

# Legislative Assembly

Wednesday, 21st September, 1955.

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

## QUESTIONS.

### JUNIOR FARMERS' MOVEMENT.

#### Administration of Proposed Legislation.

Hon. A. F. WATTS asked the Minister for Education:

(1) If the Junior Farmers' Movement Bill becomes law, will the persons employed in implementing the provisions thereof be under the control of the Superintendent of Youth Education as at present?

(2) If not, what is the position likely to be?

(3) Has the Department of Education expressed any desire to alter the present set-up, and if so, in what way, and have any such alterations been discussed with officials of the W.A. Federation of Junior Farmers' Clubs?

(4) If so, with what result?

The MINISTER replied:

(1) No.

(2) The junior farmers' movement may employ whatever officers it pleases. If it desires to use officers of the Education Department, such officers could be seconded to the junior farmers' movement.

(3) Yes, on the lines outlined in the answer to the last question. The suggested alterations emanated from the Minister's Advisory Council on which the Junior Farmers' Federation is represented. Presumably the junior farmers' representatives have discussed the proposals with the federation.

(4) The present Bill.

## RAILWAYS.

### (a) Proposed Chord Line.

Mr. BRADY asked the Minister for Railways:

(1) In "The West Australian" of Wednesday, the 14th September, 1955, under heading "The Cabinet Accepts Rail Yards Plan," the concluding paragraph stated the plan "would mean the building of a chord railway line from Welshpool to Bas-sendeau." Is this matter correctly reported?

(2) Has any survey been arranged for the proposed line?

(3) Does this mean the dropping of the scheme to connect marshalling yards Midland Junction to Welshpool?

The MINISTER replied:

(1) No. The Stephenson plan provides for a marshalling yard east of Welshpool with a connecting line to the vicinity of West Midland.

(2) and (3) Answered by No. (1).

### (b) Closure of Unprotected Crossings.

Hon. C. F. J. NORTH asked the Minister for Railways:

(1) From the railway viewpoint, how many unprotected railway crossings in the metropolitan area could well be eliminated?

(2) Which are they?

(3) Are there any crossings not now protected with lights which lend themselves to treatment either as subways or for bridges?

(4) If so, which?

(5) Are any negotiations proceeding between the Railway Department and local authorities over the closing of any crossings?

The MINISTER replied:

(1) Eleven.

(2) Lukin-st., North Fremantle.  
Market-st., Guildford.  
Johnson-st., Guildford.  
Wayman-st., Guildford.  
Amhurst-rd., West Midland.  
John-st., Welshpool.

Ladywell-st., Kenwick.  
Austin-rd., Maddington.  
Verna-st., Gosnells.  
Fremantle-rd., Gosnells.  
Fourth Avenue, Kelmscott.

(3) This would have to be determined after investigation of all relevant factors in each case.

(4) Answered by No. (3).

(5) Yes.

#### NORTH OF AUSTRALIA.

##### *Taxation Exemption and Development.*

Mr. NORTON asked the Premier:

(1) Has he received a reply from the Prime Minister in answer to the requests made by the all-party deputation earlier in the year with respect to taxation exemption and finance for the development of the north of Australia?

(2) If the answer is "Yes," will he give the House the text of the Prime Minister's reply?

The PREMIER replied:

Replies have been received from the Prime Minister regarding the question of taxation exemption and assistance for the blue asbestos industry at Wittenoom Gorge.

In each instance the request made for assistance by the all-party delegation was rejected by the Commonwealth Government.

#### ELECTRICITY SUPPLIES.

##### *(a) Tenders for Bunbury Installation.*

Mr. ROSS HUTCHINSON asked the Minister for Works:

(1) In the matter of tendering figures for the lighting and small power installation for the Bunbury generating station, and regarding the answer given last week to a question asking for the reasons for the non-acceptance of the lowest tender, which was to the effect that "work of a similar nature which had been done on an earlier contract by the lowest tenderer had been unduly prolonged causing undue bother and extra costs," is it not quite apparent that under no conditions would the tender submitted by the lowest tenderer have been accepted?

(2) If this is not so, does he not agree that the answer given last week and quoted above is both misleading and unfair?

The MINISTER replied:

(1) No.

(2) No.

##### *(b) Penalty and Allowance for Installation Delays.*

Mr. ROSS HUTCHINSON asked the Minister for Works:

(1) In view of the fact that the successful tenderer for the Bunbury lighting project, as mentioned in a previous question,

was £548 higher, and in view of the reasons given for the rejection of the lowest tender, and in view of the logical assumption that no tender submitted by the lowest tenderer would have been accepted, why was the firm invited to submit a tender by the secretary of the Tender Board in a letter addressed to it on the 16th February, 1955; thus involving the firm in useless expenditure and needless loss of time?

(2) Are penalties imposed upon contractors if their work is not completed by due date?

(3) Is due allowance made for delays that are occasioned by unavoidable hold-ups incurred by lack of material or shipping troubles?

The MINISTER replied:

(1) The assumption is not logical. The standard practice of the Tender Board is to invite inquiries from all those whom it considers may be interested.

(2) Yes, if the contract permits it.

(3) Yes.

##### *(c) Penal Clause Condition in Bunbury Contract.*

Mr. ROSS HUTCHINSON asked the Minister for Works:

Has any penal clause been made a condition for the lighting and small power installation for the Bunbury generating station?

The MINISTER replied:

Yes.

##### *(d) Undertaking to Mr. Price.*

Mr. WILD asked the Minister for Works:

(1) Is the undertaking given to Mr. Price, of the Illawarra orchard, Karra-gullen, that power would be made available to him by approximately the 26th January, 1956, to be fulfilled?

(2) If not, why not?

The MINISTER replied:

(1) Yes. The undertaking was that if the high tension mains were not proceeded with he would be loaned, at the commission's usual hire charges, a diesel engine and alternator so that he could order his plant with confidence.

The engine and alternator have been allocated and Mr. Price advised, they will be ready for him for the 26th January, 1956.

(2) Answered by No. (1).

#### BETTING CONTROL BOARD.

##### *Salaries and Allowances to Members.*

Hon. A. F. WATTS asked the Minister for Police:

(1) Have regulations under the Betting Control Act yet been gazetted presenting, as required by the Act, the salaries and allowances of members of the Betting Control Board?

(2) If so, when were such regulations gazetted, and when will they be laid on the Table of the House?

(3) If not, what salaries and/or allowances are being paid to members of the board, and why has the law relating to publication of regulations in this regard not been complied with?

The MINISTER replied:

(1) No. Section 33 of the Act provides that the Governor may, not shall, make regulations for the giving effect to the operation of this Act and without affecting the generality of the foregoing may, not shall, by the regulations—

(a) provide for payment of remuneration and allowances to the chairman and other members of the board and their respective deputies.

The remuneration and allowances of board members were fixed at the time of appointment under Section 2 (2) (a) of the Act.

(2) Answered by No. (1).

(3) Regulations dealing with this are in the course of preparation and will be gazetted in the near future, following which copies will be laid on the Table of the House.

#### WATER SUPPLIES.

##### *Cost of Main, Kenwick.*

Mr. WILD asked the Minister for Water Supplies:

(1) Can the information now be given in connection with my question on the 16th August, regarding the cost of the water main in Royal-st., Kenwick?

(2) If the information is not yet available, on what date will it be supplied?

The MINISTER replied:

(1) Not yet.

(2) When the job is completed.

#### MILK.

##### *(a) Prosecutions.*

Hon. Sir ROSS McLARTY asked the Minister for Agriculture:

(1) Is he aware that there is serious discontent amongst whole milk producers regarding prosecutions that have taken place for low solids-not-fat contents in whole milk?

(2) Is he aware that, owing to fear amongst producers that these prosecutions are to continue, some producers are likely to discontinue whole milk production?

(3) Is it considered that low solids-not-fat content, in whole milk, is detrimental to the health of consumers?

(4) If so, in what way?

(5) Are such prosecutions taken in other countries?

(6) If prosecutions are to continue for this offence, could it be arranged that producers are notified that their milk is not

up to the required standard, and time given to producers to try to rectify the deficiencies before court proceedings are taken?

The MINISTER replied:

(1) No. If it exists it would be with a small minority of producers only.

(2) No.

(3) Milk of low solids-not-fat content is detrimental to the welfare of consumers.

(4) Because the milk is not up to the nutritive standard required.

(5) They are taken in other Australian States and in New Zealand.

(6) This is the policy and the practice of the Milk Board except where milk is adulterated.

##### *(b) Assistance to Producers.*

Hon. Sir ROSS McLARTY asked the Treasurer:

(1) In view of his statement appearing in "The West Australian" of the 9th September, 1955, that the State Government had committed itself to provide more than £1,000,000 over a five-year period to help butterfat producers, could he state (assuming for the present that Commonwealth assistance will not be available) what number of the 3,000 farms, estimated by the Minister for Agriculture as the number of dairy farmers requiring assistance, will receive help this financial year?

(2) Is it the intention of the Government that financial assistance shall be provided only for dairy farmers through the Rural & Industries Bank?

(3) If the answer is in the affirmative, would he state why dairy farmers who trade with the Associated Banks are not eligible for assistance?

The TREASURER replied:

(1) The scheme as announced and planned is entirely dependent upon the Commonwealth Government's co-operation and acceptance of its responsibility in rehabilitating an industry of national importance. If it fails in this regard, the State will re-cast its plans and assist those most under-developed to the greatest number funds will permit.

(2) Yes.

(3) Associated Banks customers are eligible equally with those of the Rural & Industries Bank, subject to satisfactory security arrangements.

#### DEPARTMENT OF AGRICULTURE.

##### *Resignations from Dairy Branch.*

Mr. BOVELL asked the Minister for Agriculture:

How many officers have resigned from the dairy branch of the Agricultural Department during the past two years, who are they and what are the reasons for their resignations?

The MINISTER replied:

- (a) With technical qualifications, 8.  
 (b) Agricultural advisers, B.Sc. Agric.—Messrs. S. Dilkes, F. Kuneman, R. Woodward, D. Wolfe. Agricultural adviser, B.Sc.—Mr. D. Tulloch. Agricultural adviser, Diploma in Agriculture—Mr. A. Sharp. Dairy instructors—Mr. K. Fruin, M.D.D.; Mr. B. V. Monti, M.D.A. and M.D.D.

(c) Three to take up dairy farming on own account; one to seek employment in New Zealand for family reasons; two to accept more remunerative positions with another department; one to accept a position with the Milk Board, to be based in Perth; one not prepared to carry out all the duties of the position.

#### HOUSING.

##### (a) Number of Occupied Homes.

Mr. JAMIESON asked the Minister for Housing:

(1) How many State Housing Commission homes were occupied in each of the following areas, as at the 31st December, 1952—

Collier, Manning Park, Bentley Park?

(2) How many State Housing Commission homes is it intended will be occupied by the 31st December, 1955, in Collier, Manning Park, Bentley Park and Brentwood?

The MINISTER replied:

(1) South Perth—936. (No separate figures available for Collier. The figure includes both the areas known as Kensington and Collier).

Manning Park—359.

Bentley Park—2.

(2) South Perth—1185 (No separate figures available for Collier. The figure includes both the areas known as Kenton and Collier.)

Manning Park—747.

Bentley Park—410.

Brentwood—234.

##### (b) Details of Kwinana Houses.

Hon. D. BRAND asked the Minister for Housing:

(1) What number of State houses have been built at Kwinana outside the Anglo-Iranian Oil Agreement Act?

(2) How many houses have been built for Australian Petroleum Refinery Ltd., and how many are of brick construction?

(3) What number of houses—

(a) under the agreement;

(b) Commonwealth rental;

(c) State Housing;

are empty at present?

The MINISTER replied:

(1) 144.

(2) 653, of which 52 are of brick construction.

(3) (a) Unknown. These homes are let to the company in accordance with terms of agreement. The company is responsible for placement of tenants, collection of rents, etc.

(b) 1 (undergoing renovations).

(c) 1 (under offer for purchase).

#### WAR SERVICE LAND SETTLEMENT SCHEME.

##### Tone River Area.

Mr. HEARMAN asked the Minister for Lands:

(1) When will land recently released by the war service land settlement scheme in the Tone River area be available for civilian settlement?

(2) What is the earliest date that applications for land in the Tone River area can be accepted officially?

(3) How many applications for land at Tone River have already been received since World War II?

The MINISTER replied:

(1) Of the area designed for war service land settlement and released, four blocks only have as yet been released by the Forests Department.

Survey was commenced but had to be discontinued because of wet weather. Should be completed before end of year. In meantime the four blocks will be made available subject to classification, survey and pricing.

(2) One month.

(3) Five applications approved in respect of land within five miles of Tone River. Approximately 18 inquiries for land in that vicinity have been recorded.

#### BREAD.

##### Country Bakers' Costs.

Mr. HEARMAN asked the Premier:

(1) Did the Wheat Products Committee in their recent investigation into the price of bread, call for any evidence from country bakers?

(2) Did the Wheat Products Committee have any information placed before it in connection with the costs of country bakers?

The PREMIER replied:

(1) No.

(2) The committee has sufficient information and details of major cost items, in connection with the bread industry in country areas to enable it—

(i) to determine the increase in costs since the price was last fixed in December, 1953.

(ii) to determine a reasonable price.

**DRAINAGE.****Maddington District.**

Mr. WILD asked the Minister for Works:

(1) Did he visit the Maddington district on the 19th August, as indicated by interjection in the House, during my speech on the Address-in-reply?

(2) Will he indicate the condition in which he found the drains referred to?

(3) What action has been taken to correct the anomaly?

The MINISTER replied:

(1) I passed through Maddington on the 19th August.

(2) The drains were filled with water.

(3) In so far as drainage provision is required effectively to deal with water from the department's roads, the Main Roads Department accepts responsibility. It is not prepared, however, to accept the obligation of providing drainage for private property adjacent to such roads. It is suggested that the secretary of the road board concerned confer with the Commissioner of Main Roads.

**BILL—INSPECTION OF SCAFFOLDING ACT AMENDMENT.**

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

**BILL—JURY ACT AMENDMENT (No. 1).**

Read a third time and transmitted to the Council.

**MOTION—BETTING CONTROL ACT.**

*To Disallow Licence Forms and Surrender Regulation.*

Debate resumed from the 31st August on the following motion by Mr. Hearman:—

That regulation No. 24, made under the Betting Control Act, 1954, published in the "Government Gazette" on the 6th May, 1955, and laid upon the Table of the House on the 9th August, 1955, be and is hereby disallowed.

**THE MINISTER FOR POLICE (Hon. H. H. Styants—Kalgoorlie) [4.46]:** I want to express my appreciation to the mover of the motion contained in Order of the Day No. 2 for his agreement to its postponement, and also to the Leader of the Opposition for acquiescing. I have a public duty to perform at a country centre at 8 o'clock tonight, and I have to get away on time. I appreciate this opportunity being given to me to answer the points raised in the motion in regard to the Betting Control Act. I have read very closely the remarks of the member for Blackwood.

Actually, the regulation referred to deals with the authority to issue licences so, if it is disallowed, it will mean that no licences at all can be issued. That might be justified if there were any substance in this objection. I have read his speech carefully and find difficulty in understanding the objection raised. It appears that the mover objects because on the back of some of the licence forms the word "conditions" is printed. If I understand his remarks correctly, he requires all the conditions under which a licence is issued to be set out on the back of the form in the space provided. That would be impossible because there are so many conditions and the space would be insufficient.

The conditions, of course, have been published in the "Government Gazette," a copy of which has been laid on the Table of the House. It would be safe to predict that a copy of the gazette would be in the hands of every person applying for a licence for premises or to act as a bookmaker. Those are the conditions upon which any licence is issued. It is obvious to anyone that it is not possible to attach to the back of the form over 100 regulations. I am given to understand that the word was printed in the space provided so that in the case of licensed premises the only condition which applies is set out, and that refers to the hours during which the premises must remain open.

As members are aware, in the metropolitan area they are open for six days a week. In the country areas, when the regulations were first brought out the shops were open only on Saturdays, but requests were made, by the member for Blackwood as well as others, that the betting shops should be permitted to open on Wednesdays as well as Saturdays. I have been assured by the board that, of approximately 160 bookmakers' licences issued, nothing has been filled in under the heading "Conditions", but on the licences dealing with the hours that licensed shops are compelled to be open, the hours are set out.

The board considered that in some particular circumstances, it might be necessary to set out certain conditions or direct attention to a condition laid down in the regulations published in the "Government Gazette", and, if necessary, such provision will be made. The regulations set out the whole of the conditions under which a licence is issued and, as they have been laid on the Table of the House, I cannot see any justification at all for the hon. member's statement that there appeared to be a veil of secrecy surrounding the conditions under which the licences are issued.

At first I thought that the hon. member's complaint followed a request made to him by a constituent in Donnybrook that certain people wanted to bet on the

Boulder Cup, an important racing event which was being run on a Wednesday, and that this constituent had complained that legally he was not permitted to bet while bookmakers in the metropolitan area could do so. Realising that this was occurring in many parts of the State, I represented the matter to the board and the board agreed to the opening of betting shops in the country on Wednesdays.

I think the attitude of the hon. member is a complete somersault on the attitude he adopted last year. On that occasion, he did not want starting-price betting to be legalised under any conditions and voted against the measure, but now he is complaining that betting shops are not being permitted to open all the time. Surely that is a complete volte face on his part! He said the board appeared to be considering the welfare of the bookmaker rather than of the public, and endeavoured to draw a comparison with premises licensed under the Licensing Act, which requires licensees to keep their premises open during certain hours. He considered that, irrespective of whether there was sufficient warrant for bookmakers in small country towns to keep open, they should be required to open all the time. May I point out to the hon. member that this is not a betting promotion Act; but it is a betting control Act? Everybody is aware that for the last 30 years illegal off-the-course betting has been carried on with very little interference.

Hon. Dame Florence Cardell-Oliver: Are you sure that it will not continue?

The MINISTER FOR POLICE: I have sufficient confidence that the police will see that it does not continue. In view of the fact that the punter is also made responsible under the Act and is liable to punishment if he is caught betting with an unlicensed bookmaker, I cannot imagine anyone wishing to bet being foolish enough to slink down a lane or to some other place to bet with an unauthorised bookmaker, who could bet at any odds he liked and Welsh on the punter if he chose, rather than walk 100 yards or even a quarter of a mile and lay his bet with a licensed bookmaker, where he would be sure to get the prices laid down under the regulations and would have a guarantee that he would receive payment for a winning bet. Thus there will not be much inducement for a punter or an unlicensed off-the-course bookmaker to continue illegal betting.

The Government, knowing that a certain amount of illegal bookmaking and betting had been indulged in for years, decided to provide sufficient facilities to permit those who desired to bet to do so, but it had no intention of encouraging a greater volume of betting than had been taking place previously. In my electorate and that of Boulder, there were 27 unlicensed illegal s.p. bookmakers operating and the board decided, in accordance with instructions laid down in the Act, that it would permit

only sufficient bookmakers and licensed premises to meet the requirements of the betting public.

Hon. Dame Florence Cardell-Oliver: How many licences have been granted there?

The MINISTER FOR POLICE: Eleven. I should say that that was possibly a major factor in my being in the position in which I find myself today. I should like members to realise, when they are agitating for more facilities, more shops and more days for the shops to be open, that the Act is a betting control measure and not a betting promotion measure. We want people to have sufficient facilities to bet legally where they were previously betting illegally. The board assures me that in the first place it made an estimate of the turnover a bookmaker would require and how much money he should hold weekly in order to make a living under ordinary circumstances and with luck, and based the number of shops accordingly.

There are some districts where insufficient shops have been licensed and the board, in reviewing the position, will possibly license more shops and bookmakers if they are required. If it be found that there are too many, the reverse action will be taken and some of the licences will probably be cancelled. In small country towns, the business certainly does not warrant the keeping open of the one betting shop on six days in the week as in the metropolitan area. It might not even warrant the shop being open on Wednesdays, but we were advised by the Treasury that the optional course of allowing the licensee to say whether the shop would be open or not was impracticable, and in view of the fact that there had been many requests from country areas to have the shops open on Wednesdays, the board decided to make it compulsory for these shops to open on Wednesdays as well.

In my opinion there is nothing whatever wrong with the regulation although the word "Conditions" appears on the back of the licence. The hon. member made some remarkable statements. He said—

I have no objection to the board specifying the terms and conditions of the licence, but I think the board should give Parliament some indication of what those terms and conditions are.

As I said, those are the terms and conditions under which the licence is issued. Regulations Nos. 19 to 34 set out the conditions regarding the application for a licence. Regulation No. 34 gives the conditions to be observed by the holder of the licence in relation to general bookmaking. Regulations Nos. 36 to 56 set out what advertising of his business the licensed bookmaker is permitted to do. Regulation No. 57 deals with the suspension and cancellation of licences and gives the applicant for a licence the conditions under which it

is issued. Regulation No. 59 gives the conditions relating to registered premises. Regulations Nos. 60 to 66 set out details of the registration of premises and regulations Nos. 76 to 104 set out the conditions of betting on racecourses. There we have all the conditions from A to Z.

The hon. member said that in his opinion many applicants for licences were buying a pig in a poke. If the applicant did not know the conditions under which a licence was likely to be issued, it was only because he had not a copy of the "Government Gazette" containing the regulations, which I understand have not yet been put up in book form. There are plenty of copies of that "Government Gazette" available and I cannot imagine any starting price book-maker being without one. These people are a pretty astute set. I say s.p. book-making is a science, from what I have seen of it—

Hon. Dame Florence Cardell-Oliver: A science!

The MINISTER FOR POLICE: Yes. If the hon. member looked at the apparatus necessary and examined the involved practices, she would understand that it is not just a matter of taking money over the desk and writing out tickets. If she knew of the schemes attempted by smart Alecs in endeavours to take the bookmakers down and put all kinds of things over them, she would realise that they have to be pretty wide-awake and astute to be successful s.p. bookmakers.

Hon. Dame Florence Cardell-Oliver: They are the devil's own.

The MINISTER FOR POLICE: It is not likely that there would be one man who contemplated taking out an s.p. book-maker's licence who had not studied thoroughly the conditions under which a licence is issued and the conditions to be observed in regard to betting generally, which are contained in something over 100 regulations. I therefore say that there is nothing wrong with this regulation. I cannot understand the hon. member's approach when he says that there is a veil of secrecy over the matter and that a statutory board vested with certain powers should let Parliament know under what conditions the licence is issued, when we have on the Table of the House a copy of the "Government Gazette" containing the conditions in detail. He referred to the printed word "Conditions" on the back of the licence and which had nothing alongside it as far as the bookmaker's licence was concerned.

The hours during which licensed premises must remain open are set out and yet he says there is a veil of secrecy about the conditions! I submit that there is no justification for this motion as the conditions are set out in detail in the "Government Gazette" for the information of the general public. Anyone who wishes to make application for a licence can obtain a copy of the "Government Gazette" and study the

conditions. Members have been taken into the full confidence of the board by the relevant copy of the "Government Gazette" being laid on the Table of the House. I therefore ask the House to reject the proposal that the regulation be disallowed.

On motion by Hon. A. V. R. Abbott, debate adjourned.

## MOTION—SCHOOL BUS CONTRACTS.

*To Inquire by Select Committee.*

Debate resumed from the 31st August, on the following motion by Hon. A. F. Watts:—

That a select committee be appointed to inquire into and report upon school omnibus contracts and proposals whereby methods adopted in making such contracts should be altered or improved.

## THE MINISTER FOR EDUCATION

(Hon. W. Hegney—Mt. Hawthorn) [5.5]: In relation to the motion recently moved by the member for Stirling, I wish to state that since listening to his remarks I have taken the opportunity of studying them more closely and have also perused the file dealing with school bus contracts. I examined the whole history of the policy of transporting children to school, and, without going into the question in great detail, I think it might be of particular interest to the member for Toodyay to note that the transport of school children by the department first took place in 1918 or 1920, when a vehicle drawn by two horses was used to take the children from West Toodyay to the Toodyay school, a distance of about 3½ miles.

In 1923 that policy was extended to Wanneroo, Donnybrook, Bruce Rock and Mt. Barker. In the report of the Director of Education for the year 1923, there is reference to the problem of the little bush school and the advantages which would accrue if such schools were consolidated. At the end of 1923 consolidation extended to Wanneroo, Mundijong, Harvey and Donnybrook. As the years went by the policy was extended further, as was also the school bus contract system. In 1940 there were 1,146 children being conveyed in 43 buses. At the end of 1944 there were 65 school bus contracts in force and in 1945, 97 bus contracts were conveying a total of 2,500 children.

In 1948 the number of school bus contracts had reached such proportions that a full-time officer was appointed to deal with them and since that time he has paid a great deal of attention to the whole of the policy and the ramifications of the system. In 1948, apart from the full-time officer dealing with consideration of the tenders which had been called and negotiating with individual contractors, a further full-time officer was appointed to inspect the condition of the buses. Since

then another full-time officer has been appointed and a position has now arisen where the buses are inspected at least three times a year. In 1948 there were 245 school buses and in 1950 no less than 329, conveying 10,000 children, a figure which represents approximately 30 per cent, of the total school population in rural areas. As I say, an additional transport officer was appointed in 1953 and the latest figures which I have, to the end of June, 1955, show that no less than 533 school buses were operating at that date at a total cost of about £817,000 for the year.

I mention these figures to indicate the proportions reached by the school bus contract system. Of course, the department may have to supply more school bus services as our population increases. I am not mentioning the figure of £817,000 or the estimate for the coming year—about £890,000—as an argument against consideration being given to the proposal of the member for Stirling, but merely for the information of members in order to show the magnitude of the task of providing for this aspect of the educational needs of the children of Western Australia.

Hon. A. F. Watts: It is a most interesting review.

The MINISTER FOR EDUCATION: I found the subject most interesting. I asked the Director of Education where it all started and I took the trouble to read through the records and make a précis of events. I found the research I had to do most interesting. When I read about that first transporting of school children from West Toodyay to Toodyay I thought of the member for Toodyay and wondered whether he might have been one of the children who rode in that two-horse bus, and so I am after his support.

The approach of the department towards the transportation of children to and from school is, firstly, by tender; secondly, by conversion of subsidised services to the contract system; and, thirdly, by negotiation. Decisions to establish extra services or alter existing ones are dealt with by the transport officer after receiving details and information from the District Superintendent of Education and, of course, the Director of Education is the responsible permanent head. Tenders are invited by advertisement, in the same manner as the Tender Board calls for tenders for a hundred and one other contracts.

I wish to make it quite clear that the principle of providing this service was first initiated by the department and has never since been altered, either in the time of the present Minister for Works, when he was Minister for Education from 1943 to 1947, again from 1953 to 1954, or, indeed, in the time of the member for Stirling, who held the office of Minister for Education for a period of six years. I have not

sought to alter the principle because I believe it is based soundly. For the benefit of members I will deal with some of the factors in the determination of tenders.

The factors taken into account before an individual tender is accepted are the price per mile, the type and size of bus, personal integrity and preference to ex-servicemen. I suggest that any person who intends to submit a tender with a view to securing a contract will, first of all, find out what his obligations are likely to be. In particular he will examine the general conditions of the proposed contract and having found out what the route will be—circular or terminal—he will take the trouble to run over it and have a look at it for himself.

He would make a check and having taken all factors into account would then calculate the depreciation, the wear and tear on his bus, replacements and all other factors in regard to running costs, including the cost of petrol. He would probably ascertain the wages he would have to pay a bus driver—say, the basic wage plus a certain margin—including payment for annual leave and he would then aggregate those costs, calculate the number of miles he would have to run over a period of 12 months, and then by the simple process of division arrive at the rate per mile. I would suggest that any reasonable person would do that when tendering for a school bus contract.

I think it can be said—and no member could argue against it—that the price per mile is a most important factor; and another is the type and size of the bus. I am not a mechanic and I could not explain to members the various types and sizes of buses because mechanics is a subject, among many others, about which I know absolutely nothing. The type and size of bus which the mechanical officers regard as being suitable is taken into account as is the personal integrity of the person tendering. It will be immediately apparent to every member that the last mentioned is a most important factor. Still a further consideration is preference to ex-servicemen.

Those are the determining factors in regard to the engagement of school bus contractors. Personally, I have not had many complaints in regard to the price per mile. As I said, tenders are called and in due course one is accepted. People have said, "Why is it that on certain bus routes the contractor gets 2s. 2d. or 2s. 1d. per mile, and on another route the contractor gets 2s. 5d. or 2s. 6d. per mile?" I submit that the soundest and only way is to call tenders; to ascertain what tenders are available and then select a suitable tenderer.

When no tender has been submitted the matter is open for negotiation and the department may feel that 2s. 3d. or 2s. 4d.



a mile is a fair rate. But it may not be able to get anyone to engage in the work at less than 2s. 6d. a mile. What is the result? The department must, under the Education Act, provide for the education of children and it is naturally obliged to engage a person, even though, after negotiation, the price per mile by comparison with some other district may be high.

That is a reasonable explanation for any argument advanced that on some routes the rates are higher than on others. In far flung areas where there are bad roads and long mileages to cover, with a lot of dead running, the price is higher than in the closely settled areas. It has been suggested that some contractors submit a figure thinking that if their tender is successful, they will be able to participate in part-time work elsewhere. That has been the case and the suggestion is that in recent months or years the part-time work hitherto available has not been obtainable.

Even if that be so, I am prepared, if any suitable or practical alternative can be advanced, to give it every consideration. But what other system can be adopted? I do not think the member for Stirling advanced any practical suggestion. He said, "We will leave that to the select committee." But what system, other than the tender system, can be used? If a local garage proprietor, a farmer or a local businessman, with some other occupation available to him, submits a tender for a school bus contract, and such a person is considered suitable in every respect, would members expect the department to give the work to somebody else who submitted a higher figure because he could not obtain part-time work? That is one of the difficulties we would have to face up to.

Let me now discuss the question of the variation of rates. When a tender is accepted the contract is for a number of years, and on a number of occasions—I presume both the present Minister for Works and the member for Stirling, when they were Ministers for Education, had a similar experience—school bus contractors have applied for a variation in rates. I would say that in almost 100 per cent. of the cases the applications have been for an increase in rates. The matter is considered and the contractor is requested to submit substantial evidence to justify the increase. If his submissions could be substantiated, and it appeared that a reasonable increase was necessary it has been granted.

Next I shall enumerate some of the factors that are taken into account when contractors apply for an increase in rates. They include the type, condition and capacity of the bus, the number of children carried, the length and type of the route—whether circular or terminal—the remoteness of the school, economic trends, basic wage variations, marginal increases, the

cost of tyres, tubes and so forth. Where applications have been made they have been considered and some have been granted. In others the department has not been satisfied that an increase was warranted and consequently did not grant it. In case anybody says that a phenomenal price is being paid in regard to certain routes, let me state that a contract was recently let at 4s. 6d. a mile whereas, I suppose, the average would be about 2s. 2d. or 2s. 4d.; the route was 26 miles. No other tender was submitted and the children had to be transported. The cost worked out at 117s. daily.

Over a period of years the department has closed no less than 300 small schools in various parts of the country. I am only Minister for Education for the time being and I do not say this as a threat, but the position could be created at some time in the future where serious consideration would have to be given to a reversion to the old order of things. If it becomes too costly to continue school bus contracts some consideration will have to be given to reverting to some extent anyway, to the smaller type of school. I have only a limited knowledge of the Education Department, but I have travelled throughout the country and as a father I would not like to see us have to revert to the little bush schools catering for only 10 or 12 children.

Today, with the consolidation of schools and children being transported from the surrounding countryside to a central school, the children are much better off than under the old system. They have the advantage of social contact with children from other districts; there is more competition in sport and in the classroom and they have the opportunity of being taught by more qualified teachers because the demand is there and the department must cater for that demand. So I think that from many points of view the standard of education today is higher than it used to be in years gone by, and it would be a retrograde step to revert to the old system.

I made inquiries at different schools and I asked the children, their parents, the parents and citizens' associations and the teachers what they thought of the system of school buses. I am not a doctor, but I asked these people, as a layman and a father, what they thought of it. I asked them whether the travelling was having a detrimental effect on the children of tender years. In one place in the Geraldton district one child was travelling—and the member for Geraldton can correct me if I am wrong—92 miles each day. This child was living in the Wicherina area and had to travel to Geraldton and back each day, a distance of 46 miles each way.

That is quite common and in some places where the countryside is hilly, such as in the area so ably represented by the

member for Stirling, and the member for Blackwood, although the children might not travel as far as those living in the flatter areas, it takes a long time morning and evening to go to and from school. Yet I have not received one serious complaint about children travelling such distances. I think the average parents make sure that when their children are travelling long distances they get every attention when they return home at night; they are given plenty of time to rest so that they can face up to the next day.

To sum up, I do not think that there is any need for this motion to be carried. Let us assume that a select committee was appointed tomorrow. Where would it seek its information? The whole of the files of the department would be available to its members and as far as I am concerned they are available to the member for Stirling to examine at any time. Members of the committee would approach officers of the department, school bus contractors, parents and others. But all those channels are available to members at present and if the member for Stirling, or any other member can suggest, either by correspondence to the Director of Education or myself, or by way of a speech in this House, any reasonable alternative to the existing principle, it will receive every consideration. I think that is fair enough.

During the whole of the six years that the member for Stirling so ably acted as Minister for Education, the system was not altered; his predecessor did not seek to change it; indeed, since 1918, the system has not been altered. I do not propose to alter it, but if any serious approach is made in this regard I think we ought to have some concrete evidence to show that the time has arrived when there should be some variation in the principle of calling tenders for school bus contracts.

In the circumstances, I hope the member for Stirling will not persist with his motion, because I am sure it will not achieve anything. I have nothing to hide or defend, except to say that the system has operated for many years. It has stood the test of time. The file is available to the hon. member, and if there are any suggestions from either side of the House which would help improve the educational system or the school bus contract system, I would be quite happy to give those suggestions every consideration. Accordingly I must oppose the motion, and would suggest that the member for Stirling does not proceed with it.

**HON. L. THORN (Toodyay) [5.31]:** The very mention of West Toodyay brings me to my feet, because I wish to put the Minister right regarding my school-days. It would have been very nice indeed if I had been a pupil on that four-wheeled wagon that conveyed children to school, because I would have been considerably younger than I am today. I was returning

from France at the end of 1918 in a captured German cargo-boat which was re-christened "Bakara." So, from the point of view of age, it would have been very much in my favour had I been on the old charabanc.

The Premier: Whatever your age is, you do not look it.

**Hon. L. THORN:** I always try to keep youthful.

**Hon. A. F. Watts:** And smiling, like the Premier.

**Hon. L. THORN:** Age has never worried me, and I hope it never wearies me. The Minister has been most reasonable in his reply to the member for Stirling, but at the same time I feel he has put up a very good case for the appointment of a select committee.

The Minister for Lands: You want two bob each way.

**Hon. L. THORN:** The Minister has pointed out to the House the huge number of school buses conveying children to school at the present time. I feel that a select committee could probably seek information on all these different contracts and prices, and that it could advise the department and help it to draw up a formula for charges paid for conveying children to school. In the interests of the school bus driving service, that is badly needed. In support of that the Minister mentioned that under one contract the department is paying 4s. 6d. a mile. Why? The answer is that it cannot get anyone to tender for the job.

These tenders raise quite a lot of concern as to what the job is worth. There is no doubt many of these school bus drivers tender a price that is higher than it should be. I feel a full inquiry would result in the establishment of a formula which would help the Minister to strike a flat rate. The Minister mentioned that there was a lot of dead travelling. Of course there is a lot of dead running on these bus routes. He mentioned Wanneroo where it is possible to travel miles before picking up a passenger.

The Minister for Education: I said that was started in 1923.

**Hon. L. THORN:** The service is very much appreciated, but after all, when it comes to contracts and mileages, all this dead travelling must be taken into consideration and paid for. In passing, I would like to say that there is no doubt that the school bus service has been a wonderful undertaking in this State. I know it is costly, but it has been a great help in facilitating the education of our children.

The Minister mentioned small schools. I say that small schools are most undesirable. Let us get the children into the larger schools, which is far more commendable. In the days of those small schools

we found them spread throughout the country—lonely schools situated among a few trees, miles away from anywhere. They had a schoolmistress or schoolmaster for whom board had to be sought at a farmhouse, and the teachers had to travel quite a few miles to and from school. They did their best and endeavoured to teach five or six classes in a small and confined room. That state of affairs was most undesirable. The school bus service has played a big part throughout the State in making more readily available better education for our children in the consolidated schools. Today we are making great advancement in our education, and the school buses are playing their part.

A select committee would prove most helpful. Since the days of 1918 we have gained a tremendous amount of experience in the school bus service. At different times people have come to me and said that they were going to put in a tender for such a service. They asked me what hope I thought they had, and said that they would have to purchase a suitable bus for the purpose. There again the buses have been developed to a high standard, both in the interests of the children's safety and for comfort in travel.

The Education Department is generally pretty firm on the matter of tenders. Some people may find that they have tendered too low and that they cannot go on, but they have been kept to the terms of the contract. In some cases, however, the Education Department does give favourable consideration to applications, but it feels that the person has submitted a tender, and he should stand by it. There are so many differing prices and such a great range, that I feel a full inquiry by a select committee would help establish a formula which could provide for a flat rate. It would be a great saving to the department.

The Minister for Education: When you say a flat rate, you would not suggest the same rate should apply over bad and long roads as over bitumen roads, would you?

Hon. L. THORN: There would have to be a flat rate for different types of roads.

The Minister for Education: For different buses, too.

Hon. L. THORN: Perhaps flat rate is not the correct term. Some travel is over good roads and other is over bad roads. We will stick to the word formula. The select committee would consist of men who would only have the interest of the department at heart; their one desire would be to help the Education Department. In conclusion, I would say that the Minister was very fair in his reply to the member for Stirling. He was most helpful and gave us some interesting history of the early stages of the school bus service. I know the Minister does not want a select committee appointed; very few ministers ever do. They do not fancy them at all.

The Minister for Education: I would rush it if I felt it would do any good.

Hon. L. THORN: I feel it would help the Minister a great deal, but, of course, the Minister is entitled to his own opinion. His approach to the subject has been reasonable, but the member for Stirling has only one desire, and that is to help the department. I hear the Minister for Lands mumbling something, and it seems as though he is getting upset again. From the figures given by the Minister, it is apparent to what tremendous dimensions the service is growing; it must present a great problem to the Tender Board to work out and inspect all those prices.

The Minister for Education: There were 240 contracts when the member for Stirling was there.

Hon. L. THORN: That is all admitted, but we have an opportunity now to have a full inquiry into the matter. As I said, the only desire of the member for Stirling is to help the Education Department. When the hon. member held that portfolio he did everything he could to further the interests of education and his only desire now is to draw up a formula which would help the department. There has been a great amount of dissatisfaction concerning bus services, and the appointment of a select committee would be most helpful; it would certainly do no harm.

MR. NALDER (Katanning) [5.42]: I would like to support the member for Stirling in the motion he has brought forward. As everyone knows, school buses play a big and important part throughout Western Australia at the present time. The idea of conveying children from the outer country areas into a single school has grown to the extent that there is now hardly a small school left in those country areas.

There is no doubt that the school bus position has given entire satisfaction. There are, of course, cases of children who are on the end of long routes, but that cannot be helped, because the routes cannot be altered, and we find that a number of the children have to travel long distances and cover a big mileage. That cannot be entirely overcome. These problems arise from time to time and I am sure that every country member in this House has such problems presented to him in the hope that he may be able to find an alternative for those children who have been travelling long distances and who have been on buses for a number of hours, so as to enable the child who gets on early in the morning to be home first at night, or vice versa.

That also cannot always be done, because in most instances the bus driver stays at the end of the route and after travelling upwards of 30 or 40 miles, it is impossible for him to retrace his steps and put off first those children who got

on first on the morning trip. I know of a case of a farmer who brought a property recently and whose children are travelling from 7.10 in the morning and do not reach home till 5.10 in the late afternoon. They are first on and last off. They are on the school bus from early in the morning, and travel upwards of 80 miles each day.

The farmer in question rang me early in the week to see if it was at all possible for him to obtain an easing of this long distance over which his young children have to travel. He said that by the time his children got home at night, they had pretty well "had it," and they did not seem able to stand up to the long travelling involved. He was hoping to obtain correspondence lessons for his youngest child for a few months in order to prepare him for the later stage when he would have to travel to school on the bus.

As the member for Stirling said, there is some dissatisfaction on the part of bus contractors; and I am sure the Minister knows that is so. He agrees that it is not possible to set down a figure applicable to every district in the State; conditions vary so much. The roads differ, although I will agree that those in responsible positions who have made money available to local authorities for keeping the roads in good condition and those who have done the work are deserving of high praise. In every country district where there are school buses, we find that the local authorities are doing their best to make the roads over which they travel as good as possible. There is no doubt, however, that during the past year the position has been particularly difficult, because we have had such formerly unheard-of weather conditions that the finances of the local authorities have been strained to keep the roads in good repair. They have done what they could to maintain the roads in a reasonable state so that the buses could continue to travel over them.

That leads up to the point that some inquiry should be made in order to put the matter on a proper basis so that the bus contractors will be satisfied. I know that the idea of the department is to keep each contractor on an individual basis, and it is almost impossible to do anything different.

The Minister for Education: That is right.

Mr. NALDER: Nevertheless, consideration should be given to an inquiry into the question of establishing a satisfactory basis for bus contracts, covering mileage, type of vehicle used, number of children carried and the amount of money required to give a contractor some security. I know of a number of contractors who have been in the business since the time it was decided to consolidate schools. One of them came to me recently and asked me

how he was likely to be able to replace his bus in a few years' time, in view of ever-increasing costs, and the amount of money he was receiving for his services. He showed me audited figures, and I could not see how it would be possible for him subsequently to replace his vehicle with one that would be passed by the department as being suitable for carrying children over country roads. That is one point that would warrant an inquiry as to how these men can be put on a sound financial basis that would enable them to continue the good work they are doing.

The Minister for Education: Would not the man to whom you referred have made some allowance for depreciation to enable him to replace his vehicle later on?

Mr. NALDER: That may be so. But the position is that rising costs are catching up with him all the time. Two or three years ago he might have been able to make some small allowance towards replacement of the bus, but he finds that his costs are continually creeping up and are absorbing the amount he would have set aside for depreciation.

These people are doing a wonderful job for the Education Department and the people of the State, and we want them to be satisfied so that they will continue to do so. I think everybody will agree that they accept a great responsibility in carrying children from their homes to their schools and back again every day, week in and week out; and the low accident rate proves that they are doing a really good job. I do not think anybody would want them to receive a remuneration insufficient to maintain them and to enable them to set aside money for replacements. The proposition of the member for Stirling is reasonable, and I hope that the House will agree to an inquiry being instituted.

MR. BOVELL (Vasse) [5.52]: Every member in this Chamber representing a country constituency must have come into contact at one time or another with the bus system associated with the consolidation of schools. The scheme which the Minister outlined today originated in the electorate of the member for Toodyay and spread to the district of the member for Stirling, and has reached such proportions that it is somewhat like Topsy—it has "just growed," so to speak. It is of such magnitude that an investigation should be made into it. A good deal of the time of the district superintendent of education is taken up in dealing with bus services, and I consider that the system should have the attention of a special branch within the Education Department itself.

The Minister for Education: It has.

Mr. BOVELL: That may be so. But it is my opinion that our educationists should be devoting all their time to the instruction of the children and not spend so much of it in sorting out bus-service problems.

The district superintendent is required to negotiate with bus contractors and with parents, and to deal with a number of other problems connected with bus services.

The motion is timely, and I wanted briefly to voice my support of it. Knowing something of the consolidation of schools in the electorate I represent, and the way the bus-service system has expanded, I feel that the motion, if carried—and I hope it will be—will serve a very useful purpose. I would ask the Minister to alter his attitude somewhat.

The Minister for Education: I will ask you to alter yours.

Mr. BOVELL: I appeal to the Minister to change his attitude towards the motion and agree to the appointment of a select committee.

MR. MANNING (Harvey) [5.55]: I, too, believe that this motion could serve a very useful purpose. There are many difficulties associated with the running of school buses, and the departmental officers concerned with the work have had some knotty problems to solve and have suffered some severe headaches in endeavouring to sort them out. All country areas are faced with the problem of long bus runs over rough roads; and in closer settled areas there is the problem of heavy loads and the increasing number of children to be picked up. In some parts of my district, buses are doing double runs, which means that children must leave home early in the morning and are returned late in the evening.

We have had the experience of men being successful in tendering for the running of a bus over a certain route and subsequently discovering what they had let themselves in for, whereupon they have promptly backed out. In one instance, there were three tenders for a route. Then the first man withdrew. He was followed by the second, and persuasion had to be used to induce the third man to run the bus. After he had done so for a week, he, too, very much regretted the step he had taken.

There is the problem of a contractor starting from a particular point, and picking up children further along the route who are expected to pay the fare from the point at which the contractor began his journey. There are instances of where contractors have been running over a route with the same bus for many years. A bus is licensed in the first instance and the department continues to license it each time it is inspected. The contractors say they cannot afford to replace their vehicles when they become old because the remuneration they receive for their services is insufficient to enable them to do so.

As I have said, I think the motion could serve a useful purpose; and I hope the Minister will change his mind and permit it to go through. There is no need to

enumerate the points that could be included into; they can be left to the committee to investigate.

HON. A. F. WATTS (Stirling—in reply) [5.58]: Let me say at the outset that I am indebted to the Minister for Education for the manner in which he dealt with the subject matter of this motion, and I appreciate it considerably. Of course, I disagree with him in his belief that an inquiry by a select committee could not possibly do any good. I am firmly convinced that the contrary would be the result. As he knows, and as was clear from the remarks I made when submitting the motion, I realise that the practices in force at present have been in operation for a good many years.

It is equally true, however, that the facts now disclosed to me, and to the House, as far as I have been able to recount them, definitely indicate that it is time for a review of what has been done in the past, principally because it has become increasingly clear that the people concerned will not be able to replace the buses with new and desirable vehicles out of their present earnings. I did produce some calculations that had been made by an accountant in regard to the various sizes of buses, to which the Minister referred, for various weekly or yearly mileages, indicating the different rates that would have to be collected to enable the different types of bus to pay expenses and amortise the cost of the vehicle over the period of its expected life.

That, I think, is the basis of the formula to which the member for Tooday made reference, and it seems to me that while the figures arrived at by the use of the formula would be different, it would be quite practicable to lay down a basis on which those figures could be calculated. Whilst it might be necessary to make some marginal allowances in certain cases for factors which do not normally come into the equation, I think the basis could be laid down.

We have, as the Minister knows, in the main, vehicles of about three sizes. The biggest takes over 50 children, the intermediate takes between 30 and 40 and the smallest one a lesser number. They all have varying costs, and they all travel different distances, but if the distance to be travelled is known, and with figures such as those I made use of, once verified, in making the calculation, it would be practicable to work out a payable basic rate in respect of each of those vehicles over similar distances. It could not be done mile for mile, but it could be done over different mileages which could be calculated, say, five or six miles apart.

That undoubtedly would provide a basis on which the basic rate of payment to these men could be assessed. It would take into consideration not only a reasonable

remuneration for them but also the amortisation cost of their vehicles thus, in effect, providing them with funds for the replacement of them. For the individual to do that and submit it to the Education Department is, I would suggest, just about impossible. In fact, in the only minor criticism of the department in which I indulged, it is quite apparent that it will not accept representations on behalf of the contractors. According to the letter which I read to the House, the contractor himself must make these representations as an individual.

As I said, it was that which finally induced me to move the motion. If representations could not be accepted on behalf of even a small group, similarly concerned, as to the size of the buses and the mileage they run their vehicles, it is obviously impossible for any results to be obtained through the department, in the way of a basic formula, which could control the whole of these contracts in the future and be certified in advance to be sure of providing a reasonable measure of justice. I do not see how any method other than an inquiry, which would have the opportunity of hearing witnesses, could achieve that result.

We know that a select committee could bring before it qualified accountants who have kept the books of these people. It could also go outside of those who have any association with them at all, and bring in others who could be expected to know just what the results of any given service of this nature would be in pounds, shillings and pence. But I cannot get that information as an individual, and if I did, the results of my discussions with those people would not create any visible effect. As far as I can see, it is absolutely necessary that some independent body should be set up to investigate this question, because I assure the House that there is considerable dissatisfaction over it. That has, to some degree, been evidenced by the speeches of other members representing country districts.

Of course, this problem exists only in the rural areas because there are virtually no school bus services in the metropolitan district. There are a few, of course, but the great bulk of them are in the rural areas. I assure you, Sir, that there is considerable dissatisfaction as to the prospects of the people engaged in the industry at the present time. I am perfectly certain it will not be easy to bring about the acquisition of new buses for the carrying on of the service in quite a number of instances.

Since I made my speech, when moving the motion three weeks ago, I have received a number of communications from bus contractors operating in various parts of the State. They have not had an opportunity to read all I said; they have only seen the short report which appeared in

the Press, but they have satisfied themselves that they are in difficulties, and they have expressed the hope that Parliament will agree to have the whole position reviewed in the way I have suggested. I do not think the Minister would lose a thing by having a select committee inquire into the matter.

The whole tenor of the debate indicates that nobody wants to make of this, in the slightest degree, a party political matter; and from the tone of the Minister's speech I feel that is so on both sides of the House. This is a matter of importance to the children of the State. On the one hand the Minister thinks it can be handled satisfactorily by the Education Department, and on the other hand we feel that the best course would be to assist the department by having a properly set up inquiry so as to get rid of the difficulty, if possible, for all time. I do not think anyone would lose a thing, and certainly the State would gain, if we did that. Notwithstanding the adjustments that have been made in several cases, I know there is still much dissatisfaction, and the feeling that the rights of the contractors have not been given due attention. So I ask the House to give serious consideration to passing the motion.

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

Ayes	....	....	....	17
Noes	....	....	....	19
Majority against				2

#### Ayes.

Mr. Abbott	Mr. Nimmo
Dame F. Cardell-Oliver	Mr. North
Mr. Court	Mr. Oldfield
Mr. Doney	Mr. Thorn
Mr. Hearman	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Manning	Mr. Yates
Sir Ross McLarty	Mr. Bovell
Mr. Nalder	

(Teller.)

#### Noes.

Mr. Andrew	Mr. Lapham
Mr. Brady	Mr. Lawrence
Mr. Graham	Mr. McCulloch
Mr. Hawke	Mr. Molr
Mr. Heal	Mr. Rhatigan
Mr. J. Hegney	Mr. Sewell
Mr. W. Hegney	Mr. Sleeman
Mr. Hoar	Mr. Tonkin
Mr. Jamieson	Mr. May
Mr. Johnson	

(Teller.)

Question thus negatived.

### BILL—FREE ENTERPRISE PROTECTION.

#### Second Reading.

Debate resumed from the 31st August.

**THE MINISTER FOR LABOUR** (Hon. W. Hegney—Mt. Hawthorn) [6.14]: The Bill moved by the member for Stirling which apparently has for its object the protection of free enterprise, is one to which I would like to give consideration after the tea suspension.

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

The MINISTER FOR LABOUR: The measure under discussion bears the Title, "a Bill for an Act to protect free enterprises and for other purposes incidental thereto." The member for Stirling, when introducing it made certain remarks about the report of the British House of Commons Monopolies and Restrictive Practices Commission. That report referred to the power of trade associations to deal with individual traders and to dictate to them the agreed prices at which goods must be sold. He suggested that the Profiteering Prevention Act of 1939 had no doubt put a brake on those who might have wished to restrict trade—he was referring, of course, to the time when the war had just broken out.

I wish to quote an extract from his speech which I think is rather interesting and very important. Whilst I am not entitled to refer to another Bill which is under discussion, I suggest that what I am about to quote might have extreme relevancy to that particular measure. The member for Stirling said—

There has been only a comparatively short intervening period in which such practices could have grown up, but to me it does not matter whether they are here now or not. If they are here, then I think there is sufficient reason to make them illegal in order that they may, as far as possible, be brought to a stop. If they are not here, then I suggest that legislation should be passed to prevent them coming here.

He was dealing with trusts and combines and suggested that they were here and were in operation and it was time they were declared illegal or steps taken to discontinue their practices. He then went on to say that if they were not here there was the possibility of their coming here and legislation should be placed on the statute book to curb their machinations.

Furthermore, he indicated that if such legislation were placed on the statute book there would be no necessity or urgency for a measure to be passed to fix prices, or that would be the position, to use his own words, "if there were absolutely free enterprise and unrestricted competition." He went on to say that there might be people in this State who were prepared to enter into arrangements which must, in the ultimate, be to the detriment of the public. To my mind, those are the main points in the reasons he gave to indicate why this Bill should be passed.

If members will compare the Profiteering Prevention Act of 1939 with the measure under discussion, it will be found that there is a distinct difference between Sections 17 and 18 of the Act and the comparable clauses of the Bill which the hon. member introduced recently, despite the fact that he did indicate that two or three of the sections of the Profiteering Prevention Act

had been lifted out of that legislation and placed in this measure. Before I go further, I would like to make it clear that the Profiteering Prevention Act was passed in the days immediately following the declaration of war in 1939. It was, I think, assented to in the middle of October, 1939, and proclaimed at the end of that month.

In those days the member for Stirling was a member of this Chamber and he still is and he was one of those responsible for placing this measure on the statute book. Although I am not speaking of the member for Stirling personally, I would point out that he was also a member of the Government from 1947 to 1953 and, while I am not going to transgress in any way, Mr. Speaker, and will keep as far away from the subject of price control as I can, I wish to make the point that from 1947 to 1953 there was legislation on the statute book passed by the Liberal-Country Party Government and, at the same time, the Profiteering Prevention Act was still law.

In 1939 the Parliament of the day must have felt that there was necessity to protect the people against those we commonly refer to as profiteers. Those people, when the Commonwealth and the states were preparing to put their backs to the wall to fight a major war, were prepared to rob the community. Although that legislation remained on the statute book it was more or less inoperative because, by virtue of its powers under the Defence Act, the Commonwealth proclaimed the National Security Regulations. From 1939 to 1948 those regulations were in operation and to an extent they were the means of preventing possible unfair practices by certain traders.

From 1948 onwards the States took over the control of prices by an Act of Parliament and regulations were adopted. I am going to stop there for a moment, Mr. Speaker, because if I go any further, I know I will be referring to another Bill. However, the point I wish to make is that in 1952, whilst the Profiteering Prevention Act was still law a continuance Bill governing prices was passed by this Chamber. But what happened at the same time? In 1952, the then Attorney General, acting on behalf of this Government, in his Bill for the continuance of legislation relating to prices inserted another clause providing for the repeal of the Profiteering Prevention Act.

Hon. A. V. R. Abbott: You know it was repealed automatically.

The MINISTER FOR LABOUR: In 1952, the then Attorney General had a clause inserted in the continuance measure dealing with prices which repealed the Profiteering Prevention Act and from the 31st December, 1953, that legislation was removed from the statute book. The Profiteering Prevention Act is now non est and the member for Stirling, as I said a few moments ago, has lifted sections

from that legislation and placed them in his Bill. He has used the word "combine" in lieu of the words "commercial trust."

I suggest that it might be of interest to members to know what took place not five years ago but only two or three years ago when the then member for Nedlands, Mr. D. Grayden, introduced a Bill for the restraint of trade. The Title of the Bill was "an Act to make Provision for the Protection of Trade and Commerce against Unlawful Constraint and Monopolies; to ensure Fair Practices in Trade and Commerce and for other purposes." I made a summary of that measure and it provided for the following:—

Restraint of trade and destruction of industry.

Monopolies of trade to be unlawful.

Discrimination of price unlawful.

Unfair concessions in trade.

Unfair concessions to customers.

Discrimination between purchasers of goods.

Inducing or receiving discrimination.

Unfair methods to lessen competition.

Destruction of competition in trade.

Lessening of competition between companies.

Restrictions as to directors of companies.

And the penalties provided were up to a maximum of £500.

Mr. Grayden's Bill reached the second reading stage, but we know that in the general election following Mr. Grayden did not reach the second reading or the committee stage. He was thrown out before the first reading! I would like to know the real history behind the reason for his not proceeding with his Bill. However, the member for Stirling was a member of the Government of the day and the possibility of the machinations and activities of these combines and commercial trusts eventuating did not arise yesterday.

In America, legislation of a similar nature was passed as far back as 1890. In the Commonwealth Parliament, the Australian Industries Preservation Act was passed 49 years ago. In 1939, to repeat, the Profiteering Prevention Act was passed in this State. Mr. Grayden introduced his Bill in 1951 but, as I have said, it did not even finish the second reading stage. The point I am making is that if there were any necessity to introduce legislation of this nature, the need for it did not arise yesterday nor did it arise last year.

The Minister for Lands: Grayden was crucified.

The MINISTER FOR LABOUR: At this stage I would like to say that I am not going to move for the rejection of this

measure, but I hope, before it reaches the third reading it will have some teeth and some substance; that it will be made workable; that it will be something worth while; that it will be something that can be looked upon as a protection to the public if there are to be unfair trade practices. That is the attitude I propose to adopt in regard to this measure. Now, I will proceed, to the best of my ability, to make a few remarks on the provisions contained in the measure before the House.

It is just as well to realise that the Bill will have far-reaching effects. This can be seen by referring to the definition of "combine." The definition is as follows:—

"combine" means an association or combination (whether incorporated or not) of any number of persons having as its object or purpose, or as one of its objects or purposes—

(a) subject to the provisions of Section five of this Act, the controlling or influencing the supply of, demand for or price of any goods; or

(b) creating or maintaining a monopoly in the supply of any goods;

I am not going to oppose principles of that kind, but consideration should be given to this incident: Recently a number of people in Norseman, not a corporate body, who liked their schooner of beer but considered the price too high, decided by mutual agreement to acquire a taste for water instead of beer, until such time as the price of beer was reduced. The same thing happened in Kalgoorlie.

I am not decrying this clause. I want merely to show that there is some indication that those people banded themselves together with a view to influencing the price of a commodity. That being the case they could be charged under this provision.

Mr. Nalder: An individual could not be charged if he decides not to buy any beer.

The MINISTER FOR LABOUR: I am only giving my interpretation of this clause. It says that a combine means an association or combination of any number of persons.

Hon. A. F. Watts: If that is the case, they could have been charged under the Profiteering Prevention Act.

The MINISTER FOR LABOUR: They could be charged under these provisions.

Hon. A. F. Watts: They could have been charged under the Profiteering Prevention Act as well.

The MINISTER FOR LABOUR: We are dealing with the Bill and not that Act.

Hon. A. F. Watts: We are dealing with the same phraseology in a similar measure.



**The MINISTER FOR LABOUR:** If the Housewives Association decided to influence the price of potatoes or any other commodity, they could be charged with influencing the supply. In regard to another clause the next point I wish to raise is that goods are defined, but there is no mention of service. However, there is some such provision in measures of a similar nature such as those dealing with hair-dressing, electrical installation and plumbing. There could be teaming up for the purpose of exploiting the public for some kind of service. This Bill will not affect the position at all. I shall not go into detail at this stage. Attention is drawn to another clause which requires consideration, seeing that it provides for retrospective application.

Hon. A. F. Watts: How do you make that out?

**The MINISTER FOR LABOUR:** I have examined this Bill as a layman, and I am open to correction. One provision says that every person commits an offence against the Act who, either as principal or agent (a) is or becomes or has been or has undertaken or will undertake to become a member of a combine.

Hon. A. F. Watts: Have you read Section 11 of the Criminal Code?

**The MINISTER FOR LABOUR:** I have not. The same clause also provides that every person commits an offence who acts or has acted or will act in obedience to or in conformity with the directions of a combine with respect to the sale, purchase or supply of any goods. If the member for Stirling, who is a lawyer, can satisfy me that this clause would not have retrospective effect I shall be glad to hear him.

Hon. A. F. Watts: It is not for me to satisfy you. I suggest you go to the Solicitor General.

**The MINISTER FOR LABOUR:** I might have to do that before I finish with this Bill. There are no machinery clauses in it. I would ask the member for Stirling when replying to indicate how it is intended to police the measure and to give effect to its provisions. The Bill is merely a shell with no machinery or administrative clauses.

In another Bill which has been introduced there is a clashing of provisions of a like nature. Without mentioning that Bill there are for the consideration of this House provisions for power by statute to have maximum prices and rates declared, to prohibit certain transactions involving a departure from the normal course of trading; to prohibit sale of goods or supply of service before maximum price or rate is fixed, and for excessive charges to be refunded; to impose a penalty for refusing to sell goods at fixed prices, for refusal to perform services at a fixed rate, for speculating in goods, for corners and restrictions in circulation of goods; for

the seizing of goods when the market is cornered or when any person is acting in restraint of trade.

Those are some of the provisions to which attention will be directed at future sittings of this House. If that measure is passed it will be far more effective than the one now before us in its present form, which is aimed at the control of what are generally referred to as trusts and combines. I invite the comment of the author of the Bill to indicate in what direction the public will be given protection in regard to any commodity which is produced or handled by a sole authority in Western Australia. There is no provision to protect the public. This Bill cannot fix prices. I suggest it will be hard to prove collaboration, collusion, co-operation or agreement between certain individuals to side-step the provisions of this Bill.

Mr. Court: It does not attempt to fix prices, but it attempts to keep them down, which is more important.

**The MINISTER FOR LABOUR:** I like that comment! How would it do that in its present form and who will carry out the necessary inspection? Is there any power given for an authorised person to ascertain whether the price being charged to the public for any particular commodity is unfair or otherwise? I submit there is none whatsoever.

Mr. Court: The basic principal of the Bill, as I see it, is that there is no need for such a check because free competition will keep prices down.

Mr. Johnson: Have you any more fairy tales?

Mr. Court: Of course it will. Do you think it will tend to increase prices?

**The MINISTER FOR LABOUR:** I shall deal with that in a moment.

Hon. L. Thorn: Deal with it now.

**The MINISTER FOR LABOUR:** The hon. member can remind me later. Does the member for Nedlands suggest that this Bill will tend to keep prices down?

Mr. Court: I do, if free competition results from it.

**The MINISTER FOR LABOUR:** As I see it, if this Bill becomes law, who will take the initiative to determine whether there is agreement or whether there is activity to influence the prices or supplies? Who is the authorised officer to make the necessary inspection to ascertain whether there is any substance in a complaint that supply or prices are being influenced?

Mr. Ross Hutchinson: The injured party presumably will take action.

Mr. Yates: Any member of the public.

**The MINISTER FOR LABOUR:** The onus will be on the housewife or the worker on the basic wage to take the necessary action against the combine. Does the hon. member not think that the Government

should help the ordinary person to secure protection? Surely it is not suggested that the ordinary person has to take civil action on his own account! Is it not considered that the Government of the day, with such legislation in force, should see to it that proper machinery for the reasonable protection of the public is set up?

Mr. Yates: You are getting away from the Bill altogether.

The MINISTER FOR LABOUR: I am not. I shall now deal with the matter raised by the member for Toodyay. He said that this Bill will tend to control prices.

Hon. L. Thorn: That was not what I said. The member for Nedlands contended that free competition will keep prices down.

The MINISTER FOR LABOUR: What did the hon. member himself say?

Hon. L. Thorn: You said that you would answer that comment.

Mr. SPEAKER: Order! The Minister will address the Chair and not answer interjections across the Chamber.

The MINISTER FOR LABOUR: When the hon. member made a reasonable interjection I did not want to ignore it.

Hon. L. Thorn: It was the interjection of the member for Nedlands.

The MINISTER FOR LABOUR: Then the member for Toodyay is satisfied. I would like to give this indication in all seriousness: If this Bill is placed on the statute book, and if the housewife or worker is to take action, it will lead to a great amount of litigation and delay. Take the case of the Adelaide Steamship Co. versus the Attorney General some years ago. That case went before the Privy Council and two years passed before it was finalised.

Hon. L. Thorn: The injured party would not take litigation but report the matter to the proper authority.

The MINISTER FOR LABOUR: I am glad reference has been made to that point. That is exactly what I am suggesting should be set up. In its present form the Bill has no provision to establish an authority to take action.

Hon. L. Thorn: If the Bill becomes law, you will have the authority.

The MINISTER FOR LABOUR: If the Bill becomes law, the law will be as set out in the measure.

Hon. A. V. R. Abbott: Who takes action in the case of any offence committed under any Act?

The MINISTER FOR LABOUR: When an employer who is bound by the Factories and Shops Act breaks the law by paying less than the rate prescribed in the industrial award, an inspector of the Factories and Shops Department takes

action. He is a Government officer who is charged with the responsibility of seeing that the provisions of the Act are observed. The ordinary worker, who has to sign on the dotted line, would feel that he was jeopardising his position if he took action. The inspector has power to inspect books of account and wages sheets, and if less than the award rate is being paid, the employee does not have to spend money on legal processes. The case is taken up by the departmental inspector who is empowered to act.

Hon. A. V. R. Abbott: Who takes action under the Traffic Act?

The MINISTER FOR LABOUR: The hon. member will not induce me to take that line of argument. I have given a classic example. I do not propose to enter into a lot of detail, but I suggest that if the Bill is going to be worth while, it will have to be toned up considerably. As the measure stands, it relies upon competition to make goods and services available to the public at competitive prices, but it does not provide for the supervision of the prices of goods and services. Where there is no competition, I suggest, it will have no effect whatever. The only effect it could have would be indirect. Before it could be proved that there had been exploitation in regard to the price or supply of a commodity or collusion to influence the price or supply of a commodity, a long period would elapse after legal action had been taken against the trader or company.

The Bill will need a number of amendments. Machinery provisions would have to be incorporated. Provision would have to be made for an inspector or commissioner empowered to do all things necessary to ensure that the requirements of the measure were given effect to. In order to protect the public, where it was proved that a combine—to use the term employed in the Bill—had been guilty, the public should be informed of it by advertisement in the newspapers and by notices displayed on its premises, indicating to the public that the firm had been charged, that the charge had been proved and that it had been penalised for exploiting the public.

If the hon. member considers it so necessary to introduce a Bill to protect the people in this way, there should be no half-measures about it. The Bill should be given some substance so that it will be really helpful in the direction of protecting the public. If another measure that the House has been considering be passed, there would be no necessity for this Bill, but if it is not passed, there will be some need to protect the people against the activities of those envisaged in the Bill now before us. I shall not oppose the second reading, but I hope that in Committee amendments will be submitted for our consideration so that if the

measure is to reach the statute book, it will contain something worth while that will work for the benefit and protection of the public.

**HON. A. V. R. ABBOTT** (Mt. Lawley) [8.5]: The policy of the parties on this side of the House is to regulate effectively and supervise monopolies and trade combinations considered to be hostile or unfriendly to the public interest, and to recognise the value to the community of small businesses and sole traders and give them encouragement and protection where practicable.

Mr. Andrew: Where does that come from?

**Hon. A. V. R. ABBOTT**: That is part of the L.C.L. platform.

Mr. Lawrence: It has not much to recommend it.

**Hon. A. V. R. ABBOTT**: The hon. member may get a copy. We make our platform available to the whole world. I know that the Leader of the Country Party, together with other members of the Opposition, approve of that plank of the platform. Knowing that the measure will assist those objectives, it has my support.

The Minister for Lands: Did you give Mr. Grayden's Bill your full support?

**Hon. A. V. R. ABBOTT**: Did the Minister give it his support?

The Minister for Lands: I am asking you.

**Hon. A. V. R. ABBOTT**: Members opposite had every opportunity to debate it but kept discreetly silent.

The Minister for Works: You kept it low on the notice paper.

The Minister for Lands: You are not doing to the member for Stirling what you did to Grayden.

**Hon. A. V. R. ABBOTT**: Anything that will assist the objectives I have outlined has my full support and the full support of the member for Stirling. Therefore I am in agreement with the principles contained in the Bill. I think that the prices proposal would be a detriment to free enterprise and competition, as has been proved all over the English-speaking world. It has been found to be of great detriment in America—

**Mr. SPEAKER**: Order! I cannot permit the hon. member to discuss that matter on this Bill.

**Hon. A. V. R. ABBOTT**: I wish to submit that there is a distinction between the measure brought forward by the member for Stirling and the Government Bill. In my view, one would be a detriment, whereas the principle enunciated in the Bill now before us would be of advantage to the community. I agree

with the Minister that the framing of such legislation is no easy matter. The member for Stirling has had legal training, and so have I, and we realise the difficulty of employing language to achieve the objective that he and I support. Therefore I am not altogether happy with the wording of the Bill. If it should reach the Committee stage, I believe that it could with advantage be amended.

This is not an easy matter to deal with. Recently a commission was appointed under the British Act known as the Monopolies and Restrictive Practices Inquiry and Control Act, 1948, to inquire into the very object of this measure and the one referred to by the Minister for Labour. The report is a very full one and, so far as I am aware, is not as yet available to the public here. I had my copy specially sent out by air mail, because I thought it would contain much information that would be of value to the House in debating this measure.

The commission made a very thorough inquiry into all these matters. I find that it took evidence from 206 organisations. It took evidence from such people as the representatives of the Federation of British Industries and from the Trade Union Congress. The commission also made inquiries into the supply and marketing of 75 different materials, the list starting with agricultural machinery and ending with wire rope.

The Minister for Works: It would help us if you told us early whether you are in favour of the Bill or against it.

**Hon. Sir Ross McLarty**, Tell him in your own time.

**Hon. A. V. R. ABBOTT**: I have already said that I am in favour of the principles of the Bill; I do not intend to vote against the second reading. I do not know whether the Minister meant what he said when he told us he would support the second reading. Perhaps the Minister for Works does not agree with him.

The Minister for Lands: Do not you think the Bill will put the Liberal Party on the spot?

**Hon. A. V. R. ABBOTT**: It will put the Labour Party on the spot.

The Minister for Works: That is what you think.

**Hon. A. V. R. ABBOTT**: The Minister was humming and ha-ing so much that he did not know where he would get off.

The Minister for Labour: I may have been humming and ha-ing, but you are not ha-ing.

**Hon. A. V. R. ABBOTT**: It would have been of advantage had we had time to study the report and the great volume of information that it contains.

The Premier: The new aristocratic member of the Country Party!

Hon. A. V. R. ABBOTT: I am sure the Premier will be interested to read this report. The commission inquired not only from the sources I have mentioned but also into the legislation of Canada, the U.S.A., Sweden and Great Britain, and then made its recommendations. This, therefore, is not a measure that we can hurry through. It required very careful drafting and merits close consideration.

I know that the language of the Profiteering Prevention Act has been used, but that was a hasty measure introduced at a time when we were at war and when the whole of our normal processes of State had to be set aside for the purpose of defeating the enemies who were attacking us. It is quite clear that that was the purpose of the measure as it concludes—

This Act shall continue in force during the continuation of the war in which His Majesty is at the commencement of this Act engaged, and for a period of six months thereafter and no longer.

That is how the legislation was introduced in this House by a Labour Government. I know the measure was repealed, but for one reason only—because there was some confusion as to whether the war had ended or not—

Mr. McCulloch: Has it ended yet?

Hon. A. V. R. ABBOTT: I think so, and I think it had ended before the repeal of that Act, and so, when the legislation purported to have been repealed, it was not in operation—

Mr. McCulloch: There is war in Malaya and elsewhere now.

Hon. A. V. R. ABBOTT: Yes, but this measure referred to the war in which His Majesty's Government was engaged at the time when the Act was passed, and that was the war with Germany. It was a long time before the peace treaty with Germany was finalised. The legal definition of whether a country is at war is difficult, and it was finally decided by the Commonwealth Government issuing a proclamation that Australia was no longer at war. That proclamation was issued before the purported repealing of the Act, but that is only by the way. I do not propose to analyse the Bill or go far into its details. I approve the objective sought by it, and for that reason support the second reading.

On motion by Mr. Bovell, debate adjourned.

#### **BILL—POLICE BENEFIT FUND ABOLITION ACT AMENDMENT.**

##### *Second Reading.*

MR. LAWRENCE (South Fremantle) [8.20] in moving the second reading said: I feel there is some background to this measure that needs explanation.

Hon. A. F. Watts: Too right, there is!

Mr. LAWRENCE: I refer to "Hansard", 1939, page 2241, where, when introducing the legislation, the Premier of that day, Hon. J. C. Willcock, said—

The purpose of this Bill is to abolish the Police Benefit Fund and to make provision for the winding up and disposal and distribution of the moneys in the fund. The reason why the fund is being abolished is that provision is made in the Superannuation and Family Benefits Act of 1938 for pensions to police officers, in common with other members of the Public Service, on retirement from the service. The Superannuation and Family Benefits Act, Section 32 (2), provides that a contributor to the Superannuation Fund who is employed in the Police Department and who is liable to contribute to the Police Benefit Fund shall cease to be liable to contribute to that fund or be entitled to benefit from it, but he is entitled to have placed to his credit with the Superannuation Fund his share of the Police Benefit Fund as is in the opinion of the Government Actuary fair and just.

If the condition of the Police Benefit Fund had been normal there would have been no occasion for the present Bill, because after investigation by the Government Actuary the share of those members of the Police Benefit Fund could have been certified and paid over to the Superannuation Board.

I want members to pay particular attention to what follows—

Unfortunately, the condition of the Police Benefit Fund is that it is almost insolvent. The history of the Police Benefit Fund is that it was established under an Ordinance of 1866, which provided that moneys collected from members of the Police Force by means of fines and subscriptions should be set aside to form a fund out of which gratuities, rewards, and retiring allowances or superannuation to police officers could be paid. Since that time the regulations governing the fund have been amended from time to time, and until recently the position was that the police officers contributed 3 per cent. of their salaries and the Government contributed an amount equal to the sum of these contributions to the fund. Officers on retiring were entitled to a gratuity varying from a fortnight's to four weeks' salary for each year of service.

It is evident that, due to the insolvency of the fund, during the switchover to the superannuation scheme, there was some distrust among a few members of the Police Force, and as far as I can discover

there were about 19 members affected. That meant that those members of the force who did not take advantage of the superannuation scheme found that the money they had paid into the Police Benefit Fund was held by the Treasury. It has been so held since that time, as it could only be returned to those officers on their dismissal from the force or retirement through age. At the moment, there are only two persons affected, and I see no reason why their money should be held by the Treasury, particularly as the amount in question is in the vicinity of £150 or £170.

This is a simple measure which, in my opinion, is designed to rectify an anomaly that has existed for some years. The Act as it stands states clearly that where a member of the force subscribed to the benefit fund and did not change over to the superannuation and family benefits scheme, the money would remain in the hands of the Treasury. Paragraph (b) of Section 13 of the Police Benefit Fund Abolition Act, 1939, states—

- (b) Subject to paragraph (a) hereof no member of the Police Force shall be entitled to any payment whatsoever out of the Police Benefit Fund Distribution Trust Account until he has retired from or ceased to be employed in the service of the State, but as and when a member of the Police Force retires from or ceases to be employed in the service of the State, he shall be entitled to payment of and shall be paid in full the amount shown in the statement aforesaid to be payable to him: provided such amount has not already been paid for his benefit to the Superannuation Board in accordance with the requirements of paragraph (a) hereof.

The persons concerned were therefore prohibited from drawing credits paid into Treasury funds by them unless they joined the other fund. I repeat that many years have passed, and only two or three individuals are now affected, the total sum involved being in the vicinity of £150 or £170. I see no reason why moneys paid in by a member of any organisation under these circumstances should be held by the Treasury. I know that in one instance the payment of this money would be of great benefit to the individual concerned and also to his family, as it would assist in the purchasing of his home. This man has about nine or ten years still to serve in the force, and he has served up till now with great credit to himself and to the benefit of the Crown and the public.

I have consulted the Minister for Police, the Police Department, the Police Union and members of the force in this matter, and they have no objection to the measure

but are all quite happy about it. I maintain that the section to which I have referred is archaic and that no harm could be done by the passing of this Bill. I have pleasure in moving—

That the Bill be now read a second time.

On motion by the Minister for Lands, debate adjourned.

### MOTION—PUBLIC WORKS ACT.

#### *Amendments Regarding Land Resumptions.*

Debate resumed from the 14th September on the following motion by Hon. L. Thorn:—

That in the opinion of this House, the Public Works Act should be amended to ensure—

- (a) that land is not resumed before reasonable notice is given to the owner to enable him to appeal against the resumption on grounds such as availability of Crown or unoccupied land or unsuitability of the land to be resumed;
- (b) also that when resumption proceeds the market value of the land plus improvements plus a percentage for resumption is paid within three months;
- (c) that the owner is to have a right of appeal, to a court, if he desires to claim any additional amount.

to which the Minister for Works had moved the following amendment:—

That all words from and including the word "ensure" in line 3, down to the end of the motion be struck out.

HON. A. F. WATTS (Stirling—on amendment) [8.31]: I do not see any need to alter the very excellent motion moved by the member for Toodyay, because it seems to me that it sets out in clear and understandable language the major things that he considered were desirable in altering the law in regard to land resumptions by the Crown. It is true that the Minister for Works indicated that in recent times, and by administrative act, there had been put into operation some requirements which he hoped or expected would subsequently be referred to Parliament by way of amendment to the existing legislation under the Public Works Act. Because he had expressed that opinion he proposed that the House should carry his amendment which simply said that that is all that should be done.

If one were to examine with care the speech made by the Minister, one would find that in the main the matters that he referred to are along almost precisely

the same lines as those indicated in the motion of the member for Toodyay, as it stood upon the notice paper when he moved it. Therefore, for the life of me, I cannot see any substantial justification for altering what I said is, in its original form, a most desirable motion. Let me make myself perfectly plain; I am opposed to the amendment not because I do not want to see amendments to the Public Works Act—I would not support the motion itself if I were in that frame of mind—but because I think that the motion as moved by the member for Toodyay is excellent in the form in which he moved it, and it indicates the major points upon which he considered the law required amendment and indeed it would appear that the Minister for Works is, regarding many aspects, of precisely the same opinion.

But I must confess that I was completely astounded at the extraordinary outburst which emanated from the Minister for Housing at a later stage of the debate.

Hon. Sir Ross McLarty: I did not see any report of his speech.

Hon. A. F. WATTS: No one on this side of the House has suggested that resumptions—substantial resumptions—were not made by the various governments which from time to time they have supported; and precisely the same can be said of every member opposite because ever since the passing of the Public Works Act, which enables the Crown to resume land for public works, there have been resumptions. In some years there have been substantial resumptions and in other years somewhat smaller resumptions.

During that period of years nobody has seen fit to make any song and dance about it. But circumstances have a habit of changing and I do not want to offer any criticism of anybody in this House who has supported a Government, or a Minister, who has made resumptions for public purposes. I fully subscribe to the extraordinarily clear statement of the position of the Crown in regard to the necessity, on occasions, of resuming land for public works that was made by the Minister for Works. We know that from time to time it cannot be avoided and I am not going to suggest that in the past somebody has not made some mistakes and resumed land when perhaps it need not have been resumed. I have no doubt that if the law continues as it is at present similar mistakes could be perpetrated in the future.

But I do know that on a debate of this kind it is in my view ridiculous to spend the better part of one hour of the time of this House endeavouring purely to make political capital out of a motion which—if the speech of the mover is read by any rational person—was moved in perfectly good faith. And why? So far as I am concerned, and I believe so far as the mover is concerned also, it was not because people

have conducted protest meetings. I certainly have not attended any and I am perfectly certain that the member for Toodyay has not attended them.

If members will recall, I made some reference to the land resumption question in the early stages of this session when I spoke to the Supply Bill. I also made some reference to the report of Professor Stephenson, from which report it would appear—and I think it would appear the same to anybody who bothered to read it, or even a substantial part of it—that there will be resumptions of a character and of a number—in numbers substantial and in character considerable—before the report can be carried into effect.

Should we persist with the provisions which exist in the Public Works Act at present, I am prepared to certify that we shall have considerable dispute and difficulty in making those resumptions and there will be a great measure of dissatisfaction. As I see it, anybody with any sense wants to remove that possibility and it was to that point that I directed such remarks as I made on the Supply Bill when I mentioned the question of land resumptions. It is primarily that question, and also the rapid development of the State which has taken place in recent times, and which will make resumptions for other purposes in certain places essential from time to time, that I feel was the reason for bringing this motion before the House.

As I have said, I do not care what has happened in the past under the existing legislation. It is quite clear to all parties that it was done under the law as it stood and so far as I am concerned there is no suggestion that it was done illegally at any time. The point I wish to stress is that in the face of the increasing demand, and certainly the possible increased demand for this type of action, the existing law is becoming outmoded; in fact, it does not, in its present form, do a reasonable measure of justice. This is borne out by the fact that three or four years ago, when the resumptions for the Welshpool-Bassendean chord line were being discussed, the Government of the day saw fit to introduce—and Parliament saw fit to pass—legislation authorising special consideration over and above that provided for in the Public Works Act, to be given to the people who were concerned and who were having their properties tampered with.

It was thought—and Parliament agreed—that the normal procedure under the Public Works Act, as it then existed and as it exists today, would not be sufficient to do justice to those people and so the authorities concerned were especially empowered by a separate Act to do better for those whose properties were being resumed than was provided for under the sections of the Public Works Act. So

far as I can ascertain, advantage was taken of that provision and a reasonable deal was given to those people. It appeared to me then that that would be an isolated instance but today it appears quite likely that there may be a number of similar resumptions if the State decides to implement, even over a period of years, as I think it must, the Stephenson report and the various aspects that will arise out of it.

So the requirements of the Public Works Act, as they are at present, are quite inadequate and the glimmerings of that inadequacy, which were seen three or four years ago, are now like a very bright light and I think visible to all of us. So the member for Toodyay, and the Minister for Works, let me say, approached this matter in a reasonable and proper manner. They debated it on the merits. The Minister for Works went to some trouble to explain the history of land resumption and the interests of the Crown and, as the member for Toodyay did take into consideration the rights of the people whose land was resumed, and made what could be regarded as a careful review of the proposition and of the problem which faces the Administration of whatever political complexion it may be.

The only aspect respecting which I do not agree with the Minister for Works is his desire to amend the motion because, as I said, the difference in essence between his amendment and the member for Toodyay's motion is the difference between Tweedledum and Tweedledee. But, Sir, contrast the observations of those two members of this House with the jingoistic outburst of the Minister for Housing. Far be it from me to offer him any unjustified criticism; he has had little or none so far as I have been concerned since the time he took office here. But to have reduced the debate as he did a week ago from the level it had attained through the medium of the Minister for Works to the level he did was, in my opinion, completely unworthy of him.

The Minister for Housing: It took the fight into your camp.

Hon. A. F. WATTS: The Minister took the fight into nobody's camp because nobody was accusing him. He was on the defensive all the time.

The Minister for Housing: I was on the offensive. That is the genesis of the whole thing.

Hon. A. F. WATTS: The Minister thought that attack was the best means of defence.

Hon. Sir Ross McLarty: What did you think of the report of your speech in "The West Australian"?

The Minister for Housing: Precisely what I expected; at least they did not distort it.

Hon. A. F. WATTS: However, I do not propose to bring my remarks anywhere near the level to which the debate was brought by the hon. gentleman in the manner to which I have referred.

The Minister for Housing: You would accuse yourself if you did.

Hon. A. F. WATTS: I would point out to the Minister that his observations had little to do with the subject matter of the motion, and they were deliberately designed to bring a reasonably constructive debate down to the level of mere party politics.

The Minister for Housing: I recited history to you.

Hon. A. F. WATTS: I feel that nobody outside the hon. member himself was in any way pleased with what he said.

The Minister for Housing: I gave you history you did not like.

Hon. A. F. WATTS: I do not mind history at all. If the hon. member was listening to my remarks he will recall I said that every Government that existed since the commencement of the Public Works Act had taken advantage of it.

The Minister for Housing: Why has there been this pretence in the last 12 months.

Hon. A. F. WATTS: I have made no pretence.

The Minister for Housing: I know it was not you personally.

Hon. A. F. WATTS: Nor do I know of any pretence anywhere. So far as I am aware I have had no indication that the meetings held have not been spontaneous; I do not think there is any proof to the contrary—none that I know of. I have not been connected with them, and to that extent I have no proof. But on the face of it, they have been completely spontaneous, and for what reason I do not know—and I do not propose to inquire—

The Minister for Housing: Take a walk to the other side of the building and you will see. It is on again.

Hon. A. F. WATTS: The way in which the Minister confuses this matter and the fact that he goes on the defensive indicates to me that there may be more in the complaints than I think there is.

The Minister for Housing: I have never been on the defensive.

Hon. A. F. WATTS: The Minister was on the defensive last week.

The Minister for Housing: I was knocking you people for six.

Hon. A. F. WATTS: There was no question about it, the Minister was on the defensive last week. He may have taken a spurious attack to be the best line of defence but he was on the defensive for some reason best known to himself, which I did not try to fathom at the time, nor

do I propose to do so now. As far as I can see, the circumstances that led to the meetings to which the hon. member referred were perfectly spontaneous.

The Minister for Housing: You might know something about Stirling, but you know mighty little about the metropolitan area.

Hon. A. F. WATTS: If the Minister was good enough to say I "do" know something about Stirling, I would at least approach him half way. I do not like the word "might". I will leave the matter at that, and oppose the amendment moved by the Minister for Works.

HON. L. THORN (Toodyay—on amendment) [8.50]: I support the Leader of the Country Party and I agree that there is practically no difference between the amendment moved by the Minister for Works and my motion. If members study the amendment they will find that it covers the motion I moved.

The Premier: You will accept the Minister's amendment?

Hon. L. THORN: Why amend the motion? I brought the motion forward with the idea of having the matter dealt with. There is no doubt but that I put the Government on its mettle because it was not many weeks after I moved the motion that the Minister for Works gave notice that he was introducing a Bill to amend the Public Works Act. There is no doubt that it was this motion that brought him to reality.

The Premier: Nothing of the kind.

Hon. L. THORN: I am sure of it.

The Premier: You are quite wrong.

Hon. L. THORN: In his remarks the Minister dealt with one or two matters that I brought forward. One was a case in Wanneroo where the owner of the land was offered £20 providing he paid the rates and taxes and I am afraid that after he paid the rates and taxes he had no equity in the block at all. At a later stage this man was offered £500 for that block. The Minister ridiculed that statement. I asked if he had made an inquiry and he said, "My word I have!" He put on a fairly shrewd look as though he knew all about it; he very shrewdly evaded the question as to whether the statement I made was factual or not.

The Minister for Works: I told you that blocks were selling for £10 several months after this was resumed.

Hon. L. THORN: The Minister indicated to the House that my statement was not correct; he evaded the question and said he did not have the information.

The Minister for Works: What do you think about it?

Hon. L. THORN: A member of the road board gave me the information. I believe it. I agree it was a very high price. I know resumptions are necessary and I remember when I was Minister for Lands there was a certain person who owned blocks all over Perth and in South Perth. I got the Under Secretary for Lands to plot those blocks on a litho and it was an eye-opener to see the number of blocks that that party held. Many of them were important blocks from an industrial point of view and any Government would have been entitled to resume those blocks for industrial purposes under fair and equitable conditions. There is no doubt about that. I do not advocate that high prices should be paid for blocks that are resumed. The whole spirit and body of this motion is to ensure that people be given a fair deal; that on resumption they get a fair and reasonable price for their blocks. As the mover of the motion I feel it has had very good results.

During the few words I spoke the Minister for Works said, "We are doing that now; we are doing even better." The Minister for Housing said, "Oh yes, we are doing that now and blocks that are not being used for housing purposes are being returned to the owners and they are allowed to sell them." That is excellent, but it is very evident that when these land-owners held their meetings and protested it was not being done, because if all these wonderful conditions were being offered at that time there would have been no need to hold protest meetings.

The Minister for Housing: They were publicly notified and in writing; individual letters were sent to them.

Hon. L. THORN: Yes, when the Minister reached the stage that he was prepared to give the matter consideration.

The Minister for Housing: That was done in the first couple of days.

Hon. L. THORN: My information is that prior to the Minister agreeing to give that consideration it was not being done.

The Minister for Housing: Yes, it was.

Hon. L. THORN: If members were reasonable, I think they would agree that the resumptions for public works and housing in the early stages were most unfair to the owners of land that was affected. I am very pleased indeed to hear both Ministers say that consideration is being given to these people. That is the purpose of this motion and there is no necessity to amend it. If members read the amendment and the motion, they will see that the grounds are both the same.

Hon. Sir Ross McLarty: Except that the Minister is taking the credit unto himself by his amendment.

Hon. L. THORN: I suppose it is natural that the members of the Government should endeavour to amend a motion that



has been moved by the Opposition with a view to swinging to themselves any credit that may result; they do not desire to give this side of the House any credit at all. The Minister for Housing mentioned a case and pointed the bone at me as being the guilty party. I replied to him rather heatedly because nobody gave the gentleman he mentioned more consideration than I did.

The Minister for Housing: You gave him everything except his land.

Hon. L. THORN: Under the Act the Minister must give approval for consideration to be given to the case and make a recommendation. But after the recommendation has been made for them to obtain ministerial approval, and the Minister refuses it, the case can go to the court. That is what happened in Paul's case. I refused to approve the recommendation in that instance; it went to the court and Paul won the day, and he deserved it.

The Minister for Housing: You are not very straight on your facts.

Mr. SPEAKER: Order! The hon. member is getting away from the motion.

Hon. L. THORN: I hope the House will not agree to the amendment moved by the Minister for Works. It is quite unnecessary because his amendment and my motion have exactly the same meaning. It is only a matter of giving the Opposition credit for bringing it down. But the Government wishes to take credit to itself.

Hon. Sir Ross McLarty: The Minister is stealing your thunder.

Hon. L. THORN: He certainly is.

Amendment (to strike out words) put and a division taken with following result:—

Ayes	....	....	....	18
Noes	....	....	....	17
Majority for				1

#### Ayes.

Mr. Andrew	Mr. Johnson
Mr. Brady	Mr. Lapham
Mr. Graham	Mr. McCulloch
Mr. Hawke	Mr. Moir
Mr. Heal	Mr. O'Brien
Mr. J. Hegney	Mr. Rhatigan
Mr. W. Hegney	Mr. Sleeman
Mr. Hoar	Mr. Tonkin
Mr. Jamieson	Mr. Sewell

(Teller.)

#### Noes.

Mr. Abbott	Mr. Naider
Mr. Ackland	Mr. Nimmo
Mr. Court	Mr. North
Mr. Doney	Mr. Owen
Mr. Hearman	Mr. Thorn
Mr. Hill	Mr. Watts
Mr. Hutchinson	Mr. Yates
Mr. Manning	Mr. Bovell

(Teller.)

Amendment thus passed.

The MINISTER FOR WORKS: I move an amendment—

That the following words be inserted in lieu of those struck out:—  
“bring it into line with present administrative practice and to provide for prior notice, more expeditious settlement and additional rights of appeal.”

I indicated—

Mr. SPEAKER: Order! The Minister may not speak at this stage, because he is merely completing the moving of his amendment to the motion.

HON. L. THORN (Toodyay—on amendment) [9.4]: In addressing the House a moment ago, I claimed that the Minister's amendment meant exactly the same as my motion. Therefore, in the interests of the public, who have undoubtedly suffered under land resumptions, I will support the amendment.

HON. A. V. R. ABBOTT (Mt. Lawley—on amendment) [9.5]: I move—

That the amendment be amended by adding the following words:—

“and to provide for an appeal to a court for decision whether the resumption should be disallowed.”

I do not think the Minister will have very much objection to this, judging by his interjection. I think he feels that there should be some appeal in connection with resumptions because, under the Public Works Act, not only Government resumptions are made. At times, resumptions are carried out for local authorities; and I think that, if necessary, there should be an investigation into proposed resumptions of that kind in order to determine whether they should be made or not. I would say the same with regard to government resumptions. After all, resumptions are only to be made where they are absolutely essential in the interests of the community. It is not a natural function of government to take a man's land and use it for governmental purposes.

That is a principle which is certainly followed in Great Britain. Not so very long ago there was a legal case in which a man claimed the return of his land. If I remember rightly, the judge pointed out that the man had no legal redress; but that, in his opinion, the Minister was very wrong in doing what he had done. This is what he had done: The land was resumed for an aerodrome during the last war. It was not so used or, if it was, it was used only on a temporary basis; and after the war, the previous owner requested the return of the land. The Minister refused the request and utilised the

land for another purpose. After the dictum of the court, the criticism of the Minister was such that he actually resigned.

I contend that there should be some appeal to determine whether a resumption is absolutely essential in the public interest. If such were the case, the Minister of the day would have no difficulty in justifying his action before the court.

**THE MINISTER FOR WORKS** (Hon. J. T. Tonkin—Melville—on amendment on amendment) [9.10]: The words which I propose should be added to the motion include the words, "provide for additional rights of appeal"—that is, rights additional to those given by the existing Act. If what the hon. member has been dealing with is not an additional right of appeal, I have never seen one.

Hon. A. V. R. Abbott: I agree that it is. But it is a specific one, is it not?

**THE MINISTER FOR WORKS**: I had already informed the House weeks ago that I intended to bring down a Bill for the purpose of amending the Act. It is not the practice to mention specifically what the clauses of a Bill embrace before it is introduced; nor is it desirable that that should be done.

Hon. A. V. R. Abbott: You are giving an indication here because it is applied—

**THE MINISTER FOR WORKS**: The use of the words "additional rights of appeal" indicate that I propose to amend the Act to confer upon the people rights of appeal that they do not now possess. Surely that is enough! Surely the hon. member would not expect me on this amendment to mention all the additional rights of appeal I intend to provide for! The time to do that is when the Bill, which is now in the draftsman's hands, reaches this House.

Hon. A. V. R. Abbott: Do you object to this provision?

**THE MINISTER FOR WORKS**: I object to it because it is redundant. I say that the amendment, as worded, providing for additional rights is an indication to this House that additional rights of appeal are required.

Hon. A. V. R. Abbott: Of this nature?

**THE MINISTER FOR WORKS**: Additional rights of appeal of various natures. When the Bill comes here, if it does not include the right of appeal that the hon. member has mentioned, it will be open to him to move an amendment to see that it does. This is only kite-flying.

Mr. Ross Hutchinson: Not a very big kite.

**THE MINISTER FOR WORKS**: No, a squib of a kite.

Mr. Ross Hutchinson: Then why object?

**THE MINISTER FOR WORKS**: I am surprised at the hon. member, who is an ex-schoolteacher wanting to mutilate an

amendment by having words like this tacked on to it. He should be the last one to advocate that. Read the rubbish!

Mr. Ross Hutchinson: That is very extravagant talk.

Hon. A. V. R. Abbott: And it is not rubbish, and you are hedging. Why hedge?

**THE MINISTER FOR WORKS**: The hon. member is a man who has had a reasonable education. Let him tack his words on to this amendment and then see how the motion will read. I will read it for him—and what a lot of jargon it will be!

To amend the Public Works Act to bring it into line with present administrative practice and to provide for prior notice, more expeditious settlement and additional rights of appeal, and to provide for an appeal to a court for a decision whether the resumption should be disallowed.

Hon. A. V. R. Abbott: What is wrong with that?

**THE MINISTER FOR WORKS**: Everything, because it is completely redundant.

Hon. A. V. R. Abbott: Is it?

**THE MINISTER FOR WORKS**: Yes. If the hon. member cannot see it is, I am not going to waste time trying to convince him. Any person with commonsense would know that if a Minister makes a statement that he will provide for additional rights of appeal, they will embrace what the hon. member has suggested.

Hon. A. V. R. Abbott: They could, or they might not.

**THE MINISTER FOR WORKS**: If they do not, then when the Bill comes before the House, the hon. member will be able to say, "This Bill does not provide for the specific right of appeal that I had in mind, so I shall move to include it." He will have a far better opportunity to do it then than he has now. I suggest to him that this is an indication that the amending Bill should provide for rights of appeal. I do not want to limit it to one right of appeal. I think the Public Works Act is deficient in certain directions, and I have indicated those directions.

Hon. A. V. R. Abbott: You have not indicated this one.

**THE MINISTER FOR WORKS**: The hon. member prefers a specific statement on one, rather than a general statement which could embrace plenty.

Hon. A. V. R. Abbott: I would like both.

**THE MINISTER FOR WORKS**: Would the hon. member prefer that, from the words I suggested, we delete the words "provide for additional rights of appeal," and put in his words instead?

Hon. A. V. R. Abbott: I would.

The MINISTER FOR WORKS: He would be satisfied with just providing for a right of appeal with regard to the resumption; he is not concerned about the right of appeal against the amount of compensation.

Hon. A. V. R. Abbott: You have that already.

The MINISTER FOR WORKS: Not in the way we ought to have it.

Hon. A. V. R. Abbott: I agree with that.

The MINISTER FOR WORKS: If the hon. member agrees with that, he must withdraw what he said before. I suggest that this is only humbug. The wording of the motion, as suggested by me, must necessarily embrace the idea of the member for Mt. Lawley.

Hon. A. V. R. Abbott: It could.

The MINISTER FOR WORKS: It does, because if the House says that additional rights of appeal are to be provided, it is to be expected that all reasonable rights of appeal will be provided in the Bill, and if they are not, the member for Mt. Lawley will have his opportunity. In the final analysis, this motion is but an expression of opinion; and that will not give rights of appeal to people. What will confer them will be a Bill which, if it becomes an Act, will give those rights.

Instead of wasting time talking about specific rights here, let us have a look at the Bill and, if we are not satisfied, amend it. I could simplify all this if I indicated to the House now—as I am in a position to do—all the provisions of the Bill; but that would be neither right nor proper. So I do not propose to follow that course. I suggest that the motion in the form suggested by me of necessity embraces the proposition of the member for Mt. Lawley. After all we ought to pay some attention to verbiage when we are framing a motion, and I would be ashamed to think that I gave my support to a motion worded as this would be if we agreed to the further amendment put forward by the member for Mt. Lawley. I hope the House will oppose it.

HON. L. THORN (Toodyay—on amendment on amendment) [9.20]: Mr. Speaker—

The Minister for Works: You up again!

Hon. L. THORN: Yes, and if the Minister will be patient enough and listen to me, he may be satisfied with what I have to say. I had no indication from the member for Mt. Lawley that he was going to move this amendment. My motion means exactly what the Minister has stated in his amendment. When a Minister frames an amendment like this, I say these additional rights of appeal will be included in his Bill.

Mr. Ross Hutchinson: He was only kite-flying, anyway.

Hon. L. THORN: That is so, but I had no indication of the amendment that was moved by the hon. member. I have committed myself to the Minister's amendment because it means exactly the same as my motion, and it is what I desire. I will be most amazed if the Minister does not make provision in his Bill for these additional rights of appeal. So, I am placed in an awkward position, and I still say—I agree with the Minister—that when the Bill comes before the House the member for Mt. Lawley will have every opportunity, if the wording of the clause dealing with the additional rights of appeal does not suit him, to amend it to his liking. I do not want to oppose the member for Mt. Lawley.

Hon. A. V. R. Abbott: You think it is a good idea.

Hon. L. THORN: Yes, but this is a motion, and I claim the hon. member will have the full right, when the Bill comes before the House, to endeavour to amend the provision as he desires. So, I shall support the Minister's amendment.

Amendment on amendment put and negatived.

Amendment (to insert words) put and passed.

MR. SPEAKER: The question is that the motion, as amended, be agreed to.

Question put and passed.

## BILL—BANK HOLIDAYS ACT AMENDMENT.

### *Second Reading.*

MR. JOHNSON (Leederville) [9.25] in moving the second reading said: The Bill, which is a small one, has only a limited effect. The total intention of it is to make it possible for employees in banks to have the holidays that are available to the vast majority of workers in most industries—that is, the right to a five-day week. The banking industry is a specialised one, controlled by special legislation. Although the argument has been put forward on occasions that the question of a five-day week for banks is one for the Arbitration Court, that is not so, because the Arbitration Court has no control over the Bills of Exchange Act. If a five-day week is to be granted to banks, it is essential that the Bills of Exchange Act, or the Bank Holidays Act, be amended prior to that, happening.

[The Deputy Speaker took the Chair.]

Hon. A. V. R. Abbott: We cannot amend the Bills of Exchange Act.

Mr. JOHNSON: I know. The Bills of Exchange Act does not come within the purview of this House, but the Bank Holidays Act does. For that reason I am moving in this direction. The effect of the

Bills of Exchange Act is to put penalties upon banks and employees of banks if they fail to carry out certain actions on days that are not bank holidays. The effect of this small Bill will be to make Saturday a bank holiday; and therefore a day on which these various acts need not take place. The acts concerned are mainly of a purely legal nature.

For instance, there is no penalty on a bank for not being open to the public and accepting deposits, but there is a penalty if the bank fails to ensure that actions which come under the Bills of Exchange Act are carried out on those days. Therefore it is essential to deal with the matter in this way. In case it should be suggested that the request for a five-day week is purely a local one, I point out that it is the policy of the separate bank officers' associations, which are registered in the respective courts of arbitration, or similar bodies, in every State in the Commonwealth.

It is an aim which has already been achieved in New Zealand and Tasmania and in the majority of the States of the United States of America. In that country, where banking is a slightly different industry from that which it is here, but not so greatly different as to its effect on the business community, the achievement of the five-day week for bankers has been voluntary—it has not been made by legislative direction, but by legislative permission. There are some towns, districts and suburbs where banks do work a six-day week, and some where they work a six-day week in the winter and a five-day week in the summer. In other words, they please themselves because they have a permissive Act. It would appear that that is not possible under Australian law; it is certainly not possible under State law because, as I said earlier, we have no control over the Bills of Exchange Act. Therefore, it is necessary that this amending Bill should be passed before any steps are taken to reduce the number of days on which banking is conducted.

This measure does not seek to reduce the number of hours worked by bank officers in any one week and it can have no effect upon the volume of banking business because all the business offering will be done. It may be argued that there is necessity for banks to remain open on Saturdays to provide change for the various trades and establishments that operate on such days. This argument is fallacious, as has been extensively proved by the measures taken under the Betting Control Act.

Many statements have been published in regard to the volume of actual cash handled by the recently established betting shops, but I would point out to members—although most of them who have any experience at all must realise what the position is—that the vast majority of the

transactions that take place in those establishments on Saturdays occur after the banks are closed. It is extremely doubtful whether any of the money received by those establishments reaches the banks before Monday. However, the money held by them has not been placed in jeopardy so far. Apparently the proprietors of such establishments have made the necessary safeguards to ensure that their cash is placed in safekeeping.

Hon. Sir Ross McLarty: Does this measure refer to the Savings Bank, too?

Mr. JOHNSON: It refers to all banks.

Hon. Sir Ross McLarty: I ask you that because in many country districts post offices remain open on Saturday morning to transact savings bank business.

Mr. JOHNSON: In reply to that interjection I would say it would have no effect upon savings bank transactions that take place in country post offices while they are open, but it might be necessary because of interest payments for the actual date of the transactions to be post-dated to the following Monday. However, this would lie within the discretion of the postal officer in charge. In much the same way, there are limitations on the hours for the issue of money orders and so on. Having been a country banker for a number of years, I know that many banking transactions are conducted outside normal banking hours. They take place in the street, in the manager's residence or in an hotel, and are recorded on the following business day. That is not likely to prove a difficulty of any magnitude, particularly as savings bank business is nearly always conducted with actual cash and not by cheques and documents.

There is very little more I can say in support of this measure. It is obvious that the Bill is necessary to effect improvements. There are no well-founded objections to it, and if there are any arguments against it, as far as I am aware they are advanced for purely selfish reasons. The only arguments I have come across that have any force are those that were put forward after the bank officers in Victoria had made representations to the Government for the introduction of a five-day week, but later withdrew their agreement. I have no proof but I understand, on good authority, that the story behind the withdrawal of that proposal is that the large retail establishments in Victoria, and particularly in Melbourne, such as Myers' Emporium, put pressure on the Associated Banks to refuse the application.

The proprietors of those large establishments claimed that the closing of banks on Saturday would make it easier and more probable for shop assistants to have their working hours covered by a five-day week. If they achieved that objective, and shops

were closed on Saturdays, they would be forced to remain open longer on weekdays. The situation would then arise that employees of industry, most of whom finish their work in the early part of the afternoon, would have time, after they knocked off, to shop in their local suburbs or in the shopping areas in which they were employed; or even time to return to their homes, should they work in a dirty trade, to clean themselves up and then shop in their residential suburb.

However, quite a large proportion of them, in working a five-day week, would not have time to go home to clean up and return to the city to do their shopping, as they are in the habit of doing on Saturdays. Myers' Emporium and other large establishments were concerned that their trade should not be lost to the suburban shopkeepers. They had no responsibility nor any care in regard to aggravating traffic problems, nor to the fact that all political parties are supposed to give lip service to decentralisation; nor had they any thought about bank officers or any other workers in industry. They placed pressure on the Associated Banks to ensure that the existing system continued as far as their shops were concerned.

I do not blame them for taking such action, but I blame those people who gave way to their pressure. I fancy that action of a like nature might develop here, because the same argument holds good, or possibly I should say holds bad. The principle of 40 hours being worked in a five-day week is, as every member is aware, a plank of the Labour Party platform and it has proved successful in every industry in which it has been tried.

The practice of banking has already reached the stage where practically every branch of every bank is already staggering the Saturday employment of its officers so that the staff gets a Saturday off every four weeks, six weeks or eight weeks according to the roster. Bankers are not only aware that there is a demand for these shortened hours, but the business is not there to be done on Saturday in the same volume as it is on other days.

Hon. C. F. J. North called attention to the state of the House.

Bells rung and a quorum formed.

Mr. JOHNSON: I thank the member for Claremont for increasing the audience which got very thin during the previous debate. As I was saying, the banks themselves are aware that the demand for their services is far less on Saturdays than it is on other days and they have taken steps to stagger employment in the majority of branches. That staggering of employment, however, varies from branch to branch and there are occasionally, I imagine, branches which do a very heavy trade on Saturday morning. Similarly there are other branches which do

very little. I commend this small Bill to the House. I would remind members that ours is an improving economy, and it should be possible to make an improvement in the working conditions of this small body of workers. I hope that on this occasion the Bill will pass this and the other Chamber. I move—

That the Bill be now read a second time.

On motion by Hon. Sir Ross McLarty, debate adjourned.

*House adjourned at 9.44 p.m.*

## Legislative Council

Thursday, 22nd September, 1955.

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

### BILL—CEMETERIES ACT AMENDMENT.

#### *Second Reading.*

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.35] in moving the second reading said: This small Bill seeks to rectify an anomalous position. Section 35 of the principal Act provides that it shall be an offence for any person to wantonly or wilfully destroy or injure or cause to destroy or injure any building, vault, monument, tombstone, enclosure, fence, tree, shrub or other thing affixed to, or growing in, a cemetery.

An orgy of vandalism at Karrakatta Cemetery by children last year, in which a number of glass domed wreaths were seriously damaged, drew attention to the fact that the provision which I have just quoted deals with fixtures only, and not with movable objects such as wreaths. The Bill, therefore, seeks to give trustees