring

and be unable to practise unless he felt disposed to obtain a diploma from a school that is not recognised. There is no such school, unless the school the member for Melville said he thought was operating in Victoria could be taken into consideration; which school is not recognised by the medical profession; which has no standing, and which is certainly not recognised by the Australian Chiropractors' Association.

Mentioning the Australian Chiropractors' Association, which is a registered body, reminds me that I obtained from the president of that association, who is in Melbourne, a private letter to a trained chiropractor who is practising in this State, and he has indicated in the letter that he feels he cannot support the Bill. He does say that he would like to see introduced a measure to cover chiropractors based on proper concepts. A locally-trained chiropractor, who is practising in the State of Western Australia—he has had four years' experience in one of the recognised chiropractic colleges in America—has made the following points:—

(1) Chiropractic is not the practice of natural therapy.

Therefore, there is conflict with this trained chiropractic on the definition in the Bill, which includes chiropractors and a broad definition of natural therapy. Continuing with the points he has made—

(2) One who practises chiropractic is not a natural therapist.

(3) The qualified chiropractors would not seek registration as natural therapists.

(4) If the Natural Therapists Bill were passed it would discourage qualified chiropractors from coming to Western Australia to practise.

(5) 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?

(6) 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 this State rather than be forced to accept registration under this Act.

Then he goes on with this list of points—to mention others—that are just as strong. I will let any honourable member see this letter who so desires. I would be failing in my duty if I had not obtained the views of the British Medical Association on this Bill.

In my possession is a document which gives information in regard to a Select Committee of the House of Lords appointed in 1935. This Select Committee of the House of Lords was appointed to consider the Registration and Regulation of Osteopaths Bill. Before all the witnesses had been heard, the supporters of the Bill withdrew their support and the committee recommended that it be not further proceeded with. In the report of that Select Committee, among other things, we find the following:—

In all comparable cases of vocations for which a statutory register has been authorised, three conditions have been fulfilled, viz.—

- (i) The sphere or territory within which the vocation operates has been clearly defined.
- (ii) The vocation has already long been in general use.
- (iii) There has been already in existence a well-established and efficient system of voluntary examination and registration.

The establishment of a state register moreover not merely protects the public from the unqualified practitioner, but gives the guarantee of Parliament that persons of the class proposed to be registered are within their own sphere worthy, and the only persons worthy, of the public confidence. Instances (besides the medical register) are the registers of dentists, pharmacists, midwives and veterinary surgeons. The province of each can be clearly defined, the practice of each is universal, and each was in a state of efficient voluntary organisation at the time when the statutory register was established.

I submit that not one of these three conditions is fulfilled either in the Bill before the House, or in the State of Western Australia in regard to the defined vocations in the measure. As a general comment, the B.M.A. observes that—

this Bill seeks to register adherents to three distinct and separate schools of thought in basic treatment of physical ailments of human beings, none of which accept any of the facts which have been proven over centuries of research and scientific teaching. In addition to refusing to recognise proven scientific fact, no two of the three practices proposed to be registered agree in any way as to the basic cause of disease or its treatment.

The B.M.A. further says—

The constitution of the proposed registration board, to say the least, appears to us to be quaint! It is difficult to understand how a board, if constituted, can make rules relating to

courses of training which may be accepted. To the best of our knowledge, there is no training course at all outside the United States of America or Canada in chiropractic and osteopathy, while we have no knowledge whatsoever of training courses available anywhere in the world in naturopathy.

We fail to see how section 15 could be applied by persons who refuse to accept the fact that such a thing as infection or contagion exists.

That is a point I failed to make earlier. I would like the House to note the following paragraph—

We have stated all the above in support of the view that such persons should not be granted a status by the Government by registration. Objection has never been raised against persons seeking treatment from these unorthodox healers, but even if it had, the terms of the Medical Act protect them while they keep within their spheres.

The statement continues—

As is so clearly set out by the Select Committee of the House of Lords, registration is for one purpose only and that is to protect the public. Lawyers, doctors, architects, plumbers, clergymen, accountants, builders, veterinary surgeons, hairdressers and many other people have to be registered. Their qualifications must be not only of a prescribed standard, but to a standard prescribed in Western Australia. This is widely accepted in the public interest. Registration involves, at least in all professional sections, a legal responsibility, the undertaking of public service and a standard of performance in their duties so that the public will be protected from imposition and damage. We cannot reconcile the above in any way with the proposals to register people for whom no standard of qualification is available and for whom training is, to say the least, most limited.

If natural therapists are registered by Parliament, the public will reasonably expect them to be fit persons to be consulted for their various ills. In fact, natural therapists are in no way competent to diagnose serious illness. They may encourage dangerous delay in seeking proper treatment.

As I said before, if a Bill such as this is passed, it will set the seal of Government approval on its provisions. The report continues—

Their treatment, which is not founded on scientific knowledge, may at times be actually dangerous. Considerable weight appears to have been

given by the sponsor of the Bill to reports of cures of physical ailments by these people. Conversely, there are many people in Western Australia who have consulted unorthodox healers without success and in many cases to their physical or mental detriment.

In conclusion, I would like to say—

Mr. Roberts: Before you finish, I notice you mentioned the constitution of the board. Could you give some indication as to who the persons are and whether they have the qualifications of the two bodies mentioned in the constitution of the board?

Mr. ROSS HUTCHINSON: Is the member for Bunbury talking about the United Health Practitioners' Association?

Mr. Roberts: Yes, and also the chiropractors and osteopaths.

Mr. ROSS HUTCHINSON: I am led to believe that the United Health Practitioners' Association (Incorporated) is not on the list of companies registered under the Companies Act. It may have been registered in recent days; I do not know. The Chiropractors and Osteopaths' Association of W.A. is a strange sort of body, and I have little knowledge of their activities. I would say, however, that a member of the Chiropractors and Osteopaths' Association would not be permitted to enter the Australian Chiropractors' Association, which is a body registered in Australia. For anybody who tries to make any sense out of it, clause 5 would prove to be very strange reading indeed.

I can find no better way to conclude than by quoting the comments made by the Commissioner of Public Health in May 1956, when a matter similar to this was broached at that time. I quote—

The present attitude in Western Australia is one of vigilant tolerance towards such practitioners. Action is not taken against them for illegal practice of medicine on a technical breach of the Medical Act, but action is taken if supportable charges are made regarding fraud or practices dangerous to health.

Under such circumstances these practitioners are able to practise whatever talents they possess and are only likely to be restricted when their ambition so oversteps the bounds of their knowledge that they constitute a danger to the public.

Surely Parliament does not intend to upset this attitude of vigilant tolerance! In the interests of public health there must be safeguards. I strongly oppose the Bill.

On motion by Mr. Andrew, debate adjourned.

*House adjourned at 11.1 p.m.*

# Legislative Council

Thursday, the 1st October, 1959

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

## ELECTORAL ACT AMENDMENT BILL

### First Reading

Bill introduced by the Hon. R. F. Hutchinson and read a first time.

## BILLS (2)—THIRD READING

1. Land Agents Act Amendment.
2. State Electricity Commission Act Amendment (No. 2).

Passed.

## JURIES ACT AMENDMENT BILL

### Second Reading

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines) [2.39] in moving the second reading said: Members will recollect how, after protracted debate, the principal Act was agreed to in 1957. That Act was introduced following a report by a Select Committee, of which I had the honour to be chairman, the other members being Sir Charles Latham and Mr. Teahan.

In the preparation of the Bill, the then Government sought the advice of the judiciary, the Acting Commissioner of Police, the Master of the Supreme Court, the Solicitor-General, and the Chief Crown Prosecutor. The Act, of course, provides for the inclusion of women on juries, and, because of this, it was not possible to proclaim the Act at once or even at an early date. As most members may have noticed, additions and renovations are being carried out to the Supreme Court building.

The Hon. G. Bennetts: They are costing plenty, too!