

# Legislative Assembly

Thursday, 15th August, 1957.

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## QUESTIONS.

### APPLES.

*Quantity Exported, Exporters, Destination, etc.*

Mr. ROBERTS asked the Minister representing the Minister for Supply and Shipping:

(1) What was the total quantity of apples exported from the various ports in this State during the last exporting season?

(2) What were—

(a) the names of the exporters;

(b) the quantities of apples exported through each port by each of such exporters?

(3) (a) What were the names of ships into which apples were loaded;

(b) Quantities of apples loaded into each ship;

(c) The ports of destination of each consignment?

(4) What was the mean draught on departure of each ship?

The MINISTER FOR NATIVE WELFARE replied:

(1) To United Kingdom and Continent—

	Cases.
Fremantle	647,741
Albany	329,901

To Near North—

Fremantle	201,385
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Fruit to Near North was exported to many destinations and carried by regular shipping lines. A large number of small consignments were involved and details are too voluminous to quote.

(2) (a) The following are registered by the Apple and Pear Board as exporters to the United Kingdom and the Continent:—

No. Name and Address.

1. Australian Pacific Traders Pty. Ltd., 16 High-st., Fremantle.
2. C. E. Bolt Pty. Ltd., 50 Stirling Terrace, Albany.
3. BurrIDGE & Warren Pty. Ltd., 69 King-st., Perth.
4. Craig Mostyn & Growers Packing Co. Pty. Ltd., 21 Phillimore-st., Fremantle.
6. C. J. Ellershaw & Co. Pty. Ltd., 41 Pakenham-st., Fremantle.
10. R. N. Mooney, Metropolitan Markets, West Perth.
11. Mt. Barker Co-operative Ltd., Mt. Barker.
12. Paterson & Co. Ltd., 96 Queen Victoria-st., Fremantle.
15. Tropical Traders & Patersons Ltd., 96 Queen Victoria-st., Fremantle.

The SPEAKER took the Chair at 2.15 p.m., and read prayers.

No. Name and Address.  
17. Westralian Farmers Co-  
operative Ltd., 569 Wel-  
lington-st., Perth.

(b) This information should be  
sought from the secretary of the

Department of Primary In-  
dustry (Commonwealth) who is  
responsible for the administra-  
tion of the exports (fresh fruit)  
regulations.

(3) (a) (b) and (c)—

Apple Shipments, 1957.

Month.	Name of Ship.	Destination.	Port of Shipment.			
			Fremantle.		Albany.	
			Details.	Total.	Details.	Total.
March	Aden	London Hull	31,699 7,801	39,500		14,423
Do.	Nottingham	London Liverpool Hamburg	20,959 36,704 3,879		6,000 21,140	27,140
Do.	Tagus	Oslo	14,699			
March/April	Coolgardie	Stockholm Gothenburg Malmo	36,230 19,019 9,831	65,080 1,085	18,990 13,407 2,711	35,108
April	Tjibadak	Mauritius				
Do.	N.Z. Star	London Hull	34,850 12,361	47,211		
Do.	Pipiriki	London Liverpool Glasgow	9,124 2,516 14,295		2,883 4,274 5,906	13,063
Do.	Port Townsville...	London Stockholm Gothenburg Hamburg Oslo	30,979 15,906 21,230 4,913 3,152		5,214 16,813 13,922 12,996 ....	
April/May	Clan MacDougall	Southampton Liverpool Glasgow	16,060 29,795 28,455	76,180 74,310	4,026 12,448 9,455	25,929 23,908
May	Royal Star	London Liverpool	72,582 7,424			
Do.	Orion	London				
Do.	Devon	London Liverpool	65,345 18,518	83,863	32,978 6,189	39,167
Do.	Coolaroo	Malmo Gothenburg Stockholm	5,808 11,506 19,941		3,584 8,022 11,816	
Do.	Helenus	Liverpool Glasgow	10,168 12,720	37,255 22,888	6,961 10,596	23,422 17,557
May/June	Empire Star	London Hull	12,282 11,905		26,080 784	
June	Canadian Star	London Hull		24,187	24,709 9,666	26,864 34,375
		Total Cases		647,741		329,901

(4)

Fremantle.		Albany.	
Ship.	Mean Draught.	Ship.	Mean Draught.
	ft. ins.		ft. ins.
Aden .....	27 2	Aden .....	26 3
Nottingham .....	23 6	Nottingham .....	21 10
Tagus .....	27 8	Coolgardie .....	22 10
Coolgardie .....	18 6		
Tjibadak .....	28 1		
New Zealand Star .....	29 7		
Pipiriki .....	25 6	Pipiriki .....	23 4
Port Townsville .....	27 9	Port Townsville .....	27 4
Clan MacDougall .....	29 2	Clan MacDougall .....	25 6
Royal Star .....	28 6	Royal Star .....	24 11
Orion .....	29 6		
Devon .....	26 2	Devon .....	21 9
Coolaroo .....	22 6	Coolaroo .....	23 0
Heleneus .....	27 5	Heleneus .....	26 2
Empire Star .....	28 5	Empire Star .....	29 9
		Canadian Star .....	26 8

## TRAFFIC.

(a) *Dangerous Practice by Youths.*

Mr. GAFFY asked the Minister for Police:

(1) Did he see an article in "The West Australian" of the 12th August, headed "Chicken Line Stops Ambulance," which went on to say that a group of youths on Sunday evening, the 11th August, walked in single file across Wellington-st. near the crosswalk, causing two cars to stop and an ambulance going to an accident to slow down into low gear?

(2) Has he given any consideration to appropriate action to stop this dangerous practice?

(3) If he has not done so, will he consider taking appropriate action?

The MINISTER replied:

(1) Yes.

(2) Yes.

(3) Answered by No. (2).

(b) *Perth Parking Scheme, Implementation.*

Mr. COURT (without notice) asked the Minister for Transport:

(1) Is it correct that the Perth parking scheme will be delayed several months?

(2) Will the scheme now be delayed until all-day parking facilities in the Mill-st. area are available to balance the area behind the Christian Brothers' College?

(3) What delay is expected?

The MINISTER replied:

There seems to be some repetition in the word "delay" in the questions addressed to me. My replies are:—

(1) I am not aware of any delay. All steps necessary to give effect to the implementation of parking proposals are being taken as expeditiously as possible so that

reasonably complete arrangements will be available from the commencement of the scheme. It would be inadvisable to commence otherwise.

(2) The Mill-st. area is one of several to be given treatment before the scheme can become effective.

(3) On account of the foregoing, commencement is not likely for at least three months.

## PASTORAL LEASES.

*North Kimberleys.*

Mr. COURT asked the Minister for Lands:

(1) Is it correct that the pastoral leases open for selection in North Kimberleys range from 550,000 acres to 900,000 acres each?

(2) Does this mean that the Government has changed its policy of reducing the properties to approximately 250,000 or less acres?

(3) What is the proposed port for the areas to be allotted and what is its distance from the properties?

(4) What is the method of transport and transport routes proposed from the properties to the port?

(5) What basic requirements have been laid down in respect of capital, experience, rate of development, etc., for applicants?

(6) What Government expenditure is proposed to assist opening up the areas?

The PREMIER (for the Minister for Lands) replied:

(1) Crown land in the Kimberley Division is available for selection under pastoral leases. It includes seven defined cattle station areas in the North Kimberleys ranging in area from about 574,000 acres to about 956,000 acres according to class of country.

(2) No such policy was adopted.

(3) Wyndham and/or Derby. 150-250 miles.

(4) By roads and stock routes.

(5) Where more than one application is received for a station area, a land board will decide the allocation. Capital and experience are factors which would be taken into consideration.

The developmental requirements are as laid down for pastoral leases in the Land Act. The board may recommend that any application be refused if it considers the applicant would have no prospect of success.

(6) 420 miles of road were located and constructed in the region in 1954, and stock routes were located. Finality cannot be reached on the matter of further Government development until the results of making the land available are known.

**TOWN PLANNING.****Welshpool Marrelling Yards and Market Site.**

Mr. COURT asked the Minister for Works:

In view of the week-end Press report of a statement by the Town Planning Commissioner, will he advise—

- (1) What resumptions have yet to be completed for the proposed Welshpool marrelling yards?
- (2) What resumptions are necessary for the proposed 100-acre market site at Welshpool?
- (3) Does the movement of this market site half a mile further east involve resumptions additional to those originally expected and, if so, to what extent?
- (4) What are the estimated total re-summption costs—
  - (a) for marrelling yards;
  - (b) for market site?

The MINISTER replied:

(1) No resumptions have yet been necessary. Land is being acquired by negotiation.

(2) This is not known as it is intended to acquire as much as possible of the land required by negotiation.

(3) No.

(4) (a) A preliminary estimate of the cost of acquiring the necessary land for marrelling yards is £300,000.

(b) An estimate cannot be made as details of the site have not been finalised.

**UNFAIR TRADING COMMISSIONER.****(a) Hire-Purchase Companies.**

Mr. COURT asked the Minister for Labour:

(1) Has the Unfair Trading Commissioner completed his investigation of hire-purchase company activities?

(2) Has he reported to the Government, and what were his recommendations?

(3) Has any action been, or is being, taken against anyone?

(4) Is the Bill relating to hire-purchase before the House consistent with the commissioner's findings and recommendations?

The MINISTER replied:

(1) No, although investigations with respect to some companies are almost complete.

(2) No.

(3) No, although action against one or more companies is now under consideration.

(4) See answer to No. (2).

**(b) Minimum Prices or Profit Margins.**

Mr. COURT asked the Minister for Labour:

(1) Has the Unfair Trading Commissioner made a finding or findings having the effect of fixing minimum prices or minimum profit margins at any stage of merchandising?

(2) If so—

(a) Is this consistent with Government policy; and

(b) is this principle likely to be further applied by the commissioner?

The MINISTER replied:

(1) One such agreement has been approved under Section 19, Subsection (6) of the Act. Others are under consideration.

(2) There is no rigid policy, each agreement being dealt with on its merits.

**CRIME.****Capital Charges, Death Sentences, etc.**

Mr. COURT asked the Minister for Justice:

(1) How many cases have been tried in Western Australia and the death sentence passed during the period February, 1953 to date?

(2) What are the names of the convicted persons, and the nature of the crime in each case?

(3) In which cases was there a recommendation of mercy?

(4) What were the Government's reasons in each case for setting aside the punishment decided by the court?

(5) What term of imprisonment will be served in each case allowing the usual remissions for good conduct, etc.?

(6) (a) Are there any circumstances under which the Government would not commute the death sentence?

(b) If so, what are they?

The MINISTER replied:

(1) Thirteen.

(2) Morton, Duncan McColl—found guilty of wilful murder.

Haning, Samuel Johnston—found guilty of murder.

McIntosh, Joseph Patrick—found guilty of murder.

Slater, Alan Martin—found guilty of murder.

Maczurad, Mykola—found guilty of murder.

Morris, Richard—found guilty of murder.

Thew, Eric—found guilty of wilful murder.

Mulawa, Mychajlo—found guilty of wilful murder.

Wilson, Sylvia Phyllis—found guilty of murder.

Stillitano, Salvatore—found guilty of murder.

Ali, Mehemit—found guilty of wilful murder.

Mapp, Charles William—found guilty of wilful murder.

Boryczewski, Stefan—found guilty of wilful murder.

(3) Morton.

Thew.

Stillitano.

Ali, Mehemit.

(4) It has not been the practice for any Government to give reasons when submitting recommendations to His Excellency the Governor-in-Executive Council for remission of death sentences.

(5) Death sentence commuted to life imprisonment in all cases excepting McIntosh and Slater, who will serve 20 years' imprisonment with hard labour, which term may be reduced by one-quarter subject to good behaviour. The cases of prisoners undergoing life imprisonment are reviewed by the Government every five years.

The usual remissions for good conduct do not apply to prisoners serving life sentences.

(6) (a) and (b) Each case is dealt with on its merits and according to the circumstances.

### PENSIONERS.

#### (a) Dental Treatment.

Mr. ROSS HUTCHINSON asked the Minister for Health:

(1) What is being done to assist pensioners with regard to dental treatment—

(a) in the metropolitan area;

(b) in country areas?

(2) As pensioners in country areas suffer considerable disadvantages in this matter, will he give consideration to the repayment, at accepted Treasury rates, of dentists who treat them?

(3) Will he have an estimate made of the initial and annual costs of providing such a subsidised service for country pensioners?

(4) If he feels that the department is unable to assume financial responsibility for such a proposal, will he take steps to have appropriate representations made to the Commonwealth Government?

The MINISTER replied:

(1) Treatment is at present being undertaken by the Perth Dental Hospital for pensioners from every part of the State, but this is limited by the availability of the hospital's resources and the difficulty

of travel from outside the metropolitan area. The Dental Hospital Board is decentralising activities, and it is proposed to establish clinics in the metropolitan area and in larger country towns.

(2) and (3) This matter has been under consideration for some time and no decision has been reached.

(4) This was discussed at the State Health Minister's conference early this year, at which the Commonwealth Health Minister was present, and a submission was made to him without result.

#### (b) Government Decision.

Mr. ROSS HUTCHINSON (without notice) asked the Minister for Health:

Arising out of Question No. 8 on today's notice paper dealing with dental treatment for pensioners, the Minister said, in reply to Question (2), that this matter has been under consideration for some time but that no decision has been reached. Is it not true that this matter has been under consideration for a number of years, and therefore will he ensure that a decision is arrived at within a reasonable time?

The MINISTER replied:

It has been under consideration for many years but I cannot give an assurance when a decision will be arrived at owing to the charges by country dentists, which have been too high up to the present.

#### (c) Estimated Cost of Service.

Mr. ROSS HUTCHINSON (without notice) asked the Minister for Health:

(1) Arising out of his answer to my question No. 8 on today's notice paper, regarding dental treatment for pensioners, and with regard to No. (3), will he have an estimate prepared of the initial and annual costs of providing such a subsidised service for country pensioners? He gave a composite answer to questions Nos. (2) and (3) and said that the matter had been under consideration for some time and that no decision had been reached.

(2) Will he give me an assurance that an answer will be given with regard to the estimated cost of providing such a service?

(3) If the matter has been under consideration for some time could he not have answered that part of the question?

The MINISTER replied:

I will give no assurance but will make an effort to comply.

### RAILWAYS.

#### (a) Installation of Electric Radiators.

Hon. A. F. WATTS asked the Minister representing the Minister for Railways:

(1) Have electric radiators been installed in any railway station offices, and if so, how many, and at what cost?

(2) Do any, and if so, how many, of such offices also have fire-places, and in how many cases are these in use?

The MINISTER FOR TRANSPORT replied:

To obtain this information it will be necessary to make a survey of all attended W.A.G.R. stations throughout the State. This will be carried out and hon. member advised in due course.

*(b) Perth-Bunbury Rail and Road Services.*

Mr. ROBERTS asked the Minister representing the Minister for Railways:

(1) What number of railway road services operated—

(a) Perth to Bunbury;

(b) Bunbury to Perth;

daily, prior to the 22nd July, 1957?

(2) What number of railway passenger services operated—

(a) Perth to Bunbury;

(b) Bunbury to Perth;

daily, prior to the 22nd July, 1957?

(3) What number of—

(a) railway road services;

(b) railway passenger services;

operate daily now to Perth from Bunbury and from Bunbury to Perth?

The MINISTER FOR TRANSPORT replied:

(1) (a) Perth-Bunbury.

1 Monday.

1 Tuesday.

1 Wednesday.

1 Thursday.

2 Saturday.

1 Sunday.

(b) 1 Tuesday.

1 Wednesday.

1 Thursday.

1 Friday.

1 Saturday.

(2) (a) Perth-Bunbury.

3 Monday.

2 Tuesday.

2 Wednesday.

2 Thursday.

3 Friday.

3 Saturday.

1 Sunday.

(b) Bunbury-Perth.

3 Monday.

2 Tuesday.

2 Wednesday.

2 Thursday.

4 Friday.

2 Saturday.

1 Sunday.

(3) (a) Perth-Bunbury.

1 Saturday.

1 Sunday.

Bunbury-Perth.

1 Friday.

1 Monday (ex Brunswick Junction).

(b) Perth-Bunbury.

3 Monday.

2 Tuesday.

2 Wednesday.

2 Thursday.

2 Friday.

2 Saturday.

1 Sunday.

Bunbury-Perth.

2 Monday.

2 Tuesday.

2 Wednesday.

2 Thursday.

3 Friday.

2 Saturday.

1 Sunday.

**WATER SUPPLIES.**

*Expenditure from Loan Funds.*

Hon. A. F. WATTS asked the Minister for the Water Supplies:

Excluding any work paid for by the Commonwealth contribution to the comprehensive water scheme, what has been the expenditure from loan funds during each of then financial years 1955-56, and 1956-57, on—

(a) water supplies for country districts; and

(b) provision of, or additions or improvements to water supplies to serve the metropolitan area?

The MINISTER replied:

(a) 1955-56—£1,011,810.

(b) 1956-57—£1,405,301.

(Note: For corrected replies, see page 1054.)

**LOTTERIES COMMISSION.**

*Effect of Crossword Puzzles and Racing Jackpots.*

Mr. RODOREDA asked the Minister representing the Chief Secretary:

(1) Are the lotteries now being conducted under the guise of crossword puzzles and racing jackpots having any effect upon the sale of tickets in Charities sweeps?

(2) If so, is any action contemplated?

The MINISTER FOR WORKS replied:

(1) No effect is apparent.

(2) Answered by No. (1).

**LOWER KALGAN BRIDGE.**

*Commencement of Building.*

Mr. HALL asked the Minister for Works:

(1) Will the building of the Lower Kalgan bridge, Albany, be commenced this year?

(2) If so, can he give the approximate date of commencement?

The MINISTER replied:

(1) Yes.

(2) October, 1957.

#### LOAN PROGRAMME, 1957-58.

##### *Finalisation of Details.*

Mr. ROBERTS asked the Minister for Water Supplies:

(1) Have details of the 1957-58 loan programme been finalised?

(2) If so, what is the decision in relation to funds for the Bunbury sewerage scheme?

The MINISTER replied:

(1) Yes, as far as the direction of expenditure and the major items involved are concerned.

(2) No decision has been reached between the Government and the Bunbury Municipal Council regarding the construction of a scheme or part scheme.

#### F. C. DEAN, DECEASED.

##### *Medical File.*

Mr. COURT asked the Minister for Justice:

(1) Is there a medical file additional to the files already tabled in respect of the late F. C. Dean?

(2) If so, will he table it?

The MINISTER replied:

All departmental files have been tabled. With regard to the file of Royal Perth Hospital, I will confer with the board.

#### BUILDING BY-LAWS.

##### *Granting of Permits.*

Mr. HEAL asked the Minister representing the Minister for Local Government:

As new building by-laws may be approved of as from the 1st September, 1957, and local authorities are receiving hundreds of applications for building permits and will not be able to give a decision on the majority of applications before the 1st September, will he indicate whether the permits will be granted under the present building by-laws or the anticipated new by-laws?

The MINISTER FOR JUSTICE replied:

Building applications lodged with local authorities before the 1st September, 1957, should be approved if they conform to the by-laws of the local authority or the uniform building by-laws. Applications lodged on or after the 1st September, should be approved only if they comply with the uniform building by-laws.

#### NATIVE WELFARE.

##### *(a) Canning Desert Basin Natives.*

Mr. GRAYDEN asked the Minister for Native Welfare:

Will he lay on the Table of the House the information which the district officer in Derby supplied to the Commissioner for Native Welfare in regard to the plight of natives in the Canning Desert Basin and which was referred to in the Legislative Assembly on Tuesday, the 13th August, 1957, in reply to a question on the matter?

The MINISTER replied:

This file is in daily use, but will be made available to the hon. member at the department's office, if he so desires.

##### *(b) Balgo Mission, Departmental Officer's Visits.*

Mr. GRAYDEN asked the Minister for Native Welfare:

(1) How many times has the native welfare officer stationed at Derby visited the Balgo mission?

(2) When did he last visit the mission?

(3) Has he ever been south of the mission, and if so, how far?

The MINISTER replied:

(1) Twice.

(2) From the 27th to the 29th May, 1955.

(3) No.

##### *(c) Probable Murder of Native, Warburton Reserve.*

Mr. GRAYDEN asked the Minister for Native Welfare:

(1) Did he see the item in the "Daily News" on the 8th August, 1957, in which it was suggested that the native whose body was found on the Warburton Reserve earlier this year may have been murdered?

(2) As the people who have now advanced the murder theory did not see the body, have no knowledge of the area where the death occurred and had no opportunity of questioning natives in the area when the body was found, on what grounds do the people concerned base their theory?

(3) Has he any reason for believing that the police report on the matter is incorrect?

The MINISTER replied:

(1) Yes.

(2) The opinion of natives, knowledge of native tribal lore and knowledge of the offences against tribal lore committed by the deceased native who was well known to the missionaries.

(3) No. The report does not establish how the native died. The officer could see no signs of violence, the skull was intact and showed no signs of injury. There were no visible spear wounds on the body.

**ROYAL PERTH HOSPITAL.***Amounts Expended.*

Hon. A. F. WATTS asked the Treasurer:

How much of the amounts of £333,244 and £395,829 expended in the years 1948-49, and 1949-50 in the metropolitan area on public buildings was in each year expended on the Royal Perth Hospital?

The TREASURER replied:

Royal Perth Hospital	1948-49	1949-50
.....	£64,959	£115,080

**EGG PULP.***Export Prices.*

Mr. WILD asked the Minister for Agriculture:

(1) What price was received for export egg pulp in the 1956-57 season?

(2) On last year's price for export egg pulp, what will be the loss on the 3,000 cases that have had to be put into pulp this year?

(3) On whose advice was such a large quantity put into cold storage?

The PREMIER (for the Minister for Agriculture) replied:

(1) The contract price for export pulp for the 1956-57 season was £225 8s. sterling per ton, which represents 2s. 5.4875d. Australian gross to State boards.

(2) Actual figures covering export pulp have not yet been finalised, but the only additional cost incurred on these 3,100 cases would be the cool storage charges which amounted to £1,954.

(3) The decision was made by the board after considering estimates of the requirements of the local consuming public during the lean period. Eggs were not rationed at any time during last season and therefore these surplus eggs would have been pulped for export in any case.

**MAGISTRATES.***People Qualified by Examination.*

Hon. J. B. SLEEMAN asked the Minister for Justice:

How many, and who are the people who have passed the necessary examination to be appointed as magistrates in this State?

The MINISTER replied:

Five:

W. L. Hardwick.—Clerk of local court, Perth, has declined offers of permanent appointment as a magistrate in the country districts, is now acting magistrate of local courts in the Murchison Districts.

W. A. Petterson.—Clerk-in-charge (legal), Crown Law Department, has intimated that he would not accept appointment in the country.

Inspector Hickson.—Police Traffic Office.

A. Cowan.—Resigned from service, now in Sydney.

N. J. Malley.—Associate to the Chief Justice, qualified last year.

**LONG SERVICE LEAVE.***(a) Legislative Provision for Private Industry.*

Mr. COURT (without notice) asked the Minister for Labour:

(1) Was he correctly reported in yesterday's issue of "The West Australian," when it was announced under the heading "Government has no scheme for service leave," that no concrete scheme for long service leave for employees in private industry has yet been prepared by the State Cabinet, and that their original so-called £10,000,000 scheme has been abandoned?

(2) If so, when will finality be reached and a Bill introduced?

(3) In view of A.C.T.U. efforts to achieve uniformity throughout Australia, will the Western Australian Bill now be based on such uniformity proposals?

The MINISTER replied:

(1) No.

(2) The Bill will be introduced as soon as possible.

(3) The information desired will be made available at the second reading stage.

*(b) Government Scheme.*

Mr. COURT (without notice) asked the Minister for Labour:

Following his reply to my previous question, does his reply to No. (1) of my third question mean that the Government has settled on a scheme of long service leave?

The MINISTER replied:

Not necessarily.

*(c) Clarification of Government's Attitude.*

Mr. COURT (without notice) asked the Minister for Labour:

In view of his further answer of "not necessarily," will he tell the House what is the present position in respect of the Government's deliberations on long service leave? I think he will agree that the position is somewhat confused in view of the Press announcement and his own answers.

The MINISTER replied:

I do not consider the time appropriate to submit the information. As I indicated, it will be submitted to members and they will be apprised of the position during the second reading of the Bill dealing with the matter.



**UNEMPLOYMENT.***Position on Goldfields.*

Mr. EVANS (without notice) asked the Premier:

(1) Is he aware that, with limited opportunities for employment available on the Goldfields, due no doubt to conditions relative to the goldmining industry at the present time and also to environmental factors, there now exists, according to reports received by me, a dire spread of unemployment in that area?

(2) Will he obtain any figures available relative to unemployment on the Goldfields?

(3) If figures indicate that unemployment is somewhat widespread, will he authorise the extension of financial grants, similar to those made in the metropolitan area, to unemployed persons on the Goldfields who are in necessitous circumstances?

(4) Is this payment by the State made in conjunction with the Commonwealth social service grant, and what office is responsible for distribution of such payment?

The PREMIER replied:

The information sought is being obtained and I hope to be in a position to supply the answers on Tuesday next.

**LOCAL GOVERNMENT BILL.***Definition of "Hawker."*

Hon. A. F. WATTS (without notice) asked the Minister for Justice:

Has he taken steps to ensure that the definition of "hawker" in the Local Government Bill will be amended in another place, following on the agreement reached with him when the Bill was before this House?

The MINISTER replied:  
Yes.

**BILL—BETTING CONTROL ACT  
CONTINUANCE.**

Introduced by the Minister for Police and read a first time.

**BILL—BREAD ACT AMENDMENT.***Second Reading.*

THE MINISTER FOR LABOUR (Hon. W. Hegney—Mt. Hawthorn) [2.42] in moving the second reading said: As members can see, this is a very brief Bill and actually it contains only one clause which is the substance of the proposed amendment to the Bread Act. I would like briefly to explain that in the pastrycooks' award granted by the Arbitration Court some few years ago the ordinary starting time was fixed at 5 a.m., but as is customary in practically all awards and industrial agreements, provision is made for

overtime or penalty rates to be paid for work performed outside the set working hours.

The starting time prescribed for pastrycooks under their award is 5 a.m. and as I have just indicated, penalty rates are provided for work performed prior to 5 a.m. or after a certain period worked during the day. I am advised that a number of larger firms in the city of Perth rigidly observe the conditions of the award. They will not allow their employees to start work before 5 a.m. On the other hand, there are quite a few pastrycook firms, some individual employers and apparently some self-employed persons who, to use the well-known term, "beat the gun" by having their tradesmen commence work before the ordinary prescribed starting time, but the penalty rates would be paid.

The result of that practice is that those who start work just after midnight on Sunday, or at 1 a.m., or at 2 a.m. on Monday, are able to produce their goods and have them delivered in the city some time prior to the delivery of goods by those pastrycooks who rigidly observe the terms of the award. I believe that if this amendment is carried—I invite members to check on my statements if they so desire—it will give no preference to any particular firm or employer, but, on the contrary, it will clarify the position and place every firm or person who is a pastrycook on the same level.

The Arbitration Court has been approached on this matter—I would like to make that quite clear—and it has indicated that provided penalty rates are paid, it does not agree that any restriction should be placed on an employer in respect of the starting time. That is practically all that is contained in the Bill. As I have already said, I invite members to make inquiries as to the fairness of its effect or otherwise, and I believe that in the final analysis the House will agree to the proposed amendment set out in the Bill. I move—

That the Bill be now read a second time.

On motion by Hon. L. Thorn, debate adjourned.

**BILL—STATE TRANSPORT  
CO-ORDINATION ACT  
AMENDMENT.***Second Reading—Laid Aside.*

THE MINISTER FOR TRANSPORT: (Hon. H. E. Graham—East Perth) [2.47] in moving the second reading said: The parent Act, the State Transport Co-ordination Act, was introduced into this Parliament in 1933 following conferences of Ministers from the various States who were concerned with the impact of road transport upon the activities and finances

of State railway systems. It was decided that it was necessary to have some form of legislation enacted in order to regulate, to some extent, the volume and the types of goods that were transported by rail because of the value of the services being rendered on some lines and because of the total of public moneys that had been expended over the years on others in the establishment of our railway system.

I suppose everybody would be satisfied if we could reach a position—which we most certainly have not—where there was sufficient offering in the way of goods and passengers to enable persons, without any restrictions or hindrance, to engage the type of transport that they fancied whether it might be transport by air, sea, rail or road. But no such position exists and because of that, some form of control is essential.

Even in highly populated countries such as England, where there are only short distances to be covered and large volumes of goods to be transported from one point to another, figures for 1956 reveal that only two-thirds of the total volume of goods carried in that country was transported on the railways as compared with the volume of goods transported by rail in 1900. That gives us some idea of the impact of road transport on railway systems. Owing to the fact mentioned earlier—that is, large population and comparatively short distances—it is possible to a great extent for these two forms of transport to be operating in competition with one another, because, again to a very large extent, there is sufficient for both of them to operate on an economic basis.

I suppose for Western Australia, with its sparse population and its tremendous distances not only over the whole length of lines, but between the points of production or potential business for the railway lines, the position is about as acute as it could be. Immediately some people might suggest, and no doubt it was suggested initially, that the effect of any controlling legislation would be merely to bolster up an inefficient means of transport, virtually giving that means a monopoly so that it could adopt an attitude of "could not care less." That certainly and very definitely is not the intention of this Government. Members are all aware that certain steps have been taken, and very shortly additional steps will be taken to bring about a substantial improvement—we hope and trust—in the administration and operation of the railway system. That sort of thing, however, cannot be done overnight. Meanwhile, the railway position is indeed serious in its impact upon the finances of the State.

When the State Transport Co-ordination Act was introduced into this Parliament and passed in the year 1933, that was a time when the farming industry, in all its many aspects, was in dire stress. Farmers were

living almost on the smell of an oil rag and many of them were abandoning their holdings. I am aware of certain farmers, now members of this Parliament who, at that time, were at their wits end as to how they could continue farming, but who today are very comfortably placed because of the tremendous changes in the economic set-up of the primary industries. No one can gainsay that.

Because of the circumstances operating at the time the legislation was introduced into Parliament, certain concessions were extended to primary producers which were not even contemplated being extended to other sections of the community or other forms of production. It was a generous outlook on the part of Parliament towards the farming community because of the desperate straits in which the agricultural industry was placed. I have some knowledge of the situation because at that time my father was alive and was engaged in farming. As a consequence of the low prices for primary products and of the circumstances generally, I was compelled, several years before that time, to leave school at an earlier age than was my wish or the wish of my parents, for the simple reason that, notwithstanding I had the benefit of a scholarship, they could not afford to keep me at school. I am aware of the small sum of money that was available to that family of husband and wife and seven children to enable them to eke out some sort of a living. I am mentioning a few aspects concerning my own family, but I know that that position was not peculiar to it. I know that some farmers lost their properties because of the ruinous prices which were being paid for their produce. I know, too, the effect upon the health of those good people, and the nervous strain and everything else that beset them during those difficult days.

I repeat that circumstances have changed completely. There is in existence today a feeling of security and a standard of income, which, although not entirely satisfactory in every one of the industries pertaining to production from the soil, are beyond comparison with the conditions that prevailed in those days. As against that the farmers of today are in clover.

Mr. Bovell: No more than any other section of the community.

The MINISTER FOR TRANSPORT: That is so. I am pleased that interjection was made. That brings me to the point that for this very reason, the farmers should not be entitled to any consideration over and above that given to any other section of the community.

Mr. I. W. Manning: Nor does it apply to all sections of the community.

The MINISTER FOR TRANSPORT: Which, of course, is what I was saying. It is not to be thought for one moment

that every person in business in the towns of the State or in the metropolitan area is favourably placed financially. There are some in the upper strata and some in the lower, but it is the general principle that we have to consider. I do not want to start any verbal war on the matter of town versus country. It is not my intention to recite a long list of the estates of people who have passed beyond, either up or down as the case may be, in which many tens of thousands of pounds have been left, and the sources from which that wealth, had, in the majority of cases, sprung.

That will achieve nothing, but any member who is honest with himself will agree with me, without going further into the matter, that the position of the primary producer, has considerably improved in the overall. Indeed, I say it has improved beyond comparison with the position which obtained in 1933 when this legislation was first passed. Therefore, the special dispensations granted to that section of the community can no longer be sustained on the basis of equity, when at the same time we consider the financial position of the railways; in other words, a haulage capacity and potential which is not being used, and which is aggravating the financial situation of the State. That, of course, will continue to be the position unless some changes are effected, irrespective of the brand of politics of the Government of the day.

We can shortly get down to some of the more specific matters with regard to what are, in general terms, known as the farmer's exemption. If I may now traverse some of the points covered by the Bill which is before us, in their order rather than in their importance, it is probably known that of recent days the procedure is for advantage to be taken of the expert knowledge of the officers of the Traffic Engineering Branch of the Main Roads Department which has the know-how and the officers to undertake surveys, counts and checks, to have proper conclusions drawn, and to take action subsequently to give effect to decisions in connection with traffic matters.

Previously it was largely a matter of guess-work, or of the impression made in the minds of certain people because of what they saw happening in certain places. Now there is a thorough and scientific investigation made. So, in connection with the location of bus stands or bus stops along transport routes, it is proposed that the Traffic Engineering Branch will become the authority rather than the Commissioner of Police; that is, of course, in association with the Transport Board. I might mention that local authorities are taken into account as well. But there is this alteration because that is the procedure being followed at present. I think everybody will agree that the places where the buses start and stop can have, and

indeed do have, quite an impact upon the traffic flow, traffic hazards, safety and the rest.

Mr. Court: What will be the relative responsibilities of the three authorities—the traffic engineer, Transport Board and police?

The MINISTER FOR TRANSPORT: The Commissioner of Main Roads would actually be the authority to determine the matter. But the experience has been—and it is intended that it shall be continued—for those various parties who all have an interest to make general inspections following certain other data which is obtained very often by the use of university students and others acting as servants to make checks.

Mr. Court: In a dispute the commissioner would be the final arbitrator?

The MINISTER FOR TRANSPORT: That is so. The Transport Board is quite happy with this arrangement, as indeed is the Commissioner of Police. I might mention, applying not only to this but to matters in connection with traffic generally, that the Acting Commissioner of Police and some of his officers who have discussed this matter with me are of the opinion that it is better to remove the policy-making part of traffic from those people whose responsibility it is to enforce the law and the regulations.

It was submitted to me that the whole background and training of the police is detection and enforcement rather than the formulation of plans and procedure, that the latter phase is another wing or aspect of traffic and transport matters altogether, and that there should be people specially trained in that sort of work to devise the plans and the laws to which consideration might be given—at all times, of course, taking advantage of the fact that the police, because of their work in connection with enforcement, very definitely have a point of view and an experience which can be most helpful to the other authority or authorities in making final determinations for a recommendation to the responsible Minister.

The next amendment has to do with the apprehending of vehicles by officers of the Transport Board. At present the Act lays down that when called upon so to do the driver of any what is termed public vehicle is required to stop and supply certain information. The point is that until or unless that person stops, it is not known whether he is the driver of a public vehicle—that is to say, a vehicle in respect of which a permit or licence has been issued, and therefore he keeps on going and the Transport Board inspector has no knowledge whether he has a licence and, if so, whether it covers certain types of goods. So it is proposed that the traffic inspectors shall have authority to call

upon the drivers of any type of vehicle to stop for the purpose of examining their licence or permit where one is required.

Mr. Cornell: Are Transport Board inspectors easily identifiable?

The MINISTER FOR TRANSPORT: They may be called upon to show their authority.

Mr. Court: How is the driver of a truck out on a lonely road going to distinguish between them and someone with criminal intent? A policeman wears a uniform which we accept as some *prima facie* badge of identification.

The MINISTER FOR TRANSPORT: Not necessarily, because we have plainclothes police—confining it to traffic at the moment—on traffic duty both on motorbikes and in motorcars in the metropolitan area.

Mr. Bovell: Yes; we have had experience of them!

The MINISTER FOR TRANSPORT: I am unaware of any difficulties that have arisen in connection with that matter.

Mr. Court: But if a truck driver were held up by a person in plain clothes on some lonely road, would he not be justified in ignoring that person; or, if he did ignore him, would he be prosecuted?

The MINISTER FOR TRANSPORT: We know that plainclothes officers of the Police Department can apprehend one at 3 a.m. in a dark street at present, and even place a hand upon one.

Mr. Court: That is a person who is dismounted and can be actually touched. I am referring to a person in a truck travelling, fully laden, along a road at 30 miles per hour. What chance has an inspector got of putting hands on that person?

The MINISTER FOR TRANSPORT: I suggest that there would be no difficulty whatsoever in intimating to a person driving another vehicle that one desired him to stop.

Mr. Court: You still have not overcome the practical difficulty. A man may have had bitter experience of being attacked by somebody to whom he had given a lift; and he might say, "I am not going to pick up anyone else in the future. I am not going to give a lift to any hitchhikers." He might treat the inspector in that way.

The MINISTER FOR TRANSPORT: But the inspector would be in a vehicle.

Mr. Court: Even then, how would he convey to the driver of the truck in a practical manner the fact that he was an inspector authorised to call on him to stop?

The MINISTER FOR TRANSPORT: If that is worrying the Deputy Leader of the Opposition, I could make provision for

him to wave with one arm a distinctive form of authority or something of that kind.

Mr. Cornell: What is the object of not putting them in uniform?

The MINISTER FOR TRANSPORT: To some extent because of the bush wireless system which seems to operate. There is no doubt that inspectors attached to the Transport Board—there are not many of them—become exceedingly well known, and a message is passed from place to place in the same way as, when the Licensing Court is seeking to make surprise visits in certain directions, not more than one hotel is called at before the signal has gone right down the line and there is no surprise element in the remaining visits.

I do not think there is any real or practical difficulty involved. We can imagine all sorts of circumstances; but this is merely to enable an officer to find out whether the person driving a vehicle transporting goods has authority to do so. If the Deputy Leader of the Opposition—and indeed any member—has any suggestions to make in order to provide some practical safeguards, I can undertake in advance that I will be most sympathetic in my treatment of such submissions.

The next amendment has to do with penalties. I again say that this legislation was introduced in 1933, when money had entirely different values from what it has now; and, broadly, the proposal is to double the maximum penalties as laid down in the present statute. I do not think there can be any real objection to that. Actually, if the penalties were increased on the basis of money values, they should be quadrupled rather than doubled.

Even apart from the lost value of money, there are a few citizens—I almost said hardened criminals—who have scant respect for the law; and it is felt that, if they are persistent offenders, there should be some heavy penalty to discourage their activities. There is, too, a comparatively minor amendment to bring within the scope of the penalties I have mentioned people who have permits to transport goods but who, in fact, are taking other goods or, more precisely, additional goods that are not covered by the permit. It is thought to make them subject to the law for transporting goods without a licence.

The next amendment comes back principally to the metropolitan area, and has to do with bus shelters for passengers of that particular form of transport. First of all, as is obvious to members, as a consequence of amendments made to the State Transport Co-ordination Act during last session, there is available evidence of some activities in the matter of the provision of these shelters; and I think that perhaps the most outstanding of them was the

decision of the Perth City Council to rescind its earlier resolution which placed virtually a ban on the erection of shelters in and about the heart of the city.

I might mention that I am somewhat at a loss to know why something of this kind was not attempted and achieved earlier, because it did not require any great effort on my part. I met the appropriate committee of the Perth City Council and discussed the matter at length. The members of the committee readily agreed with the general proposition, and their whole attitude has been one of complete understanding and co-operation from the beginning of those talks up to the present; and work is proceeding as expeditiously as possible with the erection of the shelters.

It will be remembered that in the amendment which was submitted initially, the proposal was that the moneys expended on shelters should come from the common pool—that is to say, the amount held by the Transport Board should be used to pay for the shelters, and the balance distributed amongst the local authorities in accordance with a certain formula. Subsequently I had that amended by making the charge in respect of the shelters in each individual local authority virtually a debit against the allocation for each one of those local authorities. It appears upon reflection and experience that somewhere between those two extremes lies the complete answer, for the reason that there are in a number of localities shelters which provide not for the local people but largely for people from other areas. Let me give one or two examples.

I daresay that the great majority of people who use Scarborough beach would be persons going to it from places outside the Perth Road Board area. So why should ratepayers of the Perth Road Board area be called upon to meet entirely the cost of all the shelters? Then there are the shelters which are shortly to be erected at the eastern end of the Causeway. Most of the people using them would use that point as a transit point to change from one form of transport to another—in other words, they would be people coming from employment in Fremantle and going to their homes in Armadale, to use an extreme case. So those shelters would be there to cater not so much for the local people as for others. There would be a similar set of circumstances in the heart of the city of Perth and in the heart of the city of Fremantle—those two places particularly.

Again, I want to make it perfectly clear that no attempt is being made to get other local authorities to contribute towards the cost of the domestic shelters of the Perth City Council in the last example I have used, because the

Perth City council will itself have to bear the entire cost of the shelters in its suburbs, and the intention is that this concession, if it is agreed to, shall apply only to certain defined places in the very heart of the city. The Transport Board would be very careful in connection with steps taken along these lines. The principle of this was agreed to in the submission made last year, but, as I indicated earlier, changes were made and neither of the proposals was found to be the complete answer, hence the amendment.

The next alteration arises from the closure of certain railway lines. At present there is a provision which allows certain activities between the point of production and the railway station or the siding nearest the point of production. But with the cessation of rail operations in certain parts, there will still be a regular, organised service, and the basis of payment for the service has been determined by the calling of tenders. So, instead of persons delivering to a siding or a station, they will deliver to a road haulier at certain transshipment points which could, in many cases, be identical with the erstwhile sidings and stations of which I have spoken. If members study the section and the clause in the Bill they will readily appreciate what I am endeavouring to explain.

The following amendments have to do with the special exemptions or concessions which are extended to primary producers. During debates on other matters, I have indicated the general trend. There are some quite interesting figures in connection with what is going on at the moment. I have had the figures of the abattoir at Midland Junction taken out, and they show that during the period of January to June of this year, in round figures, 245,000 sheep came by rail to the markets, and 423,000 by road. In other words, only 36.7 per cent. came by rail. Some 6,400 cattle came by rail and 9,200 by road. In this instance, only 41 per cent. came by rail. It will be seen that, with the amendment, the carriage of livestock will still be permitted. I merely mention these figures for the purpose of giving some idea of the preference farmers are showing, in many respects, for road as against rail transport.

Perhaps the greatest weakness in the Act at the moment is the provision which allows farmers to bring certain commodities of their own to the metropolitan area, and then permits them on the return journey to stock up with virtually anything they require for their domestic or farm purposes. I indicated in an earlier debate that a person could not do that sort of thing in reverse. You or I, Mr. Speaker, using specific items, would not be permitted to leave Perth with a truckload of fuel and bring back a crate of poultry from a country centre. But at the moment it

is possible for the farmer to bring down some small item of produce and then load his vehicle for the return journey.

Mr. I. W. Manning: Do you propose to stop that?

The MINISTER FOR TRANSPORT: Unless it is stopped, we shall probably reach the position where the railway system will have to stop. I cannot understand the logic of the interjection of the hon. member because it is a matter of transporting one form of goods from A to B and then another form from B to A. Is there any alteration in principle because of which transaction takes place first? Of course, there is not. Why should a person at one end of the journey be permitted this concession, in both directions, when the person at the other end is permitted the concession in respect of neither stage? It simply does not make commonsense.

Some checks were made in connection with fuel, and it was found that during the week ended the 14th May last, 246 drums of fuel were carried in farmers' own vehicles—there probably were others not detected. Another tally was taken over a period of eight months and it showed that about 2,000 drums were carried on vehicles intercepted on the roads, which would constitute, as the Transport Board says, only a very minor proportion of the total.

Mr. Perkins: Have you any figures of the total amount of fuel transported to the country areas, and what percentage this is of that total?

The MINISTER FOR TRANSPORT: No, but what I am about to say may give the hon. member some idea. On the 27th March last, farmers' vehicles carried 494 drums of fuel ex North Fremantle in one day—about 90 tons. That is one class of goods only.

Mr. Perkins: I think you picked out a particular day to obtain that figure.

The MINISTER FOR TRANSPORT: I am unable to answer that one. Probably there are other days and times when the figure would be far greater and possibly other periods when it would be less.

Mr. Perkins: Was that not the period when the special discount was given?

The MINISTER FOR TRANSPORT: What special discount?

Mr. Perkins: The discount by the oil companies.

The MINISTER FOR TRANSPORT: I am unaware of that. But the special discount did not apply only in respect of fuel carried by road. It applied equally to fuel carried by rail.

Mr. Perkins: Yes.

Hon. A. F. Watts: It only lasted a few days.

The MINISTER FOR TRANSPORT: How then is it pertinent to the question we are discussing?

Hon. A. F. Watts: If you did not hurry, you did not get the discount.

The MINISTER FOR TRANSPORT: It is not the price of fuel, but the form of transport that we are concerned about.

Mr. Perkins: Can you give us the total figures of fuel sent to the country? What I am trying to get at is the percentage that these figures bear to the total.

The MINISTER FOR TRANSPORT: I have not the information available, and I do not want to base the argument entirely upon fuel because there are a host of other commodities that are back-loaded as—without looking in any direction where there happen to be members sitting or standing—quite a number of members of this Chamber and of the Legislative Council would be aware from personal experience. I am not criticising them for that because it is the law at present. But we cannot have it both ways.

If we expect the railways to operate and to come somewhere within reason of paying for themselves, even under the greatest state of efficiency, then, because of the circumstances of our State, it is necessary to divert a greater proportion than at present of the goods traffic to the railways system; and exceptions should be made only where it is found that rail is unsuitable—that is to say, in respect of something that is highly perishable, or where there is necessity for great speed. In that respect, it is possible, even if we wipe out the exemptions altogether, for the Transport Board to give licences from time to time in regard to certain types of commodities, or in view of particular circumstances that might arise.

But that there should be this dispensation in the liberal terms in which it appears in the schedule of the Act, simply does not make sense in view of the railway situation. These are the exemptions in the paragraph of the schedule that we are discussing—

The carriage of livestock, poultry, fruit, vegetables, dairy produce or other perishable commodities.

Someone suggested, incidentally, that beer might be included in the last-named and made an application accordingly to the Transport Board.

Mr. Bovell: It does not last long enough to become perishable.

The MINISTER FOR TRANSPORT: In respect of the term "perishable commodities," it is proposed that it should be a perishable form of produce—that is, where the automatic exemption shall continue to apply. The present list of exemptions continues—

Wheat or oats from the place where they are produced to any other place in a vehicle owned by the producer

thereof and on the return journey the carriage of requisites for the domestic use of such producer or for use by him in the production of the commodities herein named.

It will be seen that a farmer can bring a few bags of wheat or oats to the metropolitan area or to the township of Bunbury, Albany or Northam, or wherever it may be, and that gives him a dispensation to fill his truck brimful with any type of goods whatsoever for the return journey; and he would probably run adjacent to the railway for the greater part of it, and there could be a train moving along the line with only half a load. As a consequence, the State is feeling the pinch in connection with railway finances.

Mr. Perkins: Would you cut out the exemption granted by the Transport Board for the carriage, on the farmer's own vehicle, of implements to the metropolitan area for repair?

The MINISTER FOR TRANSPORT: In certain circumstances. If the harvest is over, and the harvester requires repairs, I cannot imagine that the whole machine would need to be sent to the metropolitan area. Is there any reason why it should not be put on a railway truck instead of on a road truck?

Mr. Perkins: In some cases a machine has to be dismantled, and in other cases it has to be freighted.

The MINISTER FOR TRANSPORT: I think the Transport Board has been generous enough, in the case of small components such as bricks and tiles, to have no hesitation in automatically granting a permit or a licence for their transport by road. The cost of handling and re-handling such items would probably be in excess of their original cost, plus the cost of the freight.

The Transport Board has informed me that on these return journeys, the farmers stock up with general stores, fencing and building materials, irrigation equipment, machinery, general hardware and so on. All of which, or the majority of which, could and should under present circumstances be taken by rail and, incidentally, in many cases they would be doing something towards decentralisation because instead of farmers buying all their groceries in large quantities in Perth they would be patronising their local storekeepers, either in the little provincial towns or the larger towns where they do most of their business.

Hon. Sir Ross McLarty: That should be encouraged, no doubt.

The MINISTER FOR TRANSPORT: The point is that the farmer can do that, but no other person in that particular community or locality is able to do it automatically. That is what is so illogical about the position and so it is sought to introduce some uniformity and also to provide

the railways with the freight which they so badly need. But I emphasise that even with the proposed amendment there is still reserved for the primary producer a provision under which his perishable produce can be transported in his own vehicle, notwithstanding any provision in the Act which might apply to other people. But we are asking that these other goods be railed unless there are special circumstances, and then it requires the authority of the Transport Board.

There is also a provision in regard to those engaged in the honey industry. At present these people are able, without the necessity for any licence, to carry bees, bee hives, honey, bees wax and beekeepers' requisites and appliances, and so on, in their own vehicles. But it is proposed to remove "honey and bees wax" from that provision. In future, therefore, the finished product, either honey or bees wax, will have to be transported by rail where there is a railway service.

I might mention that one of the biggest honey producers in the State is already doing that at present, but some of his competitors are playing tricks, to the disadvantage of that man's business, and are taking advantage of this provision in the schedule. Beekeepers, therefore, will still have special exemptions in respect of those goods which cannot easily be carried by rail, but I see no reason why kerosene tins and drums full of honey should be given a dispensation and be allowed to travel in a road vehicle when a railway service is available for the purpose. Of course, honey is not a perishable commodity. Indeed, I understand that it has a peculiarity inasmuch as it will last for thousands of years; it will not deteriorate and is completely free of germs or bacteria. In other words, it has a permanent life.

Mr. Ross Hutchinson: You would not have sought the carriage of bees, anyway.

The MINISTER FOR TRANSPORT: Beekeepers will still be able to carry bees and such like in their own vehicles; in any case, I do not think the Railway Department would be anxious to have that type of traffic, even if we sought to foist it upon them.

Farmers are able to bring some of their goods to the metropolitan area and on the return journey they are permitted to carry goods for their own personal or domestic use, or goods which are to be used in the production of certain lines on their properties. But quite a number of them are making good fellows of themselves with their neighbours and friends; and it is just about impossible to check up on it. If a farmer brings to Perth a dozen eggs and then loads a few tons of petrol and oil on his vehicle, when he arrives back at Katanning, say, which is 223 miles away,

he can unload two or three drums at one person's place, two or three at another and so on.

If an inspector of the Transport Board happens to be around at the time, which is hardly likely in any event, the pretext used is, "I have not bought petrol for these people, but over the past few weeks I have been borrowing petrol from them and I am now returning it to them." I am informed that that actually goes on and at present there is virtually free trading in respect of fuel and no doubt in respect of bags of sugar, boxes of jam, sauces and other commodities. Whilst this is going on in respect of a favoured section of the community only, our railways are languishing and the State, although not bankrupt, is in a most difficult financial position and the Premier, in his position as Treasurer of the State, is required to impose additional charges for the purpose of making up the leeway.

Hon. Sir Ross McLarty: He has done that all right.

**THE MINISTER FOR TRANSPORT:** He has not done it sufficiently effectively because there is still quite a considerable gap and no doubt when we discuss some monetary measures later on, the member for Murray will have something to say in respect to it.

**The Premier:** He is always very responsible in financial matters.

**THE MINISTER FOR TRANSPORT:** In the schedule relating to exemptions, it will be noticed that persons are able to have a pretty free reign in the matter of furniture. No permit or licence is required for the transport of furniture by road from one residence to another, or from a place of storage to a residence, or from a residence to a place of storage, or for sale. But there is a further provision, which this Bill seeks to eliminate, which allows furniture to be transported from a vendor to the residence of the purchaser by road instead of by rail, where rail transport is reasonably available.

At present the position is this: At Albany a furniture dealer is required under the Act to have transported by rail any lounge suites etc. which he has for sale. It is unlawful for him to take those suites by road; yet people living in Albany can come up to Perth, buy a lounge suite and then have the advantage of taking that suite back to Albany by road. Apart from denying the railway system some business which rightfully belongs to it, it means that metropolitan business houses have an advantage over those in the country. That is a provision which I think should not be in the Act. But in any event the idea is to give a little more business to the railway system, for reasons already stated.

There is another concession which applies, and rightly so, to the carriage of sample goods for exhibition to prospective

purchasers, which goods are not for sale. That would apply generally to commercial travellers and I think it would be foolish to expect them to send samples of dress materials, etc., by rail and have to pick them up at the station of each town they visited. The amendment seeks to limit the goods which they can take by road to half a ton or 10 cwt.

One of the reasons for this is that there are such goods as light and heavy tractors and other machinery which, although taken to country centres for exhibition purposes and subsequently returned to stock in Perth, should be transported by rail. For instance, there might be a display of agricultural machinery at Narrogin. There is no reason why that machinery should not be transported by the railway system instead of allowing the firm staging the exhibition to take the machinery by road, as is now permitted under the Act. Such firm can automatically be granted permission whereas anybody else must have such goods sent by rail or must obtain a licence from the Transport Board.

Hon. Sir Ross McLarty: There would be a difference between machinery used for display purposes and machinery for sale.

**THE MINISTER FOR TRANSPORT:** Yes, but I cannot see the purport of the question. If there are 20 lots of goods, each of 2-tons weight, and they are quite solid and compact, and the journey is from Perth to Narrogin—both of which centres are on a railway line—is there any reason why they should not be transported by rail?

**Mr. Roberts:** What about machinery being taken from Bunbury to Brunswick Junction where there might be a display. That is a journey of 17 miles.

**THE MINISTER FOR TRANSPORT:** In such cases, where it would virtually mean three services for such a short distance, the Transport Board is practical enough in its outlook to have regard for the situation.

**Mr. Perkins:** What about firms taking machinery to country shows where they do a round of shows and at some places there are no railway services.

**THE MINISTER FOR TRANSPORT:** If it were found that there were difficulties in the way of using rail transport, permission would be given by the board for some other form of transport to be used.

**Mr. Nalder:** It would mean that they would have to take the trucks by road and run them around empty because at certain places there are no railway lines and they would have to use their trucks there.

**THE MINISTER FOR TRANSPORT:** I do not think that is by any means valid because there are carriers in every area where there are likely to be shows or demonstrations.



Mr. Nalder: Firms have their own vehicles fitted up specially to cart this machinery.

The MINISTER FOR TRANSPORT: The State has its own transport vehicles and surely we will reach the stage, sooner or later, where members will have some regard for their own State, and the interest of the State instead of coming forward with objections to this, that and the other because one or two firms, or several firms, might be affected. I do not know whether members of the Opposition can see the picture clearly, but all they have to do is to have regard for the accounts of the State railways. The position has been in existence for many years but it is hitting us extremely hard at present and something must be done in the interests of the railways and of the State.

Mr. Perkins: But the State does not use the railways in transporting pig iron from Wundowie.

The MINISTER FOR TRANSPORT: There may be anomalies; but believe me there will be a number of changes.

Mr. O'Brien: Hear, hear! They are badly wanted, too.

The MINISTER FOR TRANSPORT: It is highly desirable that certain things be done and quite a number of them will cause the Government to become unpopular; but that does not mean to say that the actions are wrong. Decisions will have to be made, and I venture to say they will be made very shortly; but these decisions should have been made years ago.

Mr. Court: I think there is one overriding fear in the minds of many of us, and that is that if we protect the railways too much, they will become increasingly inefficient from a lack of competition.

The MINISTER FOR TRANSPORT: So long as we have a Government such as the present one, which is seized with the necessity for greater efficiency, instead of merely talking about it, I think those fears are poorly based.

Hon. A. F. Watts: You will want a microscope to find it.

*Sitting suspended from 3.45 to 4.6 p.m.*

#### *Point of Order.*

Hon. A. F. Watts: Mr. Speaker, I submit that this Bill is not in accordance with the Order of Leave which was given on the 24th July last and therefore should be withdrawn and I ask for your ruling. I point out, Sir, that the Order of Leave on that date was for leave to introduce a Bill for "An Act to amend the State Transport Co-ordination Act, 1933-1956, for the purpose of abolishing certain exemptions and compelling the greater use of the railways and for other purposes." The long Title

of the Bill which has been submitted to the House is not that at all; it is this; "A Bill for an Act to amend the State Transport Co-ordination Act, 1933-1956"—and there it stops. I submit that under Standing Orders, the Bill has not been prepared pursuant to the Order of Leave and should be withdrawn.

The Speaker: The Leader of the Opposition has made a point that the Bill for which the Minister has just delivered the second reading speech, is not in accordance with the Order of Leave which was as follows:—"A Bill for an Act to amend the State Transport Co-ordination Act, 1933-1956, for the purpose of abolishing certain exemptions and compelling the greater use of railways and for other purposes." The Title of the Bill is, "A Bill for an Act to amend the State Transport Co-ordination Act, 1933-1956."

The rules of the House provide that a Bill must be in accordance with the Order of Leave and Standing Order No. 265 reads as follows:—

Every Bill not prepared pursuant to the Order of Leave, or according to the Rules and Orders of the House, shall be ordered to be withdrawn.

As it is obvious from the Order of Leave, which the Minister received when introducing the Bill, that the Title of this Bill is not in accordance with the leave granted, I have to rule that it is not in accordance with the rules of the House and therefore it will have to be withdrawn.

The Minister for Transport: I do not desire to contest the ruling which you have given, Sir, but speak more on a matter of clarification or for guidance in the future. The Standing Order which you and the Leader of the Country Party read states that—

Every Bill not prepared pursuant to the Order of Leave, or according to the Rules and Orders of the House, shall be ordered to be withdrawn.

Whilst it is true that the long Title as appearing in the Bill does not conform to the words which appeared on the notice of intention to introduce the Bill, nevertheless, the terms of the Bill are in accordance with the leave which was granted by the House, because I think everybody will agree that, irrespective of what the long Title says, it is a Bill to amend the State Transport Co-ordination Act; it is also for the purpose of abolishing certain exemptions; it is also for the purpose of compelling the greater use of the railways and it is for other purposes. In other words, the subject matter of the Bill does conform to the leave as granted by the House for the introduction of the measure.

Mr. Bovell: On a further point of order, Mr. Speaker, might I ask whether the Minister for Transport is entitled to discuss this matter if he does not care to move to disagree with your ruling?

The Speaker: I wish to make a further point in connection with this matter. There is another Standing Order dealing with this matter, No. 261, which reads as follows:—

Every Public Bill (unless sent from the Legislative Council) shall be initiated either by a motion for leave to bring in the Bill, specifying its intended title, or by an Order of the House.

That Standing Order is more specific as it specifies, "intended title," and, as the Bill does not conform to the Order of Leave, I have no alternative but to order that it be withdrawn.

Mr. Bovell: I would like you, Mr. Speaker, to take my further point of order as to whether the Minister for Transport can continue to discuss your ruling unless he gives notice of intention to dispute or disagree with your ruling.

The Speaker: I think the Minister desires clarification, but if he wants to dispute my ruling, he will have to do that.

The Minister for Transport: Surely I am entitled to an explanation about something in the same way as is the member for Vasse, who, 15 seconds ago, asked a question in connection with the matter.

The Speaker: Order!

The Minister for Transport: In view of Mr. Speaker's pointing out the wording of Standing Order 261, it is transparently clear and answers my query. I submit to the ruling on Standing Order No. 265 and have no need to say anything further in connection with the matter.

Bill laid aside.

#### **BILL—LEGAL PRACTITIONERS ACT AMENDMENT (No. 1).**

Returned from the Council without amendment.

#### **BILL—JURIES. Recommittal.**

The MINISTER FOR JUSTICE: I move—

That the Bill be recommitted for further consideration of Clause 17.

Mr. BOVELL: I move an amendment—

That the words "and Clause 58" be added.

When the clause was previously being considered, there was a further amendment proposed by the Leader of the Country Party but there was no purpose in moving it as the previous amendments had been defeated. I desired to oppose the clause and divide the Committee on it, but that was not done. I assure the Minister that if he agrees to the recommitment of Clause 58, I will not cause any long debate but will simply give my reasons and oppose it.

The Minister for Justice: I have no objection.

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

The Minister for Works: We are not here simply for the purpose of talking!

The SPEAKER: Order!

#### *In Committee.*

Mr. Heal in the Chair; the Minister for Justice in charge of the Bill.

Clause 17—Claims for enrolment as electors to state certain particulars:

The MINISTER FOR JUSTICE: Having examined the clause I find that provision is made in the Electoral Act and that the wording here was an oversight. I move—

That the clause be struck out.

The CHAIRMAN: The Minister cannot move that the clause be struck out but can vote against it.

Clause put and negatived.

Clause 58—Restriction on newspapers publishing names or photos, etc., of jurors on criminal trials:

Mr. BOVELL: I have already said that I oppose this clause and the Leader of the Country Party endeavoured to improve it by moving certain amendments which were defeated by the Government's brutal majority. I wish further to voice my opposition to the clause.

The Minister for Transport: The Government's democratic majority, surely!

Mr. COURT: I thought the Minister was going to rise.

The Minister for Works: Why should he? There is no argument. This is straightout political propaganda.

Mr. COURT: You can have your opinion.

The Minister for Works: You know it is so. It is your opinion, too.

Mr. COURT: We feel very strongly about this clause. It was explained that we would prefer to defeat the clause because it is dangerous to tinker about and interfere with the freedom of the Press. The Leader of the Country Party tried to be reasonable and met the Government more than halfway.

The Minister for Justice: This was the recommendation of a select committee in another place.

Mr. COURT: It was not. The clause even as suggested to be amended by the Leader of the Country Party is not in accordance with the recommendations of the select committee because it made no such recommendation.

The Minister for Justice: It would not have been in the Bill but for that recommendation.

Mr. COURT: It bears no resemblance to what the select committee said. The wording of the recommendation of that committee was that they thought consideration could be given to the matter.

The Minister for Justice: You are filling and backing.

Mr. COURT: No, it was just a comment they made. They simply made passing reference to this. We are fighting for a principle, and I support the action of the member for Vasse in trying to have the matter reconsidered by the committee. There was a close vote on one division and the clause was saved only by the casting vote of the Chairman of Committees. I think some members on the Government side of the Chamber feel strongly about this matter, and I believe all members should have a chance further to consider the clause.

The MINISTER FOR JUSTICE: I feel strongly about any attempt to strike out the clause, which will make it an offence for a newspaper, or any director, manager, secretary, etc., of a newspaper company, to print or publish the names or photographs of any jurors. It also makes it an offence to publish a report of evidence given at any proceedings at which a person is, or may be, committed for criminal trial—that would also include a coroner's inquest.

Proceedings can be taken in two ways—firstly, by an action for contempt of the Supreme Court, in which case any punishment would be imposed by that court; secondly, by an action by an informer, with the authority of the Attorney General, in any court of competent jurisdiction, and the court of competent jurisdiction would be a civil court—either a local court or the Supreme Court. If action is taken through this channel, then the amount of the penalty would be payable to such person as the court directs. In effect, any action would no doubt be taken by the injured party and it would be reasonable in such circumstances for the penalty to be payable to such person and would be in the nature of damages. It is emphasised that before action can be taken by way of a summons to be dealt with in a civil court, the authority of the Minister must first be given, and this will prevent any abuse or mischievous proceedings being taken.

Reference has been made to the present laws which give adequate protection to members of the community accused of crime. That is true. The Supreme Court has an inherent jurisdiction on matters that are sub judice, or a newspaper investigation into a crime with articles reporting its progress, or a publication purporting to

forecast what the defence of an accused person would be, or publishing allegations about other offences with which an accused is said to have been concerned, or any other inflammatory matter.

Under Clause 58, the Supreme Court could deal with any case where a report of the committal proceedings has been published. One argument in favour of restriction of publication of committal proceedings which occurs to me is that it is invariably the case that the person committed does not give evidence at the committal proceedings. It is usual for him to reserve his defence, therefore, any publication of proceedings could only refer to the Crown's evidence and, as there was no evidence given in defence, it would seem that any report would not in any way be complete.

The select committee, in its findings, said—

Your committee considers it highly desirable that there should be a prohibition on the publication of jurors' names or photographs and that jurors should remain as anonymous as possible before a trial, in order to give the fullest possible protection from publicity or the consequent dangers which do at times exist.

Your committee considered the matter of Press publicity. In many trials it appears that in some cases the Press acts in a manner prejudicial to a fair trial by highlighting the evidence to build up a "good seller." This applies particularly to preliminary trials, the Press publicity of which is read by the public as a whole, many of whom are potential jurors, and may result in some influence on the juror before he goes into court.

This was a matter that the select committee examined closely and it expressed itself in that way. I want to secure the reaction of another place to Clause 58 as it was by that Chamber that the select committee was appointed. It seems to me that certain people are trying to ingratiate themselves with the Press, which might be handy for them at election time—

Mr. Bovell: It is simply a matter of principle.

The MINISTER FOR JUSTICE: I have simply had regard to the findings of the select committee and do not agree to the deletion of the clause.

Clause put and a division taken with the following result:

Ayes	....	....	....	....	22
Noes	....	....	....	....	16
Majority for	....	....	....	....	6

## Ayes.

Mr. Andrew	Mr. Lawrence
Mr. Brady	Mr. Marshall
Mr. Evans	Mr. Norton
Mr. Gaffy	Mr. Nuisen
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Potter
Mr. Hawke	Mr. Rhatigan
Mr. W. Hegney	Mr. Sleeman
Mr. Jamieson	Mr. Toms
Mr. Johnson	Mr. Tonkin
Mr. Lapham	Mr. May

(Teller.)

## Noes.

Mr. Bovell	Mr. Oldfield
Mr. Court	Mr. Owen
Mr. Crommelin	Mr. Perkins
Mr. Grayden	Mr. Roberts
Mr. Hutchinson	Mr. Thorn
Mr. W. Manning	Mr. Watts
Sir Ross McLarty	Mr. Wild
Mr. Nalder	Mr. I. Manning

(Teller.)

## Pairs.

Ayes.	Noes.
Mr. Kelly	Mr. Hearman
Mr. Sewell	Mr. Ackland
Mr. Hoar	Mr. Brand
Mr. Moir	Mr. Mann

Clause thus passed.

Bill again reported with an amendment.

# **BILL—COUNTRY AREAS WATER SUPPLY ACT AMENDMENT.**

## *Second Reading.*

Debate resumed from the previous day.

**MR. BOVELL** (Vasse) [4.34]: When one looks at this Bill it appears to be so simple and so innocent in its effect, one really wonders why the Minister really introduced it. Two reasons are given by the Minister for its introduction. Firstly, it seeks to have holdings included in a number of certificates of title. In his second reading speech the Minister said that from the inception of country land rating, it has been the policy of his department to treat as one holding any parcel of country land in one ownership or occupation and operated as one farm. I take that to mean that if a farmer had three or four separate holdings, they would be taken as one and rated as such.

The Minister for Water Supplies: Not three or four holdings.

**MR. BOVELL**: Three or four separate parcels of land.

The Minister for Water Supplies: Yes, they would be taken as one holding.

**MR. BOVELL**: Yes. Now, in regard to that situation, could the Minister, when replying to this debate, inform the House whether at present the rates have applied

only to the holdings of a number of farmers? The one rate notice covers all the holdings, but not the various parcels of land. I am looking for some departmental reason why this Bill has been introduced. On the surface, it would appear to be quite in order, but the Minister, in his speech, did not cite one instance of where the department had been handicapped in carrying out its activities in the past or where a farmer or landowner had entered into a dispute with the department over the rating.

I would like the Minister to have told the House why the position has been allowed to remain since 1947, but now, ten years later, it is considered that an amendment should be made to the Act to verify that which—in the Minister's own words—has been in operation since the 1947 amendment to the Act. Any portion of a holding which constitutes a separate parcel of land would be rateable only if it is within 10 chains of a main or other pipeline through which the Minister was prepared to supply water. Will this amendment impose further charges on primary producers in the areas concerned? I was not quite clear on whether the passing of this Bill would mean the imposition of further charges on such primary producers, and I think the Minister should enlighten us.

Whilst the amendment may bring the existing policy within the scope of the Act, I am not convinced that farmers will not have to pay additional water rates. Therefore, I would like this position clarified and to have the Minister's assurance that no additional charges will be imposed on the property owners concerned.

The second amendment refers to fittings. This seems such an innocent amendment that it would appear to be hardly worth while. I should imagine that fittings would be covered by the word "pipes." There is some definition in the Act regarding fittings, but I am not sure whether that includes couplings, "T" pieces and so forth, that are used for the laying of pipes. I notice that Section 24 of the principal Act refers to local authorities having to bear certain expenses in connection with the work that is done under the direction of the Minister. During his second reading speech the Minister made no reference to local authorities, so here again I am wondering whether the passing of this measure will impose further charges and expenses on local authorities in regard to the lifting of pipes.

I think the Act refers to the laying of pipes, but not to the moving of them. However, in the limited time I have had at my disposal since yesterday evening to peruse the Act and the Bill now under discussion, I am not convinced that the two amendments proposed in this measure will

not impose some further financial obligation on, firstly, the farmers who are being served by the water scheme and, secondly, the local authorities concerned. In his reply to the debate on the second reading, I would like the Minister to give me some assurance in the direction I have indicated.

**MR. PERKINS (Roe) [4.40]:** The Minister for Water Supplies, in introducing Bills into this House, usually has a great deal of detailed knowledge to offer on them. On this occasion after having a careful look at the Minister's speech—which was made available to me by the member for Vasse—I have a feeling that this is a measure which has been prepared for him by his departmental officers, and I am sure there must be more detail concerning it which the Minister can give us to justify its passing. I cannot imagine that the department would suddenly decide these amendments were necessary unless some legal difficulty had arisen in the department or it feared that someone was going to challenge the relevant sections of the Act.

So far as the definition of holdings is concerned, I notice that the Minister is quite correct when he tells us that the definition he now proposes to insert in the Act in lieu of that already in existence, is the original definition that was used in the Goldfields water supply legislation. It seems as though the old practice that was used when the Goldfields Water Supply Act was placed on the statute book, is to be carried on. However, I am wondering why the department and the Crown Law office decided that the present definition in the Act should not have been substituted when the original Country Areas Water Supply Act was brought to Parliament in 1947. I can appreciate that there may be some legal difficulty with the definition as it stands at present.

**Mr. Bovell:** But the Minister should have told us that.

**Mr. PERKINS:** That is what I am asking him to do now.

**The Minister for Water Supplies:** I thought I did.

**Mr. PERKINS:** As I understand it, the position is that in the areas where the Country Areas Water Supply Act applies, we may find a 1,000 acre block which has three titles served by the country areas water supply scheme. It could be that two homestead blocks are situated along the frontage adjacent to the pipeline—they may comprise 300 of the 1,000 acres—and there is another 700 acres further back. As the Act stands at present, I can imagine that if the owner or occupier of that land challenged the department, it might find that it could rate only the

300 acres and that it would be impossible to rate the 700 acres further back without extending the pipeline 30 or 40 chains in order to bring it within 10 chains of the boundary of the land held under the other location number.

From a practical point of view, I doubt if it matters very much because in the majority of the cases where the Goldfields water supply scheme serves farming areas, the amount of water consumed is greater than that for which the rebate is allowed under the Act. I feel that some difficulty must have arisen for the department to advise the Minister that this amending Bill should be brought before the House. For that reason I agree with the member for Vasse that the Minister should frankly tell us what the position is.

In regard to the other amendment, the Minister has not made out a case for its acceptance by this House. The Minister said it was a trivial matter, but if he were to look at the particular section of the Act he would find that it provides for a local authority to give notice to the Water Supply Department if it wants to alter the level of any road. It also provides that the local authority has to pay for any work undertaken by the Water Supply Department as a consequence of altering the level of the road. I can understand the existing provision prescribing that if a local authority desires to lower the level of the road the water pipe has to be lowered also. In doing this the department will incur some expense; therefore the local authority will have to pay that department for the work.

The proposition put before us is to add the word "raise" in addition to having the word "lower" in the provision. If a local authority notifies the Water Supply Department that it intends to raise the level of the road, then that department will be able to raise the pipe to conform with the higher road level. In those circumstances the local authority will have to meet the cost of raising the pipe. I cannot see why the Water Supply Department would need to raise the level of the pipe, except as a convenience to the department. It must be fairly obvious to all that if a local authority intended to raise the level of a road by, say, 12in. and it placed 12in. of gravel or stone over the pipe, such a pipe owned by the Water Supply Department would become no less effective. One would think that that water pipe could be left at the existing level.

As the member for Vasse has said, this matter seems to be so simple and trivial that one wonders why the measure has been introduced. I presume some legal difficulty must have arisen at some stage, and in fairness to this House, the Minister should tell us the difficulties which have caused the department to advise him to introduce the measure.

**THE MINISTER FOR WATER SUPPLIES** (Hon. J. T. Tonkin—Melville—in reply) [4.48]: If the amendments are so trivial, as has been emphasised by the member for Roe, one wonders why he has made such a song and dance about them. The member for Vasse kept on looking for the nigger in the woodpile. Instead of addressing himself to the merits of the amendments, he was searching for some ulterior motive, but, of course, there was none.

Mr. Oldfield: That is the duty of the Opposition.

**THE MINISTER FOR WATER SUPPLIES**: To approach a measure with a suspicious mind?

Mr. Bovell: I explained why I approached the measure with that attitude.

**THE MINISTER FOR WATER SUPPLIES**: Let us have a look at that position. Because somebody in the past neglected to do something that should have been done, for good or bad reasons, is it any argument for carrying on the omission when the Minister is prepared to act?

Mr. Bovell: Provided that some reason is given.

**THE MINISTER FOR WATER SUPPLIES**: I thought I gave some reasons. Originally in the Goldfields Water Supply Act the definition of "holding" was such as that to which I am now asking the House to agree, and rating was imposed on that definition. When the Goldfields Water Supply Act was superseded by the Country Areas Water Supply Act, although the definition was changed, there was no change in policy, and rating continued on the old definition.

Some years ago the Crown Law Department pointed out to the Public Works Department that the question could be raised as to whether the rating under the old definition was in order, and that something ought to be done to regularise what was obviously intended, by having the definition altered. Successive Ministers have not brought the matter before this House; I suppose, for the simple reason it was only one amendment, and they were waiting for others in order to justify the time likely to be devoted to any such measure.

It was probably felt that more important legislation should occupy their time and they were prepared to take a risk with the existing provision, believing that they might be permitted to continue without challenge. I do not think that is a sound attitude. Having it brought to my notice that the policy of rating is not strictly in conformity with the Act, although the same policy has been followed down the years, I considered that I should take this opportunity to put the matter right. For

that purpose, I introduced the amending Bill. It is a very small one and it cuts both ways.

The member for Roe is a bit fearful that some land which is now being rated, and which could escape rating if the owner liked to take up the point on the definition, will be rated and continue to be rated if the definition is altered. That is perfectly true. But there is also this aspect: If we do not alter the definition and some farmers claim that we have not the power to rate a portion of their holding, they will not have power to request us for water either. Even though they might say that they were prepared to pay the rates for a portion of their farm, which is separate from that part of the farm within 10 chains of the main, I would be in a position to say that under the definition that part of the farm being held under a separate certificate of title is not a holding under the Act which is within 10 chains of the main, therefore that farmer could not get a water supply. A farmer is entitled to expect a supply of water to the whole of his farm, if some of it is within 10 chains of the main and it is not beyond 1½ miles from the main, because under the Act the Minister cannot be obliged to supply water beyond 1½ miles from the main, or to rate property beyond 1½ miles from the main.

Mr. Perkins: You will have to supply water because you have promised them everything under the comprehensive water scheme.

**THE MINISTER FOR WATER SUPPLIES**: I think it is fair enough, as it was intended that a farm, whether in one complete whole or comprised in a number of parcels of land in one occupation, should be regarded as one farm. If one portion of it is within 10 chains of the main the owner shall pay rates on the part of land which is not beyond 1½ miles from the main, and he shall be entitled to receive water for that part of the farm. That is all the Bill intends to do.

The matter was brought under my notice early this year by the accountant, consequent on certain advice being tendered by the Crown Law Department as follows:—

I feel it is necessary to have the definition of "holding" in the Country Areas Water Supply Act amended to give the same scope as under the Goldfields Water Supply Act. Without that amendment, I feel that quite a considerable amount of our country land rating could be out of order.

There is the position in a nutshell. Because the policy has not been changed, and because the amending Act has altered the definition, it is quite possible that a lot of our country land rating could be out of order.

Mr. Bovell: But it has not been challenged as yet.

**THE MINISTER FOR WATER SUPPLIES:** No, but one does not wait until the position is challenged before putting it in order. When the situation is brought under notice, there is a responsibility to put it right. Take the other small amendment which deals with fittings and pipes. The member for Roe did not seem to appreciate that many of these pipes are above ground and not underground at all. One cannot raise the pipes and leave the fittings behind. If a road level is raised, requiring the pipes to be lifted, why should not the fittings come up also?

Mr. Perkins: You have power to put the pipes down, but not to raise them. You have the power to lower them, but not to raise them.

**THE MINISTER FOR WATER SUPPLIES:** The hon. member wanted to know if the department would impose some additional expense on a local authority because the Minister could not raise the pipes. He said that the Minister would not raise pipes except for the convenience of the department. Surely the hon. member would appreciate that there could be other reasons and that pipes are already above ground and not necessarily for the Minister's own convenience! Of course, the department does not do that sort of thing. When it raises or lowers pipes for its own convenience, it does not make any attempt to charge anyone for so doing.

As a matter of fact, the policy is all the other way, because we frequently get requests from local authorities to make them special grants to enable them to do things for which they are responsible and to meet their convenience. We give them such grants very often, and we also raise the priority of work we intend to do to meet the convenience of local authorities which propose to reconstruct roads and notify us of their intention. So if we have pipes that are involved we put the work in hand straight away.

One job of that nature which comes readily to my mind—it does not deal with country areas water supplies—is in connection with Fremantle. The local authority decided to put down a concrete road, and it was known that within a reasonable time the department would be doing something with its water mains in that area. The department was therefore asked whether its work could not be done at the same time as the road was being remade. Although that meant a very substantial commitment to the department and was quite inconvenient, nevertheless we fitted in with the desires of the local authority as there was sound commonsense in the proposition.

There is no intention of trying to make some farmer pay money he should not pay, or to make some local authority carry a

financial responsibility which it should not have. There is no intention whatsoever of doing that. I say quite frankly that if I had been requested to bring a Bill here containing only the second amendment, I would not have done so. I would have said it did not warrant a special Bill and that we would have to wait until something else came along.

But those two comparatively minor matters having been there for attention, and believing that we should do the right thing and regularise the policy followed throughout by successive Governments, I introduced this amending Bill. I assure the member for Vasse there are no niggers in the woodpile. The department requested this measure on Crown Law advice, which pointed out to the department that the policy which is being followed is not strictly in accordance with the Act and that some of our rating could be out of order. I think that is undesirable and that we should put it right.

I emphasise that this will not introduce some new policy, and it will not result in some persons being rated who are not now being rated. The policy has continued unchanged since the old Goldfields Water Supply Act. The new Act has brought about no change in policy, though, strictly speaking, the policy does not conform to the legislation. I am trying to amend the legislation so that this continued policy will be strictly in conformity with it. That is the purpose of the Bill.

Question put and passed.

Bill read a second time.

#### *In Committee.*

Mr. Heal in the Chair; the Minister for Water Supplies in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 5 amended:

Mr. PERKINS: The Minister gave us a fairly full exposition in his reply to the second reading debate, and I appreciate his explanation. There are some important points about this so far as the land-holder is concerned. I do not suggest that the department will not administer the Act sympathetically; but while it was in a weak position legally, perhaps it would not have pushed the matter as hard as it will when it finds itself in a very much stronger position. None of us appreciated the significance of the different wording which was used when the Country Areas Water Supply Act was brought in. But now that the Minister has covered the ground, I can see some important legal differences.

As the Minister said, there are some advantages from the land-holders' point of view in keeping the whole of the locations

owned by any particular individual in one holding. Within reason that is very satisfactory. It has some other advantages which the Minister has not mentioned, in that the department lumps together the consumption on the various holdings, and also lumps the rebates against the total rates paid; and that is a considerable advantage to land-holders.

But there are some difficulties in that the department, under the Act, supplies one free service per holding. The department is obliged to bring water within 10 chains of the holding, and that extra 10 chains is the responsibility of the owner of the property. He pays for the original installation of the water to the holding. In some cases the water is very much closer than that; and in some, it goes under roads; and naturally the department is better able with its equipment, and because of its stronger legal position, to make those installations. But the maintenance of any portion beyond the Government main is also the responsibility of the land-holder.

There are, of course, a number of services, in many cases, in addition to the one free service provided per holding, and the whole of the responsibility for those additional services is at the expense of the owner of the holding. I hope that if the department continues to administer the Act as it has done, no difficulties will arise.

The Minister for Water Supplies: There will not be any change of policy.

Mr. PERKINS: I can accept that. Over the years until 1947 the department administered the Act reasonably and, as a general rule, the officers of the department got on quite well with land-holders. There has been the odd case where some officer has been unreasonable; but I can assure the Minister that, as a general rule, the officers of the Country Areas Water Supply Department are persona grata with the residents of the area where the water is supplied, and that is as it should be. I would like to thank the Minister for the full exposition he gave in introducing this amendment.

Mr. BOVELL: I, too, appreciate the Minister saying what he did in reply to the debate. My main object in speaking was to see that there was no nigger in the woodpile, as the Minister termed it, which would cause farmers to pay higher rates. I wanted to be quite sure that there would be no change of policy whereby the department would irritate individual property-holders by way of administering the Act.

The Minister detailed fully the reasons for the introduction of the Bill, and especially the clause we are dealing with; and I feel that if the department continues to administer the Act as it has done during the past 10 years of its operation, when it has been possibly administering it illegally

—I do not know, but that is what I gather—that will be in order so far as I am concerned. The Minister will appreciate that we have to guard the interests of primary producers; but he has cleared up the two points concerning which there was some doubt in my mind, and I express my appreciation.

Clause put and passed.

Clause 3—Section 24 amended:

Mr. PERKINS: I accept the Minister's statement that the department does not charge local authorities for the cost of making alterations to pipes. But the Minister will notice that a subsection of this Section 24 provides—

Thereupon the Minister may lower any pipe or drain, and may raise or lower the fittings thereof, and the cost of doing so shall be a debt due by the local authority to the Minister.

That is why I thought it was necessary for some explanation to be made of the position; because, no matter what the Minister says, he has power to lower pipes if necessary, if the pipes are on top of the ground and the local authority wants to put a road through. I take it that in no instance would the Minister want to raise a pipe, because in that case it would have to be put on top of the road, and I think that would be a rare occurrence. In practically every instance, the department would want to lower the pipe; so that the local authority could put a road over the top. In those circumstances, it seems to me that the Minister has the necessary power in the Act already.

However, it is only a comparatively small point. I realise that a great deal of local authority funds comes from the State Treasury; and if they are not got out of the local authority by one means, they can be obtained by some other means. I do not know that the matter is of very much practical importance, but I would like to point out that the wording of the section could raise a fear in anyone's mind that the department was entitled to ask for some additional contribution from the local authority involved.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

## BILL—COAL MINERS' WELFARE ACT AMENDMENT.

*Second Reading.*

Debate resumed from the 13th August.

MR. WILD (Dale) [5.16]: This measure comes within the ambit of those that have often been introduced by the Minister for Justice, when he says, "This is only



a very small Bill," because I do not know that I have seen anything smaller in the years I have been in Parliament. It contains several amendments which seek to authorise something which, I understand, has been going on for some considerable while; and this concerns the altering of the mode of payments by the mining companies. They have, since the inception of the Act in 1947, had to contribute 1½d. per ton on their output to this board to provide a welfare fund for the coalminers in Collie. I understand that for quite a while the board has been receiving the payments four times a year instead of twice a year as is laid down by the Act; and now it wishes to validate its action.

I consider this is a most vital fund, and it is administered in a capable and efficient manner. It would be fair to say that in the last three to four years from this source a large hall has been built in Collie, and, in addition, bursaries have been made available to boys at Collie so that they may attend various universities and colleges. I support the second reading.

On motion by Mr. May, debate adjourned.

#### **BILL—STIPENDIARY MAGISTRATES.**

##### *In Committee.*

Resumed from the 13th August. Mr. Heal in the Chair; the Minister for Justice in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 1 had been agreed to.

Clauses 2 to 6—agreed to.

Clause 7—Qualifications for appointment:

Hon. A. F. WATTS: During the second reading debate I asked the Minister to explain two or three points, but he has not done so. One in particular that I would like him to answer is the reference in the Bill to Section 25 of the Public Service Act, whereas the original Stipendiary Magistrates Act refers to Section 30.

The MINISTER FOR JUSTICE: My information is that an alteration in the numbering of the sections has been brought about by reprinting.

Hon. A. F. Watts: I only wanted to know.

Clause put and passed.

Clauses 8 to 11, Schedule, Title—agreed to.

Bill reported without amendment and the report adopted.

*House adjourned at 5.22 p.m.*

## **Legislative Council**

Tuesday, 20th August, 1957.

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

### **ASSENT TO BILLS.**

Message from the Lieut.-Governor and Administrator received and read notifying assent to the following Bills:—

- 1, Fremantle Prison Site Act Amendment.
- 2, Dairy Cattle Improvement Act Repeal.
- 3, Bees Act Amendment.
- 4, Agent General Act Amendment.
- 5, Agriculture Protection Board Act Amendment.

### **QUESTION.**

#### **LOCAL GOVERNMENT.**

##### *Per Capita Rating.*

Hon. H. K. WATSON asked the Minister for Railways:

(1) Will the Minister for Local Government examine the question of local authorities being empowered to raise their revenue not by way of rates on property, but by way of a flat annual rate or levy of so much per person upon every adult person residing within their respective boundaries, with every such ratepayer having one vote at local authority elections and, consequently, at Legislative Council elections?

(2) (a) How many adults reside in the Municipality of Nedlands?

(b) How much per capita would the Nedlands Municipality be required to levy on such a basis to produce an amount equivalent to its current annual revenue from rates on land?