Legislative Assembly

Wednesday, the 5th November, 1958.

CONTENTS.

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

QUESTIONS ON NOTICE.

STATE TRADING CONCERNS.

Value of Inter-departmental Transactions.

1. Mr. COURT asked the Premier:

What is the money value of goods, services and other work of any kind supplied by each of the undermentioned Government trading concerns and instrumentalities for other Government trading concerns, departments, boards and Government and semi-Government instrumentalities during each of the years ended the 30th June, 1953 to 1958, both inclusive:—

State Brickworks;
State Saw Mills;
State Building Supplies;
State Engineering Works;
W.A.G.R. Workshops;
W.A. Meat Export Works?

Mr. HAWKE replied:

Year ended the 30th June	W.A.G.R. Workshops	W.A. Meat Export Works
	£	£
1953	25,752	40,221
1954	10,451	41,405
1955	7,079	28,892
1956	5,650	101,768
1957	15,591	254,582
1958	22,044	267,759

Information as requested with respect to the other concerns mentioned in the question would be of considerable value to competitors and should not be disclosed.

KWOBRUP-KATANNING RAILWAY.

Water Haulage Prior to Closure of Line.

2. Mr. NALDER asked the Minister representing the Minister for Railways:

(1) How many gallons of water were hauled from Kwobrup to Katanning for each of the five years prior to closure of the line?

(2) What was the cost of haulage for each year in question?

(3) What amount of the cost of haulage of water over this line was debited to running expenses of the line?

Mr. GRAHAM replied:

	Gallons.
(1) 1952-53	1,390,000
1953-54	2,389,000
1954-55	1,271,000
1955-56	2,569,000
1956-57	1,066,000

(2) The cost of haulage of any individual commodity on any section of line is not recorded.

(3) The principle followed is that the cost of running all trains on the section is a charge to that section, but the section is relieved on a freight basis in respect of haulage of "on service" goods that are used on other sections.

MINERAL SURVEYS.

Areas and Cost.

3. Mr. ROBERTS asked the Minister for Mines:

(1) What was the total expenditure by the Government on mineral surveys in this State in each of the last five years?

(2) In what areas were such surveys carried out, and what were the findings of each such survey?

Mr. MOIR replied:

(1) Total expenditure of geological survey section of the department for each of the last five years was:—

	£
1953-54	94,088
1954-55	94,139
1955-56	107,128
1956-57	100,248
1957-58	92,120

(2) The annual reports of the department for the years 1953-56, inclusive, contain full details of surveys for those years. The surveys undertaken since are as attached. This work—excepting drilling—was for the purpose of ascertaining geological data and was successful and useful. The drilling was, in some instances, successful in locating ore bodies, and, in the two holes drilled to date, has been successful in locating potable water supplies.

Summary of Division 1, Part VI for 1957.

(1) Water potentialities in the Yoganup district (South-West Division).

(2) Report on water supply, Bamboo Creek mining centre, Pilbara Goldfield, W.A.

(3) Report on a geological reconnaissance of a greenstone belt extending from Jackson in the Yilgarn Goldfield to Ryan's Find in the Coolgardie Goldfield.

(4) The search for oil in Western Australia in 1957.

(5) Report on the industrial rocks and minerals of the Esperance area.

(6) Summary report on some manganese deposits in the Pilbara and West Pilbara Goldfields.

(7) Report on radioactivity at Mt. Mulgine, Yalgoo Goldfield.

(8) Report on beach heavy mineral sands on P.As. 1013H, 1016H, and 1017H, Mosman Beach.

(9) Summary report on the principal beach sand heavy mineral deposits, South-West Division, Western Australia.

(10) Report on iron deposit 9.5 miles north-north-east of Collie, W.A.

(11) Some notes on underground water in the Sand Patch Area, Albany.

(12) Report on a gold find on P.A. 389PP, Lake Grace.

(13) Report on an examination of an alleged copper deposit, three miles south-south-east of Yornup, South-West Division.

(14) Notes on the occurrence of the "Toodyay Building Stone," Toodyay district, South-West Division.

(15) Summary progress report on reconnaissance survey of portion of the Pilbara Goldfield.

(16) Notes on the geology of the Copper Hills Area, Pilbara Goldfield, W.A.

(17) Report on heavy mineral concentrations on D.C. 66H, Wilson's Inlet, South-West Division.

(18) Report on the occurrence of prase, M.C. 29, four miles south of Spargoville, Coolgardie Goldfield.

(19) Report on groundwater conditions of the country to the north and east of Lake Allanooka, South-West Division, W.A.

(20) Notes on the occurrence of iron ore at Tallering Peak, Yalgoo Goldfield.

(21) Notes on the occurrence of a phosphatic limestone on Location 1996 near Ruabon Siding, South-West Land Division, W.A.

(22) Report on the availability of agricultural lime south of Northcliffe, South-West Land Division.

(23) Report on subsidised diamond drilling "Blue Spec" leases, Nullagine district, Pilbara Goldfield, W.A.

(24) Exploratory diamond drilling for gold, Bamboo Creek, Pilbara Goldfield.

Summary Report.

(25) D.D.H. No. 16—Site B14 "South Perseverance."

(26) D.D.H. No. 17—Site B15 "Kitchener."

(27) D.D.H. No. 18—Site B11 "South Perseverance."

(28) D.D.H. No. 19—Site B10 "Kitchener."

(29) Report on diamond drilling on G.M.L. 1356, "Waroonga Extended South," Agnew, East Murchison Goldfield, W.A.

(30) Report on drilling for gold on the New Alliance leases, Burnakura centre, Murchison Goldfield.

(31) Report on diamond drilling of "Great Fingall" quartz reef in depth.

(32) Diamond drilling of abandoned gold shows—D.D.H. No. M.9—Site D1, G.M.L. 2241, "Eaglehawk" G.M., Eelya, Murchison Goldfield.

(33) D.D.H. No. B.V.1—Site A, G.M.Ls. 5673, 5806, "Westralia and East Extensions" G.M., Bonnievale, Coolgardie Goldfield.

(34) D.D.H. No. E.M. 1—Site A1, "Oroya Black Range" G.M., Sandstone, East Murchison Goldfield.

(35) D.D.H. No. E.M.2.—Site B1, "Oroya Black Range" G.M., Sandstone, East Murchison Goldfield.

(36) D.D.H. No. K1—Site A, "White Feather Main Reefs, Ltd." G.M., Kanowna, North-East Coolgardie Goldfield.

(37) D.D.H. No. K2—Site B, "White Feather Main Reefs Ltd." G.M., Kanowna, North-East Coolgardie Goldfield.

Summary of Division 1, Part VI for 1958 to the 30th June.

Manganese—N.W.
Water supply—Wiluna area.
Water supply—wheat belt.
Diamond drilling—Great Fingall—gold.
Building stones—S.W. Division.
Iron ore exploratory drilling—Tallering Peak.
Diamond drilling — gold — Eastern Goldfields.
Dam site investigations for N.W.

BUNBURY SCHOOLS.

Cost of Buildings and Classrooms.

4. Mr. ROBERTS asked the Minister for Education:

(1) What was the total expenditure on—

(a) school classrooms;

(b) other school buildings;

at all schools within the boundaries of the Municipality of Bunbury for the year ended the 30th June, 1958?

(2) What is the estimate of expenditure for the year ending the 30th June, 1959, on—

(a) school classrooms;

(b) other school buildings within the same area mentioned above?

Mr. W. HEGNEY replied:

(1) (a) £9,082.

(b) £3,889.

(2) As it is most likely that tenders will be called for the works referred to, it is considered that an announcement of the estimate would not be desirable at this stage.

BUNBURY HIGH SCHOOL.

New Classrooms.

5. Mr. ROBERTS asked the Minister for Education:

(1) Has a final allocation of funds been made for the building of six new classrooms at the Bunbury High School?

(2) If so, what is the total amount of the allocation for this financial year?

Mr. W. HEGNEY replied:

(1) Funds have been allocated for—

(a) The conversion of existing laboratories to provide five classrooms..

(b) One new classroom.

(c) One new biology laboratory.

(d) One new chemistry laboratory.

(e) One new physics laboratory.

(f) One new laundry and dressmaking centre.

(g) One new cooking centre.

(2) As it is most likely that tenders will be called for the works referred to, it is considered that an announcement of the allocation would not be desirable at this stage.

LICENSING ACT.

Parliamentary Committee's Report.

6. Mr. ROSS HUTCHINSON asked the Minister for Justice:

In regard to the parliamentary committee's report on its inquiry into the Licensing Act which was submitted to the Government in June—

(1) Are any of the recommendations to be brought before Parliament this session?

(2) If *not*, does this mean that the Government does not propose to adopt the recommendations?

(3) Which of the recommendations will the Government endeavour to implement in the future?

(4) Can any of the recommendations be implemented without parliamentary approval?

(5) If so, when will such recommendations be implemented, and what is their nature?

(6) Will he table the report?

(7) If not, why not?

Mr. NULSEN replied:

(1) This matter is still under consideration.

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

(4) Yes.

(5) They are being considered along with other recommendations. This refers to some of the recommendations concerning hotel standards and the recommendations under the heading of "Education".

(6) Yes.

(7) Answered by No. (6).

Report Tabled.

RAILWAY TRAFFIC BRANCH.

Investigation by Royal Commissioner.

7. Mr. GRAYDEN asked the Premier:

Is it intended that Royal Commissioner A. G. Smith will investigate the Investigation Section, Traffic Branch, of the W.A.G.R.? If so, when is it likely that the investigation will commence?

Mr. HAWKE replied:

The Royal Commissioner will investigate when time permits.

BUNBURY SCHOOLS.

Classroom Building Programme.

8. Mr. ROBERTS asked the Minister for Education:

What is the proposed building programme of classrooms at each school within the boundaries of the Municipality of Bunbury for year ending the 30th June, 1959?

Mr. W. HEGNEY replied:

Bunbury high: 6 classrooms and 2 home science centres.

Carey Park: 2 classrooms.

TEACHERS' TRAINING COLLEGE.

Acquisition of Suitable Site at Bunbury.

9. Mr. ROBERTS asked the Minister for Education:

Further to my question of the 13th August, 1958, will he now advise if any progress has been made in the acquisition of a suitable site for the establishment of a Teachers' Training College in Bunbury?

Mr. W. HEGNEY replied:

Yes. There is no alteration.

RAILWAY EMPLOYEES.

Number Dismissed and Disciplined.

10. Mr. COURT asked the Minister representing the Minister for Railways:

(1) How many W.A.G.R. employees have been dismissed and how many employees have been otherwise disciplined for misconduct or breaches of regulations and instructions as a result of Royal Commissioner Smith's inquiries?

(2) In which sections of the W.A.G.R. were they employed?

(3) In how many cases was legal action taken, and with what results?

Mr. GRAHAM replied:

(1) One.

(2) Member of the Railways Commission.

(3) One; negative action.

ATTENDANCE MONEY.

Payments to Ship Painters and Dockers.

11. Mr. COURT asked the Minister for Labour:

With reference to attendance money for ship painters and dockers under regulations promulgated under the Fremantle Harbour Trust:

(1) Is the roster strength of 98 as at the 30th September, 1958, unchanged?

(2) What numbers have been engaged each pick-up since the 26th September, 1958?

(3) What numbers have qualified for attendance money on each of the pick-up days since the 26th September, 1958?

(4) What is the total amount of attendance money paid—

(a) to the 26th September, 1958;

(b) the 27th September, 1958, to date;

(c) since inception of attendance money?

(5) What is the cost of the scheme (including administration costs) per man per hour worked?

(6) (a) What is the current rate of recovery by the Fremantle Harbour Trust?

(b) Is any revision of this rate proposed?

(c) What is the total deficiency between cost and recovery since the scheme came into force?

(7) What is the incidence of work requiring ship painters and dockers—

(a) the 1st May, 1958, to the 6th September, 1958;

(b) the 7th September to date?

(8) (a) How does the current cost of the scheme compare with an estimated annual cost of £6,184 advised to members last session by the Secretary of the Ship Painters and Dockers' Union when legislation was before Parliament?

(b) What is the explanation of the difference?

Mr. W. HEGNEY replied:

(1) No. One man returned from an accident on the 6th October, 1958, and one returned from workers' compensation on the 3rd November, 1958.

(2) and (3)—

	Numbers Engaged.	Qualified for Attendance Money.
Sept. 29	67	Nil
30	6	23
Oct. 1	7	18
2	9	9
3	14	43
6	46	Nil
7	20	5
8	Nil	14
9	Nil	14
10	12	23
13	19	12
14	17	10
15	10	63
16	20	43
17	Nil	43
20	13	25
21	Nil	50
22	37	14
23	10	30
24	7	62
27	Nil	74
28	20	71
29	Nil	71
30	7	66
31	8	59
Nov. 3	Nil	86

(4) (a) £893 14s.

(b) £1,252 16s.

(c) £2,146 10s.

(5) 3s. 0.155d. per man hour.

(6) (a) 1s. 8d. per man hour.

(b) The service charge will be revised periodically in the light of experience to ensure a sufficient return to meet attendance money payments and administrative expenses.

(c) £1,287 4s. 5d.

(7) (a) Average daily employment, 65.7.

(b) Average daily employment, 57.4.

(8) (a) and (b) The cost to date, covering 41 roster days is—

	£	s.	d.
Attendance money	2,146	10	0
Administrative expenses (including £340 preliminary expenses and £148 for initial supply of stationery)	734	4	5
	£2,880	14	5

The figure of £6,184 was not quoted by the Fremantle Harbour Trust.

PENSIONER FLATS.

Overriding of Local Authorities' Building Standards.

12. Mr. COURT asked the Minister for Housing:

(1) Does he still agree that the flats referred to in the questions asked by the hon. member for Victoria Park on the 4th September, 1958, and by myself on the 10th September, 1958, conform to the Uniform General Building By-laws tabled this session, in view of the report of the engineer of the Perth Road Board that the plan submitted provided a combined w.c., laundry and bath of 75 sq. ft., whereas the engineer claims the Model Health By-laws require a minimum of 92 sq. ft., and the proposed Uniform Building By-laws an area of 90 sq. ft.?

(2) (a) Does he not consider it undesirable for a Government instrumentality to override local authorities in respect of standards required for buildings, especially if the Government instrumentality proposes to provide something below the standard advocated by the Government for general application?

(b) If so, why should the Government be treated differently from private builders?

Mr. GRAHAM replied:

(1) Neither the Model Health By-laws nor the proposed Uniform Building By-laws specify the area required for a combined bathroom and laundry. The area provided in the flats referred to was discussed with, and approved by, the Public Health Department.

(2) Answered by No. (1) on the 10th September last.

STATE HOUSING COMMISSION.

Land Acquired, Home Sites, etc.

13. Mr. MARSHALL asked the Minister for Housing:

(1) What area of land and how many acres have been bought and/or resumed by the State Housing Commission in the following areas:—

(a) Churchlands Estate east of Wembley Downs;

(b) Karrinyup-North Killarney;

(c) Marmion?

(2) How many home sites are available in the respective areas?

(3) Is any of this land available for purchase by prospective home builders?

(4) How many lots will be available for—

(a) rental homes;

(b) purchase homes under Commonwealth-State agreement;

(c) War Service?

(5) When is it anticipated the State Housing Commission will commence group construction in the areas referred to?

Mr. GRAHAM replied:

(1) (a) Churchlands: approximately 310 acres purchased.

(b) Karrinyup-North Killarney: approximately 350 acres—purchased and resumed.

(c) Marmion: Nil.

(2) Nil. All areas subject to future survey and development.

(3) No.

(4) Not possible to state at present. When areas are finally developed, provision will be made for rental, purchase and W.S.H. requirements in each locality.

(5) (a) Churchlands (unknown).

(b) Karrinyup. (Possibly during financial year 1959-60.)

TOWN PLANNING.

North Scarborough Recreation Reserve.

14. Mr. MARSHALL asked the Minister for Lands:

(1) Has a request been received from the Perth Road Board for the allocation of land in the North Scarborough-Trigg Island area, to be set aside as a recreational area?

(2) How much land is involved and what consideration to date has been given to the request?

Mr. KELLY replied:

(1) The provision of land at North Scarborough for recreational purposes is linked with subdivision of an area which is at present being planned and has been the subject of discussion between the Lands Department, the Town Planning Commissioner, and the Perth Road Board.

(2) Until the plan has been completed and approved, it is not possible to say how much land will be set apart for recreation.

PRIMARY SCHOOL AT SOUTH SCARBOROUGH.

Selection of Name.

15. Mr. MARSHALL asked the Minister for Education:

Further to my question of the 2nd October last regarding the selection of a suitable name for the primary school in the course of erection in South Scarborough, has the Nomenclature Advisory Committee decided on a suitable name? If not, when is it expected a decision will be made?

Mr. W. HEGNEY replied:

(a) No.

(b) Not known at present. If the Nomenclature Advisory Committee does not advise shortly I will get in touch with the Minister concerned and make the necessary inquiries for the hon. member.

METROPOLITAN TRANSPORT TRUST.

Effect of High Court Decision.

16. Mr. COURT asked the Minister for Transport:

With reference to the answer given to my question on the 22nd October, 1958, regarding the effect on the Metropolitan Transport Trust of the High Court decision allowing the Tramway Union to go ahead with its application for a new name, can he explain why there is no possibility or probability that the Metropolitan Transport Trust could find itself with a substantial number of employees covered by the tramway award which expires on the 29th April, 1959, and the Transport motor operators award which expires on the 31st August, 1961?

Mr. GRAHAM replied:

Industrial Agreement No. 15 of 1958 between the Transport and Motor Operators Union and the Metropolitan Transport Trust will apply to all present and future employees of the trust engaged under the classifications contained in the agreement, and will continue so until the 31st August, 1961, unless previously altered by agreement between the parties. The granting to the Tramway Union of the right to cover members of the staff does not automatically bring the trust under the tramway award.

WATER, SEWERAGE, AND DRAINAGE RATES.

Revenue from Metropolitan Area.

17. Mr. COURT asked the Minister for Water Supplies:

(1) Have all metropolitan area water, sewerage, and drainage assessments for the year 1958-59 been prepared?

(2) If so, what is the anticipated revenue for the year ending the 30th June, 1959, based on these assessments and including an estimate of excess water charges?

(3) What is the variation in this figure from that included in the Estimates presented to Parliament for the year ending the 30th June, 1959?

(4) What was the revenue for the year ended the 30th June, 1958?

Mr. TONKIN replied:

(1) Yes—apart from interim ratings during the year.

(2) £2,320,000, including interim ratings.

(3) No variation.

(4) £2,167,092.

ELECTRICITY SUPPLIES.

Cheyne Beach Whaling Station.

18. Mr. HALL asked the Minister for Works:

As sperm whaling at Albany is proving to be of the utmost importance to this State, will he give earnest consideration to the connecting of electricity to Cheyne Beach Whaling Station, Albany?

Mr. TONKIN replied:

The extension is being considered and supply will be given if it can be economically justified.

HAIRDRESSERS.

Breaches of Factories and Shops Act.

19. Mr. OLDFIELD asked the Minister for Labour:

Adverting to my question of the 30th October, relative to information laid by the Master Gentlemen's Haidressers' Association of W.A., will he inform the House which of the complaints were acknowledged and on what dates?

Mr. W. HEGNEY replied:

The complaints of the 22nd August and 29th September were acknowledged on the 2nd October, but all complaints received have been investigated.

DRAINAGE AND IRRIGATION.

Details of Expenditure in Boyanup-Elgin Area.

20. Mr. I. W. MANNING asked the Minister for Water Supplies:

(1) What money is to be expended during the current financial year in the Boyanup-Elgin area for drainage and irrigation?

(2) What are the details of such expenditure?

Mr. TONKIN replied:

(1) £8,000.

(2) Development of Elgin main drain and improvements to Gynudup Brook.

DOMESTIC AND HOME SCIENCE CENTRE.

Location at Bunbury, and Expenditure.

21. Mr. ROBERTS asked the Minister for Education:

(1) Where exactly is the new domestic and home science centre in Bunbury to be built during this financial year?

(2) What is to be the total amount expended on this project during this financial year?

Mr. W. HEGNEY replied:

(1) No decision has yet been made.

(2) It is not considered desirable to disclose the estimated cost before tenders have been called.

SERPENTINE DAM.

Details of Cost and Method of Construction.

22. Mr. BRAND asked the Minister for Water Supplies:

(1) What amount has already been spent on the Serpentine River project?

(2) On what sections was this money expended, and what was the amount in each case?

(3) Will any part of the work be done by contract?

(4) What sum of money, if any, of the total estimated cost has been earmarked for special machinery to be used in the construction of the dam?

Mr. TONKIN replied:

(1) Up to the 30th September, 1958, £2,709,702.

(2) On the pipe head dam, £295,033; trunk main, £2,203,420; main dam, £211,249.

(3) Only the manufacture of pipes and other materials.

(4) No specific sum has been earmarked.

HOUSES ON FARMS.

Assistance for Construction and Extensions.

23. Mr. WATTS asked the Minister for Housing:

(1) Is it possible to obtain assistance under the war service homes legislation for the erection of a war service home on a farming property?

(2) If not, is it possible to obtain assistance under the Housing Loan Guarantee Act, for improvements and extensions to the existing house on the property, when the property itself is mortgaged to a trading bank?

Mr. GRAHAM replied:

(1) This question is one involving Commonwealth legislation. Assistance is available to eligible applicants provided the risk is a reasonable one, having regard to the type of construction and the locality and provided also that the applicant is not entitled to assistance under the soldiers' land settlement scheme.

At the request of the Commonwealth Minister it is suggested that any inquiry should be submitted to the Director, War Service Homes, Canberra, when detailed advice concerning the case would be given.

(2) No.

GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES.

Availability of List.

24. Mr. ROBERTS asked the Premier:

(1) Is there available a complete list of all departments, trusts, boards, trading concerns, State Government instrumentalities, etc., existing at the present time?

(2) If so, will he list same?

Mr. HAWKE replied:

(1) This list is being prepared.

(2) Answered by No. (1).

EMU POINT RESERVE.

Board's Lease Conditions.

25. Mr. WATTS asked the Minister for Lands:

(1) Is he aware that the Emu Point (Albany) Reserve Board requires leases to be executed by proposed lessees of land at Emu Point embodying the following requirements:—

(a) Payment of a premium or ingoing of £235?

(b) Payment of a rental of £22 a year for five years and to be reapproved every five years thereafter?

(c) Payment of all rates, taxes, etc.?

(d) Erection by the lessee within four years of a dwelling-house and outbuildings to plans and specifications approved by the board?

(e) Maintenance of such dwelling-house and outbuildings and the yards, gardens, fences, drains and sewers by the lessee in good and substantial repair?

(f) Painting of the exterior of all buildings, every fifth year, in colours approved by the board?

(g) Painting of the interior of all buildings every tenth year in colours approved by the board?

(h) No transfer or subletting without the board's consent, which may be made, subject to an agreement requiring compliance with all lessees' covenants?

(i) The right of the board by its agents to enter and view the state of the buildings, and to repair and amend on notice?

(j) At the end or sooner termination of the lease, to hand over the land and buildings to the board in good order and conditions?

(2) Is he aware that the only consideration given under this lease to recompensing the lessee, is that the Board shall have the option to purchase the dwelling-house and other buildings at "a price not exceeding the removal value"?

(3) Does he consider the terms of such a lease are reasonable?

(4) If not, will he take steps to ensure that some more sensible approach to this matter is made by the board?

Mr. KELLY replied:

(1) (a) Premium varies according to price bid at the public auction.

(b) Yes; annual rental varies as set out in brochure issued prior to sale;

(c) to (j) Yes.

(2) Yes, the option to purchase houses is similar to that contained in leases issued in 1951 under the McLarty-Watts Government.

(3) Yes. All purchasers attending the auction were provided with brochures in which brief details were given of the terms and conditions, including that of the board's right to purchase the buildings at the expiration of the lease, which was specifically mentioned. In addition the auctioneer notified those attending the sale that a draft lease was available for inspection if anyone wished to peruse it.

(4) In view of the foregoing, no further action is considered justified.

No. 26. This question was postponed.

WAR SERVICE LAND SETTLEMENT SCHEME.

Working Expenses, Stock Loans, Capital Accounts, etc.

27. Mr. WATTS asked the Minister for Lands:

(1) What allowance is made in war service land settlement working expenses for dipping, drenching and branding fluids, etc., for a sheep property?

(2) If stock is purchased so that the value exceeds approved stock loan, is the excess debited to working expenses? And if not, to what account is it debited?

(3) Is it correct that a portion of the current year's cost of superphosphate is being debited to capital account and not to working expenses?

(4) If so, in what circumstances is this being done and what will be the ultimate effect on the settlers' liabilities?

(5) Referring to earlier questions and answers, will he now advise—

(a) where an assessment has disclosed itself as excessive, does the settler have to apply to have arrears carried forward to the establishment stage;

(b) is the settler required to make application to have revenue debts written off?

Mr. KELLY replied:

(1) As a general guide £5 per 100 of all sheep is used. Lessees may apply for actual requirements if it is established that the foregoing is insufficient.

(2) After the approved stock loan is expended the cost of stock replacements is debited to working expenses as a charge against proceeds.

(3) Yes—in the case of certain lessees.

(4) Under the assessment policy a proportion of the cost of superphosphate is capitalised in the first three years of the lease. This proportion is a capital cost and is included in the valuation of a property—subject to the protection of the economic test (Clause 5(5) of the Conditions).

(5) (a) No.

(b) No.

ENGINE RECONDITIONING BUDGET PLAN.

Interest Charged, etc.

28. Mr. JOHNSON asked the Minister for Justice:

(1) Has his attention been drawn to the "Engine Reconditioning Association Budget Plan" for financing motor-car engine repairs announced in the Press of the 3rd November, 1958?

(2) What percentage is charged for accommodation under this scheme?

(3) Is this a flat rate or a true interest rate?

(4) Is this rate greater than permissible for money-lending under the Moneylenders' Act?

Mr. NULSEN replied:

(1) Yes.

(2) and (3) The charge does not appear to be levied as a rate per cent.

From the information given in the Press report of the 3rd November, 1958, the charge per £75 financed, repayable in monthly instalments over one year, may be calculated as £8 8s. or, expressed as a flat rate, 11.2 per cent.

Where the £75 is repayable in monthly instalments over two years, the charge per year is £8 14s., or expressed as a flat rate, 11.6 per cent. per annum.

(4) It appears that the flat rate of charge when converted to "true interest" is greater than £15 per centum per annum, the maximum under the Moneylenders' Act.

WATER SUPPLIES.

Provision for Mt. Barker Rental Homes.

29. Mr. WATTS asked the Minister for Water Supplies:

(1) Has work commenced on the connection of 21 State rental homes at Mt. Barker to the local water supply—as approved last September?

(2) If not, when will the work be commenced?

Mr. TONKIN replied:

(1) The connection of the 21 homes was completed about the 25th October, and it is understood that all inside plumbing is completed.

(2) Answered by No. (1).

ILMENITE.

Details of Rail Freights.

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

(1) What rate, per ton, is charged on ilmenite railed from the Western Titanium Works near Capel to ship's side at Bunbury?

(2) What rate of freight is charged on the return of the kibbles to the works?

(3) In each case, what is the rate per ton mile?

Mr. GRAHAM replied:

(1) Ilmenite in train loads from Western Titanium's private siding near Capel to ship's side Bunbury, is freighted at present at 16s. 6d. per ton, minimum eight tons per four-wheeled wagon, inclusive of the return of the empty kibbles.

(2) Answered by No. (1).

(3) 3.5d. per net ton mile for the complete movement.

FISHING REGULATIONS.

Alleged Abrolhos Islands Breaches.

31. Mr. ROBERTS asked the Minister for Fisheries:

(1) In view of my question on the 3rd September, 1958, has he met and discussed with the Geraldton Professional Fishermen's Association the alleged breaches of fishing regulations or laws near Abrolhos Islands?

(2) If so, what decisions were arrived at following such meeting?

Mr. KELLY replied:

(1) Yes.

(2) As the alleged breaches occurred in waters outside the three-mile limit, the State has no jurisdiction. The question of taking suitable action under the Commonwealth Fisheries Act is now being examined.

SCHOOL CURRICULUM.

Results of Full-Scale Examination.

32. Mr. ROBERTS asked the Minister for Education:

(1) Will he indicate what progress has been made to date in regard to the full-scale examination of the present school curriculum which began earlier this year?

(2) Have any general principles yet been formulated?

(3) If so, have these been passed on to the W.A. Federation of Parents and Citizens' Associations for detailed discussions by that body?

Mr. W. HEGNEY replied:

(1) The first stage of the full-scale examination of the secondary schools' curriculum has now been completed with the release today of the interim report of the Secondary Schools' Curriculum Committee.

(2) Yes, and a frame of reference set up on which committees of teachers and departmental specialists will work throughout 1959 drawing up detailed syllabi.

(3) Yes.

MONEYLENDERS' ACT.

Maximum Rate of Interest.

33. Mr. WATTS asked the Minister for Justice:

(1) What is the maximum rate of interest that it is lawful to charge under the Moneylenders' Act in Western Australia?

(2) Is it within the law for a person desiring to borrow money, to issue public invitations to lenders offering them 15 per cent. interest?

(3) If the rate of interest referred to in question No. (2) is lawful, does any (and if so what) legislation apply to the matter?

Mr. NULSEN replied:

(1) 15 per cent. per annum.

(2) Yes.

(3) Any of many Acts may apply to the matter, depending upon circumstances—e.g., the identity of the borrower (whether a company, statutory body, lunatic, bankrupt, etc.); the security, if any, given (by pledge or over land or goods); the lawful purpose of the loan; and the method of recovery of money owing.

ROAD HAULAGE DRIVERS.

Rest Periods.

34. Mr. CROMMELIN asked the Minister for Transport:

(1) Is there any statutory limit on the period during which a driver of a road haulage vehicle can drive before stopping for a rest?

(2) If so, what is the period and when did this provision become law?

Mr. GRAHAM replied:

(1) Yes.

(2) Please see Section 48 of the State Transport Co-ordination Act, which became law on the 1st July, 1934.

FRUIT-FLY.

Tests with Ethylene-di-Bromide.

35. Mr. NORTON asked the Minister for Agriculture:

Will he have tests carried out with "ethylene-di-bromide" on rock melons and egg fruit for the control of fruit-fly?

Mr. KELLY replied:

Whether work with ethylene-di-bromide for the control of fruit-fly in any fruit other than those already enumerated can be carried out depends on the availability of known infested material.

South Australian Attitude to Ethylene-di-Bromide.

35A. Mr. NORTON asked the Minister for Agriculture:

Will he ascertain from the Department of Agriculture in South Australia whether fruit accompanied by a certificate stating

that such fruit had been fumigated with "ethylene-di-bromide" would be allowed to enter that State?

Mr. KELLY replied:

The South Australian attitude towards ethylene-di-bromide fumigation of imported fruit will be ascertained.

QUESTIONS WITHOUT NOTICE.

LOCAL GOVERNMENT BILL.

Request for Abandonment.

1. Mr. BRAND asked the Premier:

(1) Did he receive a request from the Local Government Association and/or the Road Board Association for the present Local Government Bill to be abandoned and a complete redraft made?

(2) What was his reply?

(3) Was a deputation to him regarding the Local Government Bill requested?

(4) What was the result of the conference between Mr. Gifford, Lindsay, and the Parliamentary Draftsman?

Mr. HAWKE replied:

I thank the hon. member for making a copy of the questions available to me before the House met. The answers are—

(1) I do not, off-hand, recollect having received a request for the abandonment of the present Local Government Bill.

(2) Answered by No. (1).

(3) Yes. A deputation, with Mr. Gifford to be present, was requested in connection with the suggestion that the Bill should be completely redrafted. It seemed to me there would be no value in a deputation to me of that kind. Therefore, I suggested to the representatives of the local authorities concerned that a conference might be held between representatives of the Local Government Association, the Secretary for Local Government (Mr. Lindsay), his assistant (Mr. White), the Parliamentary Draftsman who drafted the Local Government Bill, and with Mr. Gifford also present.

That conference was held on Monday of this week. No agreement was reached. However, Mr. Gifford did make a request that the Local Government Bill be not proceeded with, and that between now and the commencement of the next parliamentary session the Bill be redrafted and submitted in a completely new form to next year's session of Parliament. On that point, I would say that the Government does not propose to adopt the suggested course. It considers the present Bill has been drawn up on a basis which was suggested to a large extent by a local Royal Commission; and, to a large extent, on suggestions and recommendations made by local authorities in this State and also by officers of the Local Government Department.

In the circumstances, the Government sees no justification for not proceeding with the Local Government Bill as it is now before the Legislative Council. A suggestion has been made that should the present Bill pass, no matter in what form, it should not be operated before, say, the 1st November, 1959. In other words, a provision should be put into the Bill, if it is to be passed by Parliament this sessoin, to lay down that it should not operate before the 1st November, 1959. The idea of that is that well before November, 1959, the full report of Mr. Gifford could be closely examined by all interested groups and individuals and a careful analysis made of all the suggested alterations which he is to put forward.

He has already submitted reports in connection with earlier portions of the Bill. His earlier reports cover many pages of typewritten matter, and presumably he will submit many many more pages of typewritten matter in connection with the balance of the Bill. Therefore, it seems to the Government that the course it has suggested should be followed is quite safe in the circumstances; and it might be that the Bill, which could be passed by Parliament this year, would largely be acceptable even after all of Mr. Gifford's reports were available and had been closely analysed by all interested parties including, of course, the local government authorities.

Whatever suggestions made by Mr. Gifford in his full report were later considered to be desirable for inclusion in the Bill, or in the Act, and whatever alterations might be considered as suggested by Mr. Gifford to be made to the Act could, of course, be submitted to Parliament well before November of next year.

(4) I have already reported briefly with regard to this question which dealt with the result of the conference between Mr. Gifford, Mr. Lindsay—I will also give Lindsay a "Mr."—and the Parliamentary Draftsman.

2. Mr. BRAND: Further to the Premier's answer to question No. (1), did he receive a letter, dated the 30th October, from Mr. Fellows, Chairman of the Road Board Association? I am prompted to ask this question because of a covering note which Mr. Fellows forwarded to me and to the Leader of the Country Party. This note contains the suggestion that the Bill be left over. With your permission, Mr. Speaker, I would like, as part of the question, to read the letter sent by Mr. Fellows to the Premier. It states—

> Dear Mr. Hawke,
>
> Local Government Bill.
>
> After further discussion with Mr. Gifford, the Melbourne barrister briefed by this association to report on the Local Government Bill at present being debated by the Legislative Council, my association feels that,

in order that local authorities should have a clear up-to-date Act under which they are to work, it would be to the advantage of all concerned if the Bill in its present form could be withdrawn completely and redrafted. Advice to us has been that this Bill is very unwieldy, representing as it does an attempt to combine two earlier Acts into one consolidated whole, and it is felt that having operated for so long, a further adjournment of its final passage, even till the next session of Parliament, with definite prospects of a clear Act, based on the best of the present Bill with the better points of local authority Acts from other States and countries added, would be much better than an Act requiring numerous amendments in its infancy. It would be appreciated if you could see your way clear to implement this proposal.

One clause in the Road Districts Act concerning which elected personnel in the country would like protection pending new legislation is that covering their personal liability for acts whereby they may receive any direct or indirect benefit from acts done in good faith as members of boards. I understand that this protection could be given by a simple amendment prohibiting any action under the offending section except with the consent of the Attorney General.

A copy of this letter has been sent to Mr. Brand and Mr. Watts.

I based my question to the Premier purely on receipt of that letter and because of the knowledge that it had gone to him under date the 30th October.

Mr. HAWKE: All I want to say further is that question No. (1), which the Leader of the Opposition asked me a few moments ago, reads—

> Did he receive a request from the Local Government Association and/or the Road Board Association for the present Local Government Bill to be abandoned and a complete redraft made?

I said that off-hand I had no recollection of having received a communication which requested the Government to abandon the present Local Government Bill. There certainly was a letter requesting me to hold it over and to consider the making of a complete redraft.

Mr. Brand: To have it withdrawn completely.

Mr. HAWKE: Yes. That might be a question for reconsideration; but there was no request to abandon it. In regard to the last part of the letter from which the Leader of the Opposition quoted, it rather seems as though the officers of the association concerned have put forward, as a No. 1 priority, the need to protect members of local governments who are doing business with those authorities. I think the members of the Government would not regard that as a No. 1 priority.

PLANT DISEASES ACT.

Further Amendments.

3. Mr. WILD asked the Minister for Agriculture:

(1) Is it intended to further amend the Plant Diseases Act this session?

(2) If so, when is it expected that the Bill will be presented to the House?

Mr. KELLY replied:

There is a further amendment which will be introduced into the House when the Bill is prepared.

ATTENDANCE MONEY.

Payments to Ship Painters and Dockers.

4. Mr. COURT asked the Minister for Labour:

Arising from the Minister's answer to question No. 11 on the notice paper, will he consider the answer he gave to parts 8 (a) and (b) and advise the reasons for the difference between Mr. Troy's figures given to hon. members and incorporated in Hansard, which showed a rate of £6,184 per annum, and the current cost of the scheme which at present is approximately at the rate of £17,000 per annum? I do not expect the Minister to answer the question tonight; but I would like to know whether he would reconsider his answer and advise the House as to the reason for the considerable difference in the figure which was circulated freely amongst hon. members, and incorporated in Hansard when the legislation was before the House last year, and the amount of £17,000.

Mr. W. HEGNEY replied:

If the hon. member will be good enough to itemise his question and put it on the notice paper, the matter will be dealt with from the appropriate source.

CLOSE OF SESSION.

Target Date and Bills to be Introduced.

5. Mr. BRAND asked the Premier:

(1) What is the target date for the finish of the present session?

(2) What Bills, if any, are still to be introduced into either House?

Mr. HAWKE replied:

I have to thank the Leader of the Opposition for having supplied me earlier with a list of these questions. The answers are—

(1) No target date has yet been finally decided upon. My own estimate, or "guesstimate"—whichever the hon. member prefers—would be the 27th or the 28th November. The Government has not yet

decided whether there will be any adjournment of the House during the last week of the Federal election campaign. However, I think it likely—if not certain—that the House will not adjourn during the last week of that campaign except on the Thursday.

(2) Notice has been given, by the Ministers concerned, of most of the Bills yet to be introduced, and which have not already been dealt with. There are still a few Bills to come forward, one of the most important being a Bill to amend the Parliamentary Superannuation Act.

EDUCATION.

Inaccuracies in Reply to Question.

6. Mr. W. HEGNEY: The explanation regarding the discrepancy between the information given to the hon. member for Stirling on the 27th August last in reply to his question, and that contained in my letter to him on the 21st October, is as follows:—

> In the rush of preparing answers to a number of questions a statistical table was misread, and only a portion thereof submitted. Realising that where possible, prompt replies are desirable, I accepted the information without checking.
>
> As indicated to the hon. member last week, I advised him of my mistake as soon as it was brought to my notice; and I expressed my apology to him.

TOTALISATOR DUTY ACT AMENDMENT BILL.

Council's Amendments.

Returned from the Council with amendments.

TRAFFIC ACT AMENDMENT BILL.

First Reading.

Received from the Council and, on motion by Mr. Cornell, read a first time.

BILLS (4)—FIRST READING.

1, Hire-Purchase.
Introduced by the Hon. E. Nulsen (Minister for Justice.)

2, Child Welfare Act Amendment.

3, Industrial Development (Resumption of Land) Act Amendment.

4, Hale School Act Amendment.
Introduced by the Hon. A. R. G. Hawke (Premier).

CITY OF PERTH PARKING FACILITIES ACT AMENDMENT BILL.

Third Reading.

Read a third time and transmitted to the Council.

ELECTORAL ACT AMENDMENT BILL.

Rescission of Adjournment Resolution.

MR. ROBERTS (Bunbury) [5.13]: I move—

> That the resolution passed by this House on Wednesday, the 22nd October, 1958, whereby the second reading debate on the Electoral Act Amendment Bill was adjourned for one month, be, and is hereby rescinded.

I have moved this motion only after giving it a considerable amount of thought, because I realise the implication of my—as a member on this side of the House—moving such a motion. Hon. members will recall that on the 8th October last I introduced this measure, so I do not intend again to go through the provisions of the Bill in detail. But I would remind the House that it is a very small measure dealing, in the main, with two provisions only. The first of these is an amendment to Section 94 of the principal Act, which covers the provision for witnesses' signatures on application forms for postal votes, while the other covers the authorised person going into a hospital.

At present a person is not permitted to give an elector an application form for a postal vote, or to witness the signature of an elector to the application form. He is not permitted to give an elector a postal ballot paper, or to be present when the elector records his vote on the postal ballot paper, or to sign his name on the certificate on the envelope containing the postal ballot paper. He cannot take custody of or transmit to the Chief Electoral Officer the envelope containing the postal ballot paper. Although all of these are very important duties, only a person authorised in writing by the Chief Electoral Officer can carry out such duties.

I think it would be appropriate for me to mention what occurred in another place in regard to Clause 2 of the Bill, which contains the first amendment. On the 16th September, 1958, as recorded at page 777 of Hansard, the Minister for Railways (the Hon. H. C. Strickland) said, with regard to Clause 2—

> Clause 2 of the Bill seeks to amend Section 94 of the Act. The Chief Electoral Officer agrees with the hon. Mr. Griffith and so does the Minister for Justice and the Government, that this amendment would be an improvement.

he said, further—

> The Government is prepared to accept the amendment in Clause 2.

Clause 3—the other provision contained in the Bill—is actually an amendment submitted by the Government. It was placed in the Bill by the Government, in another

place, and the Minister for Railways when moving that amendment to Subsection (8) of Section 95 of the principal Act, said—

> The amendment is satisfactory to both the Minister for Justice and the Electoral Department.

This comment is recorded at page 839 of Hansard of the 17th September, 1958.

To my mind this Bill is an honest attempt by all parties to rectify anomalies which cropped up in the Electoral Act during the biennial election on the 10th May last, and I feel that the amendments contained in it are warranted. I hope there are members on the Government side of the House who also think in that way.

On the 22nd October last, when the order of the day for the resumption of the debate—which incidentally had been adjourned by the Premier—was read, the Minister for Transport rose on a point of order and asked you, Mr. Speaker, whether you would be prepared to accept a motion couched in these terms—

> That in conformity with the decision made by the Legislative Council on the 21st October, 1958, in respect of the Electoral Act Amendment Bill (No. 3) the Legislative Assembly considers that this Bill requires to be passed by an absolute majority and the certificate on the Bill received from the Council does not indicate that this provision has been complied with.

You, Sir, ruled that the motion was out of order. In view of the remarks made by the Minister for Transport when referring to the Legislative Council, I feel that he was playing ducks and drakes with this Bill. In my opinion, he was just showing his pique in even attempting such a motion.

Mr. Tonkin: Don't you think that we are entitled to a little consistency?

Mr. ROBERTS: This Bill has nothing to do with the Constitution, and the Minister for Works must be well aware of that now.

Mr. Tonkin: Do you think the other Bill did?

Mr. ROBERTS: That is another matter altogether—

Mr. Tonkin: Oh yes!

Mr. ROBERTS: —but so far as this Bill is concerned, it has nothing to do with the Constitution, and it is legislation that should be placed on our statute book so that our next general election will run more smoothly than the biennial election held this year. It was purely pique on the part of the Minister for Transport, when on that date, on the notice paper, there was printed Message No. 33. I know that you, Sir, were right in ruling the Minister's motion out of order.

The Deputy Premier then surprised all of us by moving that the debate on the Bill be adjourned for one month. As soon as he had done that, I knew that the Bill had a very good chance of becoming what we commonly term a "slaughtered innocent", because on the 22nd October last all of us in this Chamber thought there was a chance that this session would be completed one month from that date.

When the motion for the adjournment of the debate was passed I considered what could be done, because I was in charge of the Bill in this House. As a result I have moved this motion under Standing Order 182, which reads as follows:—

> A resolution, or other vote of the House, may be read or rescinded; but no such resolution or other vote may be rescinded during the same Session, except with the concurrence of an absolute majority of the whole House, and after seven days' notice.

The last part of that Standing Order has been complied with; namely, seven days' notice has been given. It was easy to comply with that condition. However, the other condition is that I have to have an absolute majority of the House before this motion can be passed. Therefore, in view of the fact that next year there is to be a general election—unless the Premier is going to spring the election on us this year—I feel that this matter is very important.

The Minister for Justice, the Chief Electoral Officer, and the Government have, in turn, agreed that the amendments contained in this Bill are in the public interest and will assist the Chief Electoral officer to carry out the duties he will have to perform at the next general election. I therefore appeal to the Minister for Works to be fair-minded in this matter.

Mr. Nulsen: I think you will always find him fair-minded.

Mr. ROBERTS: He moved the motion that the debate on this Bill be adjourned for one month, so I appeal to him to be fair-minded. I know the Electoral Office is desirous of having this Bill passed; I believe the Government wants it; and I am sure the majority of hon. members realise the importance of these two small provisions: one to provide for the witnessing of applications for postal votes; and the other giving the right to certain persons to enter hospitals. I am sure all hon. members agree that these two amendments are most desirable. I therefore make a last strong appeal for an absolute majority to pass this motion.

THE HON. J. T. TONKIN (Minister for Works—Melville) [5.27]: When action was taken to prevent discussion on this Bill, it was done for a definite purpose. It was considered by those on this side of the House that there was little difference, if any, in the Bill which was then before us and the one which the Legislative Council had decided required to be passed by an absolute majority. This Bill came to

us without any certificate indicating that it had been passed by an absolute majority. It was our view, therefore, that if another place felt so strongly about the Bill introduced by the Government, it should feel just as strongly about its own Bill and follow the rules that it had laid down.

We agreed that an absolute majority was not required—and I am still of the same opinion—and our views were backed by strong legal opinion. However, that made no difference to another place; it still refused to consider the Government's Bill. In view of that action, could it be expected that, when a Bill of a similar kind came before us without a certificate that it had been passed by an absolute majority, we should accept it meekly just because the Legislative Council had sent it down to us?

I am still strongly of the opinion that the Legislative Council should be taught a lesson in regard to this, and should be shown that its actions should have some consistency. However, as there could be some merit in the provisions of the Bill —I am yet to be convinced that there is, however—I am prepared to admit that the feeling of those on this side of the House is that we are willing to discuss the Bill and not oppose the motion.

Question put.

The SPEAKER: I have counted the House and assured myself that there is an absolute majority of hon. members present and voting in favour of the motion. I therefore declare the question carried in the affirmative.

Question thus passed.

Point of Order.

Mr. ROBERTS: On a point of order, Mr. Speaker, will the Bill be reinstated automatically to the notice paper?

The SPEAKER: In view of the decision of the House, it will be restored to the notice paper.

ABATTOIRS ACT.

Disallowance of Regulations Nos. 2A and 2B.

Debate resumed from the 10th September on the following motion by the Hon. D. Brand:—

> That new Regulations Nos. 2A and 2B made under the Abattoirs Act, 1909-1954, as published in the "Government Gazette" of the 15th August, 1958, and laid upon the Table of the House on the 19th August, 1958, be and are hereby disallowed.

THE HON. D. BRAND (Greenough—in reply) [5.30]: It is a considerable time since I moved for the disallowance of these regulations, which relate to the Midland Junction Abattoir Fund. In the "Government Gazette" of the 15th August, those regulations were published, and they were laid on the Table of the House on the 19th August, 1958. The "Government Gazette" contains the following:—

> 2. The principal regulations are amended by adding after regulation 2 a heading and regulations as follows—
>
> Midland Junction Abattoir Fund.
>
> 2A. The fund shall be kept at the Treasury and all moneys belonging to the fund shall be placed to the credit of an account at the Treasury to be called the Midland Junction Abattoir Fund.
>
> 2B. The fund shall be operated in the same manner as money in the Public Account.

I have read the speech of the Minister and the debate which ensued, including the speeches of many hon. members on this side of the House. I am convinced that in moving the motion I acted in the interests of better and more independent management of this semi-Government instrumentality, the Midland Junction Abattoir.

The Minister said he was at a loss to understand why I, having had some experience as a Minister of the Crown, should move for the disallowance of the regulations. He placed great emphasis on the fact that the Government, through the Treasury, was responsible for providing the funds to meet the capital cost of the abattoir, and no doubt to meet any losses that might accrue; but it was not able to absorb the profits.

The Premier interjected during my speech and said that if the motion was passed, ultimately more taxation would be imposed. I say right here and now that if we could obtain the services of able administrators and businessmen to serve on the board of a Government instrumentality such as this, the ultimate effect would be less costly to the taxpayers.

The money spent originally on the abattoir at Midland Junction and on any of the yards associated with it, was Government money, lent, as it were, to the board which came into being later on. This money is no different from the money which is loaned to concerns like Chamberlain's, Wundowie and a dozen other Government instrumentalities. In fact, it is no different from the money which is being loaned to the Metropolitan (Perth) Transport Trust which, as the Minister for Transport has assured this House time and time again, will be a free and independent board.

Indeed, he went to great pains to indicate that there will be no political interference. In answer to interjections by hon. members on this side of the House, the Minister for Transport made it clear

that that board will be free to the extent of being able to run metropolitan transport without interference, and of managing its own finances. That is imperative, if the trust is to make satisfactory decisions and arrive at a reasonable plan for the future.

It has been stated that the Midland Junction Abattoir Board, which was set up in 1952 by the McLarty-Watts Government, has a large programme of capital development involving the extension of the yards, and no doubt facilities for the more expeditious and efficient handling of stock brought in by road transport. That aspect of transport was not considered fully in 1952 in the plans drawn up then for the establishment of the yards.

I have moved this motion in order that the Abattoir Board might continue to function freely as was intended, and to control its own finances. I emphasise again that if the board is allowed to administer the abattoir efficiently, it will make profits and ultimately be able to meet interest and sinking fund charges on all advances loaned by the Government. It does seem to be anomalous, and it certainly is not encouraging to the management and the board, that when a profit is made as the result of hard work, keen interest and extra time—I imagine the manager or chairman of the board is not overpaid—by ministerial direction under the regulations in question the board can be forced to pay the money into Consolidated Revenue; and that if in the following year it has to borrow money from Loan funds, interest will have to be paid on it. Surely some satisfactory arrangement can be arrived at!

I am sure the board is not desirous of defying the Minister in relation to where the money should be lodged. I understand it has indicated its willingness to pay all funds to the Treasury. The board desires the principle to be acceped that if a profit is made, the board should be allowed to make use of it in order that it may be able to function absolutely independently.

Mr. Johnson: The regulations do not cover that point.

Mr. BRAND: They are designed to force the board to place its moneys into a consolidated fund. This action was taken as a result of discussions between the Minister and the board, at the time when the board decided to open an account with a private bank, and ultimately with the Commonwealth Bank. The then chairman and the members of the board felt very strongly over the action taken by the Minister. In the meantime the chairman has retired on reaching the age limit.

It seems peculiar that the chairman, when he was 64 years of age, was appointed for a term of five years, although the legislation covering the abattoir and its constitution stated that the chairman must retire at 65 years of age. He has subsequently been retired. The chairman made strenuous efforts to place the control and administration of the Midland Junction Abattoir on a businesslike basis. If he were to tell of the treatment he has received, to people who are qualified and able to take over the position of chairman, the net result would be that no-one would be interested in the job.

I am appealing to the Minister—I am sure it will prove to be of benefit to the state and its finances in the long run—to permit the board to continue functioning in the way it desires; and to enable it to retain its own banking account and to control its own funds. Any money loaned by the Treasury in one form or another, will be repaid in the same way as any loan is repaid by a profitable and efficient business.

It is a matter of grave concern that we are once again faced with the responsibility of appointing a chairman to the board. Unfortunately, because of the frustration and disappointment experienced by the members, we have to again face that problem. I hope this House will support the disallowance of the regulations so as to allow the Abattoir Board at least to experiment with its ideas and to put its plan into operation.

Mr. Johnson: Will the disallowance of the regulations do that?

Mr. Kelly: He knows it will not.

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

Ayes—17

Mr. Bovell	Mr. Nalder
Mr. Brand	Mr. Oldfield
Mr. Cornell	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Grayden	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. W. Manning	Mr. Crommelin
Sir Ross McLarty	*(Teller.)*

Noes—26

Mr. Andrew	Mr. Marshall
Mr. Bickerton	Mr. Moir
Mr. Brady	Mr. Norton
Mr. Evans	Mr. Nulsen
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Potter
Mr. Hawke	Mr. Rhatigan
Mr. Heal	Mr. Rowberry
Mr. W. Hegney	Mr. Sewell
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Toms
Mr. Kelly	Mr. Tonkin
Mr. Lapham	Mr. May
	(Teller.)

Majority against—9.

Question thus negatived; motion defeated.

LEGAL PRACTITIONERS ACT AMENDMENT BILL (No. 2).

Council's Amendment.

Amendment made by the Council now considered.

In Committee.

Mr. Sewell in the Chair; Mr. Evans in charge of the Bill.

The CHAIRMAN: The Council's amendment is as follows:—

Page 2, line 22—Add after the word "public" the following passage:—

> Provided that in the event of the practitioner refusing to give his consent, the articled clerk shall have the right of appeal to the Board.

Mr. EVANS: I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

Resolution reported, the report adopted, and a message accordingly returned to the Council.

CATTLE TRESPASS, FENCING, AND IMPOUNDING ACT AMENDMENT BILL (No. 2).

Second Reading.

MR. HEAL (West Perth) [5.49] in moving the second reading said: As the Minister for Health would say, this is just a very small matter and should not take up very much time. It could or could not be contentious, but will not worry most of us, I hope. The purpose of the amendment is to add a few words to Section 26 of the Cattle Trespass, Fencing, and Impounding Act, these words being—

> Provided further that where the fence which has fallen into disrepair and become insufficient is a closed picket fence, then notwithstanding the provisions of section thirty of this Act, the term "sufficient fence" shall, for the purposes of this section, mean a similar closed picket fence.

For the information of hon. members, Section 26 reads as follows:—

> Whenever any mutual fence erected as aforesaid shall fall into disrepair and become insufficient, any owner of adjoining lands, having given notice to the other owners of the land divided by such fence, may on their refusal or neglect for a week to contribute to the maintenance thereof, cause the same to be repaired and made a sufficient fence, —

I would like hon. members to know that I will describe what the Act defines as "sufficient fence" when I have finished reading this clause. To continue—

> —and shall thereupon be entitled to recover from such adjoining owners rateably their proportions of the expense of such repairs in like manner in due course of law: Provided always, and be it enacted that no greater sum shall be recovered from any person under this Act in respect of the making or repairing of any fence than the proportionate share of such portion of the actual cost that would be incurred according to the price in the district at the same time for erecting and repairing a fence of the same description as that which has fallen into disrepair and become insufficient.

To my mind, this clause contradicts itself. "Sufficient fence" under the Act is construed to mean—

> Any substantial fence reasonably deemed sufficient to resist the trespass of great and small stock, including sheep, but not including goats and pigs. And in every case where any dispute on the hearing of a complaint or information or on the trial of an action shall arise as to the sufficiency of any fence, the question shall be settled by the Justice, or Court, or Court and Jury hearing the same.

That means, I take it, that in the metropolitan area or any other area for that matter, where a fence—whether it be an open or closed picket fence—has to be repaired, the court could rule that "sufficient fence" could consist of two posts with four wires through it to stop the trespass of great and small stock.

In the third last line of Section 26 are the words "repairing a fence of the same description as that which has fallen into disrepair." But a lot of trouble has arisen on many occasions in relation to this provision. Let us take two owners—owner A and owner B. Owner A approaches owner B next door and says that to his mind the fence is in a state of disrepair. Unfortunately, owner B does not agree, and therefore does not feel inclined to take any action under Section 26. Owner A then sends an order, warrant, or statement to the next-door neighbour stating that if he has not heard anything from him within seven days he will go ahead and repair such fence.

After seven days have elapsed, and he has not heard anything from owner B, owner A goes ahead and repairs the fence of the same description—let us say, a closed picket fence. Let us suppose that the cost to owner A was £50. Therefore, under Section 26 as it now reads, owner A is quite entitled to claim half the cost from owner B. Now, owner B, being a smart type of individual, says to owner A that, according to Section 26 of the Act, all he he has to provide for is "sufficient fence"; and under the term "sufficient fence" he could have erected two posts with four wires through them. According to him that would only have cost £30, his half share being £15 instead of the £25 owner A was requesting.

I do not believe that this section is very clear at all, and the words I have submitted to the House for its approval would

overcome the anomaly. Let me indicate that this situation would only occur—and I want to stress this point—where the two owners could not agree as to the repairing of the fence. If the two owners decide that they would like to have a wrought-iron fence or any other type of fence instead of the existing closed picket fence, there is nothing to stop them either in the section as it stands at the moment or if the words I have suggested should be added, are included.

The important thing to remember is that the situation would arise only where a disagreement as to the type of fence occurred. The position may be made clearer to hon. members if I read this letter which was handed to me by one of the persons concerned. I quote—

> Section 26 of the Cattle Trespass, Fencing and Impounding Act, 1882-1957, deals exclusively with repairs to mutual fences (that is fences along common boundaries dividing allotments or dividing lands owned by different owners) and sets out the procedure to be followed in respect to having such fences repaired and also the apportioning of the costs thereof between the owners of the adjoining lands; also the type of fence to which such adjoining owners shall contribute costs of repairs. The fault in the said section of the Act as it at present stands, is that it does not specify that an adjoining owner shall contribute to the repair and re-establishment of a fence to its original type, but only to what is termed by Section 30 of the Act "a sufficient fence." In this latter section of the Act a "sufficient fence" is described as "any substantial fence reasonably deemed sufficient to resist the trespass of great and small stock including sheep, but not including goats and pigs." This description, obviously, was meant to apply only to lands in country districts and not to suburban allotments in the metropolitan area; but, unfortunately, for the want of more appropriate legislation, it happens to apply. It would be conservative to say that at least seventy-five per cent. of the dividing fences between allotments in the metropolitan area are closed picket fences and not merely fences "capable of resisting trespass by great and small stock."
>
> Cases are occurring from time to time where owners, having repaired existing closed picket dividing fences, have been refused proportionate payment of the cost of such repairs by other adjoining owners on the ground that the wording of the Act does not bind them to the payment of repairs to a closed picket dividing fence, but only to a "sufficient fence" which is one merely capable of resisting trespass by great or small stock, but not including goats or pigs; their contention is that an open picket fence is capable of this and they will not consider any liability beyond an open picket repair, despite the fact that a closed picket fence has been or is being repaired. It is a cheap trick to evade what is at least to some extent a moral obligation.
>
> Briefly, the object of this amendment is to bind adjoining owners to contribute to the cost of repairing an existing closed picket dividing fence in such a manner as will keep it to that type of fence. The proposed amendment will do this and only this—it merely covers the repair of fences which are existing closed picket dividing fences.
>
> This would only apply where a disagreement between the two owners exists.

I suppose that this would affect, in the main, only the metropolitan area where, as has been stated, approximately 75 per cent. of the fences are closed. But I venture to say that in the centre of many country districts there are also 50 per cent. of the fences that would be the closed picket type. Therefore, to a certain extent not only the metropolitan area, but also the larger country towns, would be affected.

In conclusion, let me say once again that this provision applies only where two owners cannot agree as to the type of fence they wish to have re-erected. I move—

> That the Bill be now read a second time.

On motion by the Hon. A. M. Moir (Minister for Mines), debate adjourned.

CATTLE TRESPASS, FENCING, AND IMPOUNDING ACT AMENDMENT BILL.

Second Reading.

MR. NALDER (Katanning) [6.0] in moving the second reading said: This Bill has already been dealt with by another place, and it is slightly different from the Bill to amend the parent Act which has just been introduced by the hon. member for West Perth. This measure is designed to give the owner of property—that is, country land—a little more authority over his land than he has at the moment, and to try to curb indiscriminate trespassing by people who merely take French leave and enter properties without obtaining the owners' permission.

In the last few years—and particularly last year—a considerable amount of publicity has been given to the fact that people from the towns and city have entered properties without the owners' permission; and, in many cases, they have upset stock in paddocks. During the debate on this

Bill in another place hon. members gave many illustrations and quoted cases of where stock had been destroyed. I instance flocks of ewes which are lambing.

People from the towns have no idea of how they will affect lambing ewes; and, while gathering mushrooms, they will roam across paddocks and through the stock, and this causes the ewes to leave their lambs to the mercy of foxes and crows. The Bill has been introduced with the idea of giving property-owners a little more power in this regard, so that they can keep people from entering their property without permission.

I think most farmers and landholders are reasonable people; and if a person wanted to pick mushrooms, and he first went to the owner of the property and asked permission, it would be granted. In such case the owner of the property would know who was there and would be able to tell people where they could pick mushrooms.

But last year hundreds of people went out into the country for the purpose of picking mushrooms; and, without the permission of property-owners, they jumped fences and roamed across paddocks at will. It was nothing to see crowds of 20 or 30 people going across a property looking for mushrooms. There have been so many complaints about the damage caused by this indiscriminate trespassing that the matter has been brought before Parliament by the introduction of this Bill.

This measure has been agreed to by hon. members in another place, and I think it should be given support in this House. The provisions in the Bill, as hon. members can see, will give the owners of property the right to apprehend a trespasser and take his name and address—that is, if the person is on the property without having obtained permission. If the trespasser refuses to give his name and address, the owner of the property can seek the aid of a Justice of the Peace, and action can then be taken. Some hon. members may think this is a savage measure, but it is not. Once members of the public realise that they have no authority to get out of their cars and wander through a farmer's paddocks, they will seek permission to go picking mushrooms and so on.

Mr. Bovell: Presumably the property would have to be fenced.

Mr. NALDER: Yes, it would have to be enclosed property. I do not know whether there is any need for me to give further information to hon. members; but I would draw their attention to the speeches made in another place which are recorded at page 1282 of Hansard No. 10. Hon. members there quoted many instances of trespassing; and, after much discussion, supported the Bill which is now before us.

The provisions of the Bill as it was first introduced in another place made it cover the whole of the State; but after a good deal of debate had taken place, and hon. members representing the North-West and the Goldfields areas had made their contribution, it was agreed that the Bill should operate, for the time being at least, only in the South-West Land Division. I hope that the Bill as it is now worded, will receive the support of all hon. members; and I move—

That the Bill be now read a second time.

On motion by Mr. Evans, debate adjourned.

CRIMINAL LAW (ONUS OF PROOF) AMENDMENT BILL.

Second Reading—Defeated.

Debate resumed from the 22nd October.

THE HON. J. J. BRADY (Minister for Police—Guildford-Midland) [6.7]: I wish to have a few words to say about this Bill in my own right as Minister for Police, and to some extent on behalf of the Minister for Justice who, unfortunately, has had to leave the House temporarily. Western Australia is relatively free of crime; and I do not think the hon. member for Fremantle, even if it is his last session in this House, would like to see an increased amount of crime in Western Australia simply because the law was amended in the manner provided in the Bill.

Only today the Commissioner of Police was in my office, while a deputation waited on me, and he said that the incidence of crime was falling off in Western Australia; and that could well be caused by the section we have in the Criminal Code and the Police Act. In connection with this matter, I understand that there are two charges that can be laid against a person where goods are in his possession. The first charge is one of being in unlawful possession, and the other is of having stolen the goods.

In the first instance—unlawful possession—the court has to be satisfied that the man was not in lawful possession of the goods before he can be charged and subsequently proved guilty. These unlawful possession laws were enacted in England at a time when the country was becoming more industrialised; they were subsequently adopted in this and other colonies.

But far from being antiquated and unreasonable, they have become an absolute necessity in the modern development of the State. It will be noted that the law provides that the property connected with such charges must be reasonably suspected of being stolen, and no reasonable citizen who was found with such property in his possession, could object to explaining how he came by it.

To be considered as being in his possession it must be proved that it is sufficiently clear to a reasonable person that he knew the property was where the police found it, and that he either put it there or was a party to its being placed there. When the police find unidentifiable property under the circumstances mentioned, they proceed to ask the person how he came to have it. It may well be that although there are good grounds for believing that the property is stolen, the person concerned might have an explanation that he bought it in good faith from some reputable person, or he might have some other reasonable explanation for being in possession of it.

In such circumstances the necessary inquiries are made, and the person is not charged unless the police are satisfied that they can show the court that the man is guilty. Their information as to his guilt is only the basis for his being charged; and it is for the court to say, finally, whether or not he is to be found guilty.

It is held by the courts in such charges that, should the accused give a reasonable and proper explanation, that must be accepted; in other words, he must be given the benefit of the doubt. I should like to dwell on that point for a minute or two. I think the hon. member for Fremantle would be able to quote as many cases of where people have been found not guilty, because they have been given the benefit of the doubt, as he was able to quote in this House the other evening, when introducing the Bill, where they were found guilty, but it was subsequently proved, by other people's admissions that they were not guilty.

I have been Minister for Police for 2½ years, and I cannot remember anybody writing to me, or anybody coming to see me, complaining that he had been found guilty of a charge when, in actual fact, he was not guilty. But I do remember reading a number of cases in the files where the accused had been given the benefit of the doubt, when I personally have had some very grave doubts as to whether they should have been given that benefit.

In such cases the judge, or the jury, after hearing the evidence, has apparently thought that the people concerned should be given the benefit of the doubt, and they were acquitted. I think that is the frame of mind in which most judges, magistrates, and juries hear cases: if there is any doubt that the person is guilty, he or she is given the benefit of that doubt.

I think any hon. member in this House would be sorry to feel that he was the sponsor of laws under which innocent people could be found guilty. In fact, I do not think any hon. member would remain silent if he thought such a state of affairs was continuing. So I hope that our laws, as we know them in this State at the moment, which have been proved by the passage of time, and which do not create any harshness or injustice in their interpretation by the courts will remain as they are at present. I think it is better to let sleeping dogs lie rather than to move amendments which will cause a lot of difficulty.

Mr. Sleeman: It's the same old tale; leave the law as it is!

Mr. BRADY: There is a very good reason for that.

Mr. Sleeman: They all say that.

The SPEAKER: I will have to intervene and leave the Chair until the ringing of the bells.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. BRADY: Before tea, I endeavoured to make the point that we should not rush in and alter the laws because there have been one or two cases that have subsequently proved to have been wrongfully judged. As I said before, there are quite a number of people who have been guilty and who have got off as a result of being given the benefit of the doubt. In the early part of my address I made the point that most of the cases in which people are suspected of having goods are dealt with under the unlawful possession charge. But there is, of course, another charge—that of stealing.

In the case of the unlawful possession charge, the first thing the prosecution must prove is that the property is reasonably suspected of having been stolen; and, secondly, that it was found in the possession of the accused. Those factors having been proved, the accused person is then required to satisfy the court that he came honestly by the property. The difference between that and the charge of stealing is that in the latter charge the prosecution must also, besides the points mentioned above, prove that the property belonged to some other person, and was stolen from him.

The owner must therefore be called upon to swear that he identifies the property as his, and that it has been stolen from him. It appears that the idea of the unlawful possession charge was substituted for stealing, because when we shifted from the era in which a man could almost identify everything by virtue of the fact that he made it himself, or by virtue of the fact that he had handled it so often and that he could not be in doubt, into an era in which things are mass produced, it was difficult for a man to prove that a particular article was his.

Accordingly, to some exent, the unlawful possession charge came to be substituted in many cases for the stealing charge. As I said earlier, anybody who might be accused of being in unlawful possession would be anxious to prove he was in lawful possession, and very often would convince the

people accusing him that he was in lawful possession, in which case no further action would be taken.

When I rose to speak, I mentioned that owing to the Minister for Justice having to leave the House, because of his representing the Government at two functions this evening, I would to some extent be using information that he had obtained. Before dealing with this information, I feel I should read out Clause 4 of the Bill which, as the hon. member for Fremantle has said, is the main clause. By doing so, I would make the point that the Minister for Justice has made in his objection to the amendment contained in the Bill. Clause 4 reads as follows:—

> (1) Subject to subsection (2) of this section, and notwithstanding the provisions of any other Act now or at any future time in force, the onus of proving all matters necessary to establish the guilt of an accused shall at all times rest on the prosecutor.

Mr. Sleeman: Very good.

Mr. BRADY: Subclause (2) of Clause 4 reads—

> (2) Where an accused relies upon any special defence open to him at common law or by statute, he shall be required in the first instance to prove the matter constituting such special defence, but at the conclusion of the evidence adduced by the prosecutor and the accused, the onus of proving the accused to be guilty shall still rest on the prosecutor.
>
> (3) No inference prejudicial to the innocence of an accused shall be drawn from his possession of any property or thing unless and until the prosecutor has proved that the property or thing was to the personal knowledge of the accused in his actual possession, either alone or jointly with some other person.

The Minister for Justice is very concerned about the possibility of such a clause being written into our laws.

Mr. Sleeman: Is it the case of the Minister for Justice that you are quoting now?

Mr. BRADY: I am referring to some information that the Minister for Justice had compiled, and which he has not been able to use personally, because he is representing the Government at two functions this evening—one of which was at 6.30, while the other is to be held at 8 p.m. During the tea suspension I read through the notes that the Minister for Justice had prepared, and I think it is necessary that, even if with some reluctance, I quote these notes. I say with some reluctance, because of the nature of the information which has been compiled; but I do so in order that the House might comprehend 100 per cent. what is involved in the Bill brought down by the hon. member for Fremantle.

In dealing with Clause 4 (1) where it states "the onus of proving all matters necessary to establish the guilt of the accused shall at all times rest on the prosecutor," I would point out that, generally speaking, that is a direction which the judge gives to a jury on all criminal charges. This is a common law requirement and applies, generally speaking, to offences under the Code. For instance, in the case of a murder, even where perhaps the loosely called defences of provocation and accident are raised as an issue, the present rule is that the Crown must negative those defences beyond reasonable doubt; it is not for the accused to establish such issues.

However, the significance of the words "notwithstanding the provisions of any other Act now or at any future time in force," may prove greater than what was intended. For instance, Section 187 (1) of the Criminal Code makes it an offence for a person to have, or attempt to have unlawful carnal knowledge of a girl under the age of 16. Subsection (2) states—

> It is a defence to a charge of either of the offences defined in this section to prove that the accused person believed on reasonable grounds that the girl was of, or above the age of sixteen.

If Clause 4 (1) of the Bill is intended to be construed as altering Section 187 (2) of the Criminal Code, then I respectfully submit it is impossible for the prosecution to prove what a person believes, or what grounds, reasonable or unreasonable, were available to an accused person on which he could base any belief. These are matters, evidence of which, in many cases, could be given only by the accused himself.

Similarly, it is a defence to a charge of incest that the woman or girl charged with the offence was, when she permitted the close relative to have carnal knowledge of her, acting under his coercion. If the offence was otherwise established by the evidence, it would be in a number of cases impossible for the Crown to prove that the accused was not acting under coercion.

There may be other provisions of the Criminal law in which it is provided, quite reasonably, that matters peculiarly within the knowledge of the accused alone, which would constitute a defence, should be raised or evidence of those matters led by the accused. It may be a matter of some considerable doubt as to the effect of the words, "notwithstanding the provisions etc." on these provisions which hitherto might have worked quite reasonably and well.

A further matter relating to Clause 4 (1)—and in particular the words "notwithstanding the provisions of any other

Act etc."—has its possible effect on provisions such as Section 72 of the Justices Act, which reads—

> 72. If the complaint in any case of a simple offence or other matter negatives any exemption, exception, proviso, or condition contained in the Act on which the same is framed, it shall not be necessary for the complainant to prove such negative, but the defendant shall be called upon to prove the affirmative thereof in his defence.

This provision is of long standing and to some extent merely incorporates what has been the common law.

In his "Outlines of Criminal Law" (Twelfth Ed. 1926) Professor Kenny at page 350 first quotes the general principle that the burden of proof is on the accuser and then states as follows:—

> To this principle, however, a somewhat perplexing exception arises in those cases where the affirmative fact, which would disprove guilt, is one which (if it exists) lies peculiarly within the knowledge of the litigant whose interest it is that this guilt should be disproved. For in these peculiar cases, so soon as the accuser has given so much evidence as a reasonable man might consider to be sufficient to establish the positive elements of the offence, there then is cast upon the accused person the burden of disproving the negative element by producing affirmative counter-evidence.
>
> So if he fails to produce that evidence this failure may be taken as proving that no such affirmative evidence exists, and accordingly as establishing the accuser's negative allegation. Thus on an indictment for misprison of treason, though it is for the Crown to prove that the prisoner knew of the treason, it may yet legally leave the prisoner to prove, if he can, that he discharged his consequent duty of disclosing it to some magistrate. And similarly in proceedings for practising medicine without a qualification, or for selling game without a licence or producing a play without the author's consent, so soon as the act of conduct alleged has been proved it has often been left to the defendant to prove that he possessed the qualification, or licence or consent.

Dealing with Section 72 of the Justices Act, I would point out this has the effect of saving unnecessary expense and time of persons who would be otherwise called as witnesses in proving matters on which there may be no possible contest whatsoever and on issues where, if there is any exculpatory matter available to the accused, it is so easy for him to say so. For instance, under the Traffic Act, it is an offence for a person to drive without a licence.

Mr. Lawrence: Is that in Section 72?

Mr. BRADY: What I have said is in Section 72 of the Justices Act; but now I am dealing with the Traffic Act, which makes the point clearer. If the hon. member for South Fremantle will wait until I quote from the Traffic Act, he will see the difficulties of a man who is trying to disprove his alleged guiltiness. This man would be involved in much expense unless he volunteered to give certain evidence.

Mr. Lawrence: I cannot see how that affects Section 72.

Mr. BRADY: Under the Traffic Act it is an offence for a person to drive without a licence. Generally, before a person is charged, the police refer to records, which, although not legally admissible as evidence, do show that in all probability the person concerned has not a driving licence. He is then charged with driving without a licence; and provisions such as Section 72 preclude the necessity of proving that fact, and require the defendant to prove that he has got a licence.

If it were not so, and the prosecution had to prove affirmatively that the accused did not have a licence, it would be necessary to call every police officer in Western Australia who has authority to issue driving licences to prove that no one of those police officers had issued a licence to the accused. Such an onus would, of ourse, be preposterous.

I think the hon. member for South Fremantle would agree that it would be easier for the person to step into the box and say, "I have a licence; here it is," rather than for a subpoena for every traffic officer in Western Australia to be issued at a very great cost, which would probably have to be paid by the defendant if the case went against him.

Mr. Lawrence: If a witness said, "I have a licence issued by Sgt. Brady," surely that could be checked without issuing a subpoena against every officer?

Mr. BRADY: I could not say whether Sgt. Brady would agree or not; but the accused would have every opportunity before a magistrate of proving his innocence or guilt, which is the fundamental issue in many of these cases. Whilst there may be grave doubts in some cases, British justice is such that an independent magistrate or judge sits on the bench to decide on the facts or the evidence disclosed.

In past times the administration of criminal law has often been bogged down and rendered inefficient by the necessity

for proving ancillary matters in an offence before there can be said to be a case for the accused to answer. With the passing of time, however, and under modern conditions, it has been realised that it is impossible or impracticable, except at great expense and inconvenience of witnesses, to police certain laws.

To ameliorate this position, there are many statutory provisions allowing averments in a complaint to be prima facie evidence. It is always open to an accused to give an explanation or to put forward matters of defence on these issues. A few of these provisions are as follows:—

Child Welfare Act, 1947-1957, Section 52:

That the person complained against is a near relative liable to maintain and is of sufficient means to maintain the child, and that any sum has been expended upon or is due or owing for or in respect of the maintenance of the child shall be received as prima facie proof of such allegations respectively.

Fisheries Act 1905-1956, Section 43:

Where it is material to show that the accused person was engaged in catching fish for sale, proof that such person in fact caught fish shall be prima facie evidence that such a person caught fish for sale, and the burden of showing that the fish were not caught for sale shall rest on the accused person.

Forests Act, 1918-1953, Section 56:

Where in any proceedings under this Act a question arises as to whether any forest product is the property of the Crown, such forest produce shall be presumed to be the property of the Crown until the contrary is proved.

Fremantle Harbour Trust Act, 1902-1957, Section 84:

The hon. members for South Fremantle and Fremantle will know that under the Fremantle Harbour Trust Act—

Mr. Sleeman: Be a bit reasonable!

Mr. BRADY: Section 84 of the Fremantle Harbour Trust Act says—

The averment that such an offence was committed within the limits of the Harbour shall be sufficient proof of such limits unless the contrary is proved.

Mr. Sleeman: That is wrong, too.

Mr. BRADY: To continue—

Plant Diseases Act, 1914-1956, Section 36:

In all proceedings taken against any person for any offence against this Act, the averments of the prosecutor contained in the sworn complaint shall be deemed to be proved in the absence of proof to the contrary.

Health Act, 1911-1957, Section 377:

Subsection (5). The burden of proof that any article of food was not exposed for sale or deposited in any place for the purpose of sale, or the preparation for sale, or was not intended for the food of man shall be upon the party charged.

Subsection (7): The burden of proof that any persons or premises had been licensed or registered under the Act shall be upon the party charged.

Subsection (11): The averment in a complaint that a defendant is the parent or guardian of a child in any proceeding under Sections 337 or 338 of the Act shall be deemed sufficient proof until the contrary is proved.

State Transport Co-ordination Act, 1933-1957, Section 50:

An averment in the complaint that any person was the owner of a public vehicle or is or was unlicensed or that any person is or was not the holder of any particular licence in respect of any public vehicle shall be deemed to be proved in the absence of proof to the contrary.

Traffic Act, 1919-1957, Section 69:

. . . an averment in the complaint that any person is or was the owner of a vehicle or is or was unlicensed or that any person is or was not the holder of any particular licence (either personal or in respect of any vehicle) or that the vehicle was used on a road, shall be deemed to be proved in the absence of proof to the contrary.

Vermin Act 1918-1956, Section 129 (3):

The averment in any complaint . . . that any person is or was at any time the owner or occupier of any holding shall be deemed to be proved in the absence of proof to the contrary.

If as a result of the passing of this Bill, these provisions were removed from all the Acts I have quoted then the task of the departments concerned in policing those Acts would, I suggest, be one of the greatest difficulty.

Clause 4 (2) of the Bill would seem to be intended to make some concession to the proposition that an accused person, where an offence is otherwise proved against him, should lead evidence as to any matters which are peculiarly within the knowledge of only the accused. But the subsection is of doubtful meaning.

In the context of the criminal law, I am unaware of the meaning of "special defence". The only knowledge I have of that phrase is the mention in the Local Court Act which relates to the giving of notice in civil claims of "special defences", which apparently are set off, counterclaim, infancy, coverture, the Statute of Frauds, any statute of limitations or a discharge

of any statute relating to bankruptcy. I am unaware of what the term "special defence" comprehends in criminal law.

It may possibly be intended to refer to the issue of insanity, which, generally speaking, is practically the only defence which the Crown is not under the onus to negative and which is required to be established by the person raising the issue.

Clause 4 (3) of the Bill calls for close consideration. If it is to be construed as affecting the present statutory provisions to the contrary then it could prove to be one of the greatest boons to dishonest persons in protecting their activities, that could be imagined.

I do not think that the hon. member for Fremantle wants to protect those people who are entering into illegal actions. Take, for instance, the Criminal Code, Section 407 (c) of which reads as follows:—

> Any person who is found under any of the circumstances following, that is to say: —
>
> (c) having in his possession by night without lawful excuse the proof of which lies on him, any instrument of housebreaking.

If Clause 4 (3) of the Bill is to affect Section 407 (c) then no inference prejudicial to the innocence of an accused shall be drawn from the fact of his having in his possession any instrument of housebreaking, and will nullify the latter provisions. This, of course, will be of great assistance to would-be housebreakers who may roam the streets at night with impunity; but it will perhaps offer poor solace for law-abiding householders when it is know that at the dead of night, strangers in the neighbourhood are roaming around with jemmies, pinchbars, skeleton keys, gelignite, and face masks, without any lawful excuse whatsoever, and perhaps being persons with criminal records for violence and housebreaking—

Mr. Lawrence: What about a nulla nulla?

Mr. BRADY: —and the police are powerless to do anything because they are unable to prove that the holder of the housebreaking instruments has not got a lawful excuse for having them.

It would not be merely a matter of making it difficult to secure a conviction, but there could never even be a case for the suspected person to answer, because it would be impossible for the prosecution to lead evidence to prove affirmatively that he did not have a lawful excuse for the possession of his instruments.

Mr. Cornell: Is that the section that Guy Fawkes relied on?

Mr. BRADY: As a matter of fact, the hon. member could be excused tonight if he walked around with a face mask on, because at one time it was traditional to wear masks on Guy Fawkes night. So, if tonight anyone is found wearing a Guy Fawkes mask I, as Minister for Police, will see that he is duly excused.

Section 557 of the Criminal Code states—

> Any person who makes, or knowingly has in his possession or under his control, any explosive substance under such circumstances as to give rise to a reasonable suspicion that he is not making it, or does not have it in his possession or under his control for a lawful object, unless he can show that he made it, or had it in his possession or under his control for a lawful purpose, is guilty of a crime and is liable to imprisonment with hard labour for fourteen years, and forfeiture of the explosive substance.
>
> In this section "explosive substance" includes any materials for making any explosive substance; also any apparatus, machine, implement or materials used or intended to be used or adapted for causing or aiding in causing any explosion in or with any explosive substance; also any part of any such apparatus, machine, or implement.

It is difficult to see why any person who has in his possession any explosive substance so as to give rise to a reasonable suspicion that he does not have it in his possession for an unlawful purpose, should not be under an onus to show that his possession was for a lawful purpose, particularly when other citizens may be terrified of the actions of the persons concerned.

Other provisions which may be affected are the Police Act Section 69 which, shortly, makes it an offence for a person having stolen goods in his possession or control, and failing to give a satisfactory account of how he came by them, and the Gold Buyers Act, 1936, which, shortly, makes it an offence for a person to have gold or gold matter, while failing to satisfy the magistrate that he honestly came by it.

If provisions similar to these are to become nullified, then it would be practically impossible for the activities of a certain number of dishonest persons to be controlled or prevented.

The whole of the doctrine of "recent possession" which is frequently relied on to establish the guilt of persons charged with stealing or receiving would be nullified.

Many other similar cases could be cited to show that if the Bill became an Act, it would stultify the law, as it has been known in the State for the past quarter of a century. Many hon. members here have been parties to passing legislation which they, in their wisdom, felt was necessary in order to have the laws of the State complied with. I do not think any great injustice or hardship has been brought about as a consequence of the way the law

has been carried out; and I can assure the hon. member for Fremantle that I would be one of the members who would be most anxious—particularly as I am Minister for Police—to assist in bringing about amendments to any law if I felt injustices were being done.

So, in a more or less dual capacity, I have to vote against the proposal of the hon. member for Fremantle; and I hope that the House, in the best interests of the law-abiding community of the State, and the State generally, will not pass the Bill.

THE HON. A. F. WATTS (Stirling) [8.5]: This is a Bill which, if I recollect aright from sundry conversations with the hon. member for Fremantle over a period of years, has been in his mind for a considerable time. The hon. member and I have discussed it outside the House on more than one occasion, but not in recent years.

I must confess that I am sympathetic in some degree with the objective that the hon. member has in mind. I cannot, however, agree with the Bill as it is presented to the House, because the arguments against it—in the form the Bill now takes —as the Minister for Police has clearly demonstrated, outweigh the arguments that can be adduced in its favour; or in favour of any proposal of a similar character.

From the discussions to which I have referred, I would say that the genesis of the measure lies in the fact that there has been an increasing tendency in the last decade or so to place upon a defendant the onus of proving his innocence.

Mr. Sleeman: And it is creeping in every day.

Mr. WATTS: That is occurring, rather than retaining the older principle, wherever practicable, of placing upon the prosecution the onus of proving the guilt. In modern statutes, one frequently finds reference to such a proposition as this—"The averment in the complaint that the defendant has done so-and-so shall be deemed to be proved in the absence of proof to the contrary." This really means that all the complainant has to do is to say in his complaint that the defendant A.B. did something; and, without offering any proof, he places the onus on the defendant A.B. to establish that he did not do it.

For the preservation of law and order, and for the preservation of the safety of human life and property—which I think can be summed up as the major points made for the Minister for Police—provisions which in some degree at least, place the onus of proof of his innocence upon the defendant, can to some extent be justified. To that extent I would not quarrel with the sections of the law which make these provisions; because, to open the gate wide to make it almost impossible to convict a person who obviously has criminal intent, but because the complainant is unable to produce sufficient evidence substantially to prove that intent, would, of course, make it rather too easy in some cases for the criminal.

But I am not thinking only of cases of damage to human life and property. As I have said, there is a tendency to simplify the task of those who are the complainants, plaintiffs or prosecutors, in a number of matters, by provisions in modern legislation, such as I have mentioned. I do not think we should idly stand by and see an unnecessary extension of that practice.

A reference to the records of the House —over the last few years—would, I think, show that on several occasions determined attempts were made by the hon. member for Fremantle to reject from measures which came before us, provisions of the nature to which I have referred, and similar to that which states that the averment in the complaint, that the defendant has done something, shall be deemed to be proof in the absence of something to the contrary. It will be found that on more than one occasion I, and many other hon. members on this side of the House, have supported the hon. member for Fremantle in the attitude he has adopted from time to time.

Were it possible to get hold of the Bill and deal with the matter piecemeal—statute by statute and clause by clause—so that we could incorporate in a schedule to the Bill some of the provisions to which I have referred, and to which the Bill should apply, then it would be practical politics to give more favourable consideration to the measure. But that is a job which, I suggest, is not one that we can undertake here and now. It is one that would require careful and lengthy research. I venture to say that the Minister for Police, although he has quoted a number of examples, would agree with me that he, the Minister, has not touched on the fringe of all the provisions that are to be found in the various statutes which might come under the heading dealt with by the measure before us.

The trouble with the Bill is that it is just too wholesale. It proposes to do the whole job in one fell swoop; to say that in no circumstances shall the defendant ever have to prove his innocence, thus on occasions, as the Minister said, placing in a most peculiar position those who are anxious to preserve human life and property. If we had the time, I would suggest that we either appoint a committee to inquire into this matter, or have some other investigation made which could go deeply into the measure and all the related statutes, where these various provisions are to be found, and bring forward recommendations stating which of the provisions

could be safely dropped without the reasonable course of justice being interfered with. If that were done, it might be possible for us to support the Bill.

But I feel that such a course would take a considerable time; and it would require far more research than hon. members of this House are capable of making. It would require the diligence of the Crown Law Department and the Police Department. Therefore, I suggest there is no prospect of its being done this year.

In these circumstances, although, as I say, I would like to see some correction of the tendency which has crept in in recent years, to place the onus of proof upon the defendant in many cases, I feel that the Bill is too wholesale a measure. It just takes the "bull by the horns" as it were and says, "In future, no-one will have to prove his innocence at all, no matter in what extraordinary circumstances he might be found" such as the Minister referred to when he mentioned gelignite, jemmies and other things. Such a person would not have to explain himself at all. He would simply say, "Prove that I meant to break into a house." That would be extremely difficult.

So, regretfully—because, as the hon. member for Fremantle knows, I am not unsympathetic with what is at the back of his mind or what I understand is there—I cannot support the Bill, because it is too wholesale.

MR. COURT (Nedlands) [8.15]: I think it is the general desire of hon. members of this Chamber to throw the onus of proof on the Crown wherever practicable. The debates on this point, in the comparatively short time that I have been here, have indicated clearly that that is the desire of most members. However, the experience of the community and of governments, in particular, is that one cannot have law and order in a community without some instances where the onus of proof must be thrown on the accused.

Mr. Sleeman: Tell us some of them.

Mr. COURT: I think we have reluctantly to concede the fact that there are such cases. We would all like to think that the whole of the onus of proof, so far as the accused is concerned, could be removed from the statute book, leaving it to the Crown to establish the guilt of the party concerned; but even the most idealistic of us must realise that one could not preserve law and order in the community without the onus of proof in some cases being thrown on the accused. As I read this Bill, it deals only with the Criminal Code, and not with certain statutes outside the Code where a similar state of affairs exists. I feel that the position has been amply covered, in a general way, by the Leader of the Country Party.

The Minister for Police, speaking on his own behalf and that of the Minister for Justice, gave us considerable detail on the technical side of the law; but I feel that the main issues at stake in this measure were dealt with by the Leader of the Country Party. There is no doubt that, at some time in the history of this State, it will be necessary for the Government of the day to have complete investigations made of the whole of the laws that have gone on to the statute book; and I believe the most suitable committee to deal with such an investigation would be one headed by a member of the judiciary and having on it a representative of the Crown Law Department and a representative of the leading legal practitioners in this State—preferably one who has had considerable experience in criminal law.

Mr. Potter: It would take six lawyers 60 years to do it.

Mr. COURT: It would take a considerable time, although not, I believe, as long as the hon. member suggests.

Mr. Sleeman: This has gone on for 30 years and if it goes on for another 30 years the position will be so much worse.

Mr. COURT: It is not my fault if the Government does not institute an inquiry, which I submit could be completed in about 18 months.

Mr. May: You would never get the lawyers to agree.

Mr. COURT: I have suggested that a member of the judiciary should preside over the committee and I think there would be a degree of reality in such a committee. It would consist of a judge, with a representative of the Crown Law Department—who would normally be well experienced in prosecuting—and a representative of the leading legal practitioners; preferably one with experience in criminal law—

Mr. Hawke: What about someone to represent the accused?

Mr. COURT: If the Premier reflects, he will appreciate that my reason for suggesting the inclusion of a person practised in criminal law would be to ensure adequate representation of the viewpoint of the accused.

Mr. Bovell: Who is the accused in this instance—the Government?

Mr. COURT: I will not enter into that argument on onus of proof. If on the committee there was a representative of the legal profession, experienced in the practice of criminal law, it could reasonably be expected that the views of the accused would be well represented, because such a person would be accustomed to defending accused people and would be able to state, from his own experience, the points on which he considered the law to be unfair. There are, of course, some extraordinary cases where the only person who

could give evidence on the points under examination would be the accused himself. There are others where if he were accused of having something down the backyard he might just say that the fairies put it there, and if this Bill were passed it would be almost impossible not to accept that story.

Normally we would like to see a Bill brought down to ease the onus of proof provisions, but it is impracticable to do that—as the Leader of the Country Party said—on a wholesale basis. The hon. member for Fremantle has complained repeatedly of the fact that, from time to time, we place further legislation on the statute book involving the accused proving his own innocence. I think it is the job of Parliament, when such measures are before the House, to examine them critically and carefully.

At the same time I admit that the law must be reviewed periodically; and it could be that the present provisions were included in certain statutes many years ago, for reasons which were good at that time, although today the need for such provisions may have disappeared; and in that case perhaps they should be removed from the statute book. That could be achieved if the suggestion of the Leader of the Country Party was followed and the whole of the statutes were exposed to examination. Then, after a critical analysis, the necessary amendments could be brought before Parliament. I reiterate that the time when we, as members of this Chamber, must be critical, is when Bills are before us.

Cases are put forward by Ministers and by the Government of the day in favour of leaving the onus of proof on the accused and such arguments are sometimes accepted — I believe — without sufficient thought for the problems involved and the unfairness of such provisions to the accused. It is therefore our duty, when statutes are being enacted, to see that in only the most pressing cases do they include onus of proof on the accused.

A further duty of members of Parliament in this regard is to ensure that the administration of the law is fair and just. It is comparatively simple to keep in touch with the main cases before the courts of this country and I am certain that hon. members are fairly quick—if there has been any suggestion of a miscarriage of justice—to bring the matter to the notice of the Minister for Justice and the Minister for Police.

We know that hon. members are quick to react to any suggestion of a miscarriage of justice and that they bring it quickly before the notice of the Minister concerned. I have always found the present Minister for Justice to be very quick off the mark if one comes to him with a suggestion that there has been any unfairness—

Mr. Sleeman: He will be pleased that he is not here tonight.

Mr. COURT: I cannot speak for the Minister, but I have always found him to be quick off the mark to investigate any case taken to him, where there is a suggestion that there has been unfairness in the administration of the law. Reluctant as I am to oppose the measure, because I like to see the onus of proof removed from the accused as far as is possible, I am afraid I cannot vote for the Bill. For the reasons I have given and those advanced by the Leader of the Country Party, I must oppose the measure.

MR. EVANS (Kalgoorlie) [8.22]: This Bill highlights the genesis and concepts of British justice, which are defined in this manner: The cornerstone of English law is the great principle of justice; that a man is innocent until he is proved guilty. The cement that holds together this structure of the law, built from this cornerstone, is the judge. The judge rules supreme. The barristers, we are told, seem to have in their bones not only an instinct for courtesy but also for fairness. The man in the dock, one is never allowed to forget, is innocent until he is proved guilty—

Mr. May: Who wrote that?

Mr. EVANS: That is from the genesis of British justice. One can find it in almost any book relating to a study of British justice. The magistrate who is required, by legislation that we have placed on the statute book, to require a person to prove his innocence without the necessity for the prosecutor to give any proof of the person's guilt, is placed in an invidious position. He is placed in the position of a judge who has already heard the case, because the magistrate must assume that the person is guilty and consequently that person is judged before his hour of judgment and is asked to prove his innocence before he has been proved guilty.

These circumstances cry out aloud for some amendment and I commend the hon. member for Fremantle for the manner in which he has set about bringing the true spirit of British justice to light in the legislation that now appears on the statute book of this State, relating to the criminal law.

It is the great bulwark of British justice that a man is innocent until he is proved guilty, and that is best exemplified in the Latin maxim which reads—

Auctori incumbut onus probandi.

In other words, the onus of proof should lie upon the plaintiff. A reversal of that principle is harsh, unconscionable, and alien to our heritage and way of life.

One day last week there appeared in the daily Press an article relating to the standards of the police, the fairness of the

police and the manner in which they administer the laws given to them by the community. I quote—

> Everyone, irrespective of the colour of their skin, is entitled to walk through our streets with their heads erect and free from fear, Mr. Justice Salmon said at the Old Bailey Criminal Court, London, recently.
>
> Towards that goal of freedom, everyone—the community—makes for itself laws and pays a force to police them. At the same time the laws protect the rights of the citizen against wrong policing.

It is not wrong policing that we should be concerned with, but the wrong laws that we give to the police to enforce. I agree with the hon. member for Fremantle that many of our statutes today relating to criminal law are wrong in principle and therefore must be wrong in administration. We have heard reference tonight to justice, and to British justice; and we learn that justice is exemplified by an entirely impartial attitude towards all persons involved in criminal or in civil litigation.

We find, in the Police Act, provision that a person can be asked to prove his innocence when he is found in possession of gold or pearls, for instance; and I ask why those two commodities appear in that section of the Police Act. Why are they singled out? It would appear that there is one form of justice for one section of the community and a different form for the other.

A person on the wharves at Fremantle may be found with some small commodity which could have come from the hold of a ship and he is asked to prove that he came legally by it, while a bank manager can disappear from the bank with a great sum of money and be found with it in his possession, yet the onus of proof of his guilt lies with the prosecution. Why should there be one form of justice for one section of the community and a different form for the other?

When we have legislation providing for the onus of proof to be on the accused we find that the dignity and rights of individuals are in jeopardy and it is such matters that must be remedied. It is towards this end that the legislation proposed by the hon. member for Fremantle is intended. We are told that in the application of justice, not only must justice be done but it must also appear to be done. When we find that a person can be found guilty because it is impossible for him to prove his innocence when charged, are we to believe that justice appears to be done?

For the information of hon. members, I would like to cite a case that occurred some time ago. Because the central figure is still living I will not mention his name or the town in which the incident occurred. I will just give a general outline of the case. The man concerned was working afternoon shift on a mine some three years ago. During his shift he had complained of being ill and, at the time, he also had a younger relation with him. The men had been working in a section of a mine called, "The Jeweller's Shop" which is always regarded as being one of the richest parts of any mine. When his shift was completed, this man was brought to the top of the shaft and he proceeded to the change room.

His younger relation had showered earlier; and when this man finished his shift his relation said to him, "I will wait for you in the car." However, when he left the change room this man could find no trace of his younger relation, and he assumed he had gone home. He eventually got a ride with another worker and when he reached his house at 2 a.m. he found it ablaze with light. On entering, the younger relation said to him, "The detectives have been here and they are coming back to search the house."

A few minutes later a member of the gold stealing detection staff appeared at the door and said to this man, "I want to search your house." He conducted his search but found nothing. The man in question had not even had time to put down his working clothes, and the detective said to him, "What have you there?", to which he received the reply, "Only my working clothes."

The detective asked him to unroll his working trousers and the detective placed them on the table. He then asked this man for some paper, but on being handed some writing paper, he rejected it and asked for some old newspaper. The detective then rolled down the cuffs of this man's working trousers and shook out quite a deal of gold dust which he eventually placed in an old Luxor tobacco tin. Incidentally, when the detective searched this man, all he could find was a tin of De Witt's Antacid Powder and the man could produce evidence to show that he had complained of being ill during the day.

About a week later this man was arrested and was remanded for a week. His lawyer arranged bail for him, and on the day of his trial his counsel was able to produce several housewives who testified that every week-end they would be able to shake from the cuffs of their husbands' working trousers as much gold dust and ore as had been found in the cuffs of this man's working trousers. Yet, it was on this evidence that the police were prepared to conduct a case.

Wiser counsel prevailed, however, and the police withdrew the charge, but nevertheless, that man's character is like the bloom upon the peach. It has been breathed upon and the bloom has gone. The result of the trial was that the charge was withdrawn. That man, of course, had

to prove his innocence. Because overwhelming evidence was tendered in his favour, the charge was withdrawn.

Certain objections have been raised to the onus of proof clause being deleted from the criminal law in this State. We often hear it said that if it is removed the police will find it difficult to obtain a conviction. However, I believe that, deep in their own hearts, the members of the Police Force would rather have on the statute book legislation that would make it necessary for them to prove a person guilty than have the accused prove his innocence.

Such legislation could be compared to a hunter in the woods. A hunter would rather shoot a bird on the wing than have a "sitting shot." In my opinion, this violation of British justice could definitely be called "having a sitting shot" at the accused.

I have also been told that if this onus of proof clause were removed from the criminal laws it would mean the ruination of the goldmining industry; but if that were so I would not be supporting this Bill. I believe that if the onus of proof were placed on the prosecutor it would mean that the industry would continue to be protected. I admit that it would mean a tightening up of the precautions taken; but the men would show more respect for the police, and a person found guilty would be looked upon by the rest of the community as being truly guilty and as deserving all he got.

Hon. members will probably have read in "The Weekend Mail" the alleged confessions of a gold stealer. In goldmining districts, it is not uncommon for a person who is unable to prove that he is innocent of a charge of gold stealing, to be looked upon as a martyr. That is not a good feature of any law; but if the onus of proof were placed on the prosecutor and the precautions taken against gold stealing were tightened, those persons found guilty would receive no sympathy from the the rest of the community.

It has been mentioned that the principle of the onus of proof lying upon the accused is not foreign to this State. I am not disputing that; but what we think today we should let the rest of Australia—and, in fact, the rest of the world—think the day after. Let us lead in this respect. We are proud of the heritage which gives us British justice, and we should therefore have it all the way. Law is the last resort of human wisdom, acting on human experience for the benefit of the public. Therefore, let us benefit by our experience and raise the dignity of those administering the law and help to protect the innocent.

I am not advocating that we should have laws to protect the guilty. We should have laws to protect the rights of the innocent. It is clear that this Bill is not designed to safeguard the guilty, but to protect the innocent. In other words, the law should punish the wrongdoer, but not the unfortunate victim. I cannot say definitely that, by the application of the onus of proof clause on the accused, innocents have been punished; but it can be easily seen that, by the application of this system of law in the past, innocents may have been punished without reason; and this could also happen in the future.

I would like to conclude my remarks by quoting the words of a late Chief Justice. They are as follows:—

> The liberty of the subject and the convenience of the police—

by the police is meant those who administer the law—

> should never be weighed on the scales against one another.

As hon. members may have gleaned from my remarks, I intend to support the Bill. By doing so I find myself on a different, "How to Vote" card from the Minister for Police, the Minister for Justice, and other hon. members who have opposed the Bill.

MR. OLDFIELD (Mt. Lawley) [8.40]: Earlier in the debate I was amazed when it was suggested, firstly, by the Leader of the Country Party and then by the Deputy Leader of the Opposition, that this Bill should be the subject of an inquiry. I am wondering when we are going to make our own decisions on legislation. Are we to pass over all our legislative powers to committees that are constituted, or are we going to make the decisions for ourselves?

On any question that may prove to be a bit sticky we have shown that we do not wish to commit ourselves one way or the other. Eventually someone moves that the question should be handed over to a committee of inquiry for investigation. Everybody else agrees that this is a good idea, and that is all we hear about the matter until some time in the future when the Minister tables a report containing the findings and the recommendations of the committee.

If we are to hold our rightful place in this Legislature, at least we should have the courage to arrive at a decision on any question that is brought before us, because that is one of the reasons why we were elected to this House. The Deputy Leader of the Opposition mentioned that we should be vigilant whenever a Bill is brought before the House which contains a clause that places the onus of proof upon the accused and not upon the prosecution. He maintained that it was the duty of the House to remove that clause from the legislation.

The hon. member for Nedlands, as well as other hon. members of this House, is well aware that when a Minister introduces a Bill—regardless of the political colour of

the Government—no matter what is said by those in Opposition, when the whip is cracked the Bill is passed by the weight of numbers on the Government side of the House. I think, on one piece of legislation, the hon. member challenged a certain clause in the Bill, but he supported the second reading. However, subsequently, there was no move to take the clause out in Committee, because of politics being what they are. If the hon. member for Nedlands maintains that we should be vigilant and should remove this obnoxious clause during the passage of the Bill, I submit they are merely empty words.

He also said something about the miscarriage of justice. He said that we should go to the Minister for Justice and see that matters are straightened out. I would point out, however, that once a person had been dealt with by a court, the only way the Minister could interfere would be to mitigate his sentence. He could not exonerate the accused person in any case. He might take steps to release him from gaol before his sentence had expired or have his fine refunded; but he could not expunge from the records the conviction of any accused, unless, of course, he obtained the approval of Executive Council; and I should say that very rarely would such action be taken. Also, the occasions would be very rare when the Minister would agree to have a fine refunded to any offender or a convicted person released from gaol; but that is all the Minister could do.

The Minister and other hon. members who are opposed to this Bill have gone to great lengths to point out that there are many offences for which a conviction could not be obtained if this Bill were passed. I disagree entirely. I realise there are many offences which will be more difficult to prove if this Bill is passed, but the Bill will not make prosecution impossible. It will only make the task harder. It is better in borderline cases for one or two guilty to go free rather than to have an innocent person convicted. That has happened in the past and could happen again.

This Bill will not make prosecution impossible. It will make the task of the prosecutor more difficult in the collation of evidence. This will tend to make him more thorough in pressing the evidence so that when it is given before the court it will be conclusive. For that reason I support the measure.

MR. BOVELL (Vasse) [8.46]: I do not intend to record a silent vote. I believe in the principle that the onus of proof should be placed on the Crown; but this Bill is a blanket piece of legislation. If any hon. member considers any Act to be unfair, where the onus of proof is placed on the accused, then it is the responsibility of that hon. member to bring down an amending Bill in this Parliament.

In this case the hon. member for Fremantle has introduced a Bill which has a blanket coverage of legislation relating to the Criminal Code. During his second reading speech he did not enumerate the various Acts in which the onus of proof is placed on the defendant. In his speech the Minister for Police referred to the pieces of legislation which would be affected by this Bill.

There are two principles to which I always try to adhere, and I know the hon. member for Fremantle is of a similar opinion: Firstly, the onus of proof should be on the Crown; and, secondly, legislation by regulation should be avoided on every possible occasion. In order to test the reaction to the principle contained in this Bill, the hon. member for Fremantle should first of all have introduced amending Bills to the various Acts so that the reaction of Parliament could be obtained.

It is very difficult for us to agree to blanket legislation of any type. If we did agree we might invalidate a section of an Act, and that could have serious results in administering the other sections of that Act. The hon. member for Fremantle has been in this Parliament for a long time. Had he introduced separate Bills to amend Acts in which he considered there was a miscarriage of justice, then I would have given serious consideration to those measures.

In order to make my position clear, I believe that in principle the onus of proof should be on the Crown, but I do not like blanket legislation which might have adverse effects. I consider the Bill before us is too sweeping in its effect.

MR. JAMIESON (Beeloo) [8.50]: It is not my intention to cast a silent vote. Whilst pitfalls may exist in respect of blanket legislation, I feel the hon. member for Fremantle has given this matter much thought over the years. If he had found that the provision in the Bill was liable to be detrimental to the well-being of the community, I do not think he would have proceeded.

Mr. Bovell: I am not questioning the sincerity of the hon. member for Fremantle.

Mr. JAMIESON: I am suggesting it would be far better to introduce and pass a blanket coverage. If the Government of the day finds that such legislation adversely affects any particular Act, it can exempt that Act from the provisions of the blanket legislation. I can see no great harm coming from this Bill. It should be given a trial. If we are to stand up to the principles of British justice, we should adhere to the first principle; namely, that the onus of proof should be on the prosecution.

Hon. members who fear the widespread coverage given by this Bill will not need to entertain their fears much longer, because this Parliament, which stands behind British tradition, will always adhere to the first principle of British justice—that is, in placing the onus of proof on the appropriate party when a prosecution is made. For those reasons I support the Bill.

MR. POTTER (Subiaco) [8.53]: I do not intend to cast a silent vote, and I must say that I oppose the measure. Not only in this Parliament, but in others throughout the British Commonwealth, there is an accepted principle of placing the onus of proof on the Crown. Every piece of legislation which comes before this and other Parliaments in the British Commonwealth is discussed on its merits. In a number of instances the onus of proof is placed on the defendant, and there are good reasons for that.

I agree with the remarks of the Leader of the Country Party that we will need to go through all Acts of Parliament before we can actually assess the effects of this Bill. Without placing the onus of proof on defendants on some occasions, there would be difficulty in getting people before the courts. As was pointed out, if an injustice were done, the attention of this House would be drawn to it immediately and there would be an uproar. No injustice can be done without this House hearing of it sooner or later. From time to time it is necessary to place some onus of proof on the defendant.

I am not wholly in agreement with the appointment of a Select Committee, because it would take 60 years for 60 lawyers to unravel the whole business. There are many Acts which have been placed on the statute book over a long period, but the hon. member for Fremantle has not enumerated a sufficient number of them to convince me that they contain faulty provisions. I oppose the measure.

THE HON. J. B. SLEEMAN (Fremantle—in reply) [8.56]: I will not take very long to reply to the cases put up, because I have not very much to answer. I repeat again that anyone who tries to bring about a reform is often scoffed at, but eventually wins through if he perseveres.

I remember that the year after I came into this House I moved a motion to do away with the degrading spectacle of prisoners being carted around the metropolitan area. I pointed out how they used to be marched to West Perth station with a crowd watching them; and how they were marched off at Fremantle station and another crowd watched them.

What did I get from both sides of this House when I introduced a measure to bring about that reform? It was said that the hon. member for Fremantle wanted to pamper the prisoners; and they asked if I wanted also to give them feather cushions to ride to prison. Eventually I was successful in getting the measure passed.

Shortly after that, a female prisoner was taken to the West Perth station under the charge of a police constable. Before the train had stopped she rushed from the constable, in front of the train, and was cut to pieces. When I asked a question in this House as to what went wrong, I was told that a conveyance for prisoners had been finished by the State Implement Works two months previously.

The Minister for Justice, a member of my own party, told me he was not prepared to put it into operation until a garage was built. As the cheapest cost of a garage was £500, he was not prepared to put the vehicle in operation. That was one life lost. That was one occasion when I was laughed at when I wanted to help the prisoners.

On the last occasion when I tried to assist prisoners I heard something funny. I had asked this Government to increase their wages, and I was told in reply—

> Sleeman is a great one for the prisoners. He wants to give them all a good time.

I would point out that all they were getting was 10s. a week if their conduct was good. Prior to that, the prisoners used to be discharged with a few shillings in their pockets; and very often they went back to prison again, because they had nothing else to do but steal. Frequently when a reform is attempted it is met with scorn and laughter. However, if I am not successful on this occasion I will at least have made the attempt. Before long I am sure some good will come of this measure.

The Minister for Police did not have very much to say. He merely rambled on and read submissions put up by the Crown Law Department. There was not much for me to reply to. He said that this State was very free of crime, and that was one reason why we should make it easy for people to be convicted. That may be all right for the Police Force or the Crown Law Department. That is an easy way to get a conviction.

Mr. May: They then become criminals.

Mr. SLEEMAN: That is right. They then become criminals. They are only out a few days when they are picked up again. The Minister said, "Why alter the law? It has been all right." That is what they told me with regard to the prisoner's case, which I have instanced. "This has carried on for 100 years during which time they have not had a conveyance from the court to the gaol." The time has arrived when

the law should be altered. I am disgusted with the argument which has always been trotted out: "It has been like that for many years; let it go at that."

The Minister said, "Certain instructions are given to the jury by the judge." That does not come into the picture at all. Cases go before a judge and a jury and innocence does not have to be proved. That only occurs in the Police Court. A lot of these people cannot come before a judge and jury because they have no money. It cost a great deal of money; and if hon. members do not know how much, let them have a go some day, and see what it would cost to appeal in the Supreme Court against a judgment given in the lower court.

The Minister talked about charges of dealings with girls. That does not come into it either. Those charged in this connection do not have to prove their innocence. Section 191 of the Criminal Code reads—

> Any person who—
>
> (1) Procures a girl or woman who is under the age of twenty-one years, and is not a common prostitute or of known immoral character to have unlawful carnal connection with a man, either in Western Australia or elsewhere; or
>
> (2) procures a woman or girl to become a common prostitute either in Western Australia or elsewhere; or
>
> (3) procures a woman or girl to leave Western Australia with intent that she may become an inmate of a brothel, elsewhere; or
>
> (4) procures a woman or girl to leave her usual place of abode in Western Australia, such place not being a brothel, with intent that she may, for the purposes of prostitution, become an inmate of a brothel, either in Western Australia or elsewhere;
>
> is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

Do not forget that he does not have to prove his innocence! And this is a most serious charge. Yet in minor cases it is necessary for one to prove one's innocence! The section continues—

> A person cannot be convicted of any of the offences defined in this section upon the uncorroborated testimony of one witness.

Will hon. members please note that? He cannot be convicted by one witness. He has to have more than one. Why cannot this position obtain in connection with other cases? Section 192 reads—

> Any person who—
>
> (1) By threats or intimidation of any kind procures a woman or girl to have unlawful connection with a man, either in Western Australia or elsewhere;

I will not quote it all. Hon. members can read it for themselves. But the section concludes with the following paragraph—

> A person cannot be convicted of any of the offences defined in this section upon the uncorroborated testimony of one witness.
>
> The husband or wife of an accused person is a competent and compellable witness.

Again, a person cannot be convicted of the crimes I have mentioned, upon the testimony of one witness. So what is the use of the Minister coming along with sob-stuff about a man charged with an offence against a woman? He does not have to prove his innocence. It is no good the Minister trying to put that over me. He certainly tried to blind us with science when he read the information from the Crown Law Department.

Now to deal with the tripe about the Fremantle Harbour Trust! Of all people, they should have to prove a man guilty. There is no doubt about that. Hon members should not let the Minister put it over them that the Harbour Trust should be able to say, "We have you. You prove your innocence." The Harbour Trust should be the last body that should be allowed to do that. It has a great number of employees, detectives and patrolmen to prove anything they want to. If they detain a man they should prove where he has come from and where he obtained any goods he might have on his person.

I told the House about the man who went home from work and hung his coat up behind the door. When he went to his coat to get something after tea, he found both his pockets full of chocolate. He said to me, "I would have been a gonner if they had, when I left the wharf, questioned me as to where I had obtained the chocolates. If I had told them that I did not put them there myself, and that someone else must have done so, they would have said, 'That's a good one! Tell us another!'"

But that is the sort of situation that could arise because a man has to prove his innocence. I put it to you, Mr. Speaker, that if you had your pockets full of chocolate and they detained you and questioned you about it, you would go up too!

Mr. Court: What would have been the position if he had put the chocolate in his pockets himself?

Mr. SLEEMAN: British justice, they call it! In connection with house-breaking, any man found in possession of housebreaking implements should be liable for punishment. But the Minister tries to indicate that this has to be proved, and that has to be proved, and all the rest of it. It would be simple to make a law that a man in possession of house-breaking implements is liable for punishment.

The Deputy Leader of the Opposition is of the opinion that a few alterations in the law are required. I have been trying to tell the House that for years, and I hope it will not be many more years before this is done.

Mr. Court: We will have them made as soon as there is a change of Government.

Mr. SLEEMAN: I want to thank the Leader of the Country Party for his speech. He realises that on several occasions we have tried to prevent this sort of thing being included in our Acts of Parliament, but unfortunately we were beaten. I can remember the last occasion, which was in connection with second-hand fruit cases. If a stolen fruit case were found with the name "David Brand" on it, the Leader of the Opposition would be found guilty and would have to prove himself innocent, and that he had nothing to do with the theft. This "proving your innocence" matter is even included in tiddly-winking Acts of that kind.

The hon. member for Vasse said that amendments should be brought down in connection with the various Acts. I would not like to have the job of wading through all the Acts of Parliament. I told the House the other night that the late Mr. T. A. L. Davy said to me: "If you and I come back after the next election Joe, we will introduce a Bill and do it in one sweep." And he was not of my political faith. Unfortunately he never came back and was buried before the following election.

I am not going to take up any more time of the House. I believe the Bill should be carried; and if there were any need to amend it afterwards to fit in with the ideas of the Leader of the Opposition, I would not mind that being done. But I do want to see something achieved; and I am satisfied that if I am not successful on this occasion, public opinion will eventually make this House do something to remove this particular legislation from the statute book.

Mr. Evans: Hear, hear!

Question put and declared passed.

Mr. Brady: Divide!

Mr. SLEEMAN: Mr. Speaker, I move—

That you do now leave the Chair—

Mr. Brady: I called for a division.

The SPEAKER: There was only one voice.

Mr. Oldfield: On a point of order, Sir, only one voice called "Divide".

The SPEAKER: Do hon. members want a division?

Hon. members: Yes.

Hon. members: No.

The SPEAKER: Yes and No! I will put the question again.

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

Ayes—16	
Mr. Bickerton	Mr. Marshall
Mr. Evans	Mr. Moir
Mr. Hall	Mr. O'Brien
Mr. Heal	Mr. Oldfield
Mr. Jamieson	Mr. Rhatigan
Mr. Johnson	Mr. Sleeman
Mr. Lapham	Mr. Toms
Mr. Lawrence	Mr. May
	(Teller.)

Noes—25	
Mr. Andrew	Mr. W. Manning
Mr. Bovell	Sir Ross McLarty
Mr. Brady	Mr. Nalder
Mr. Brand	Mr. Norton
Mr. Cornell	Mr. Perkins
Mr. Court	Mr. Potter
Mr. Crommelin	Mr. Roberts
Mr. Hawke	Mr. Rowberry
Mr. Hearman	Mr. Sewell
Mr. W. Hegney	Mr. Tonkin
Mr. Kelly	Mr. Watts
Mr. Mann	Mr. Graham
Mr. I. Manning	*(Teller.)*

Majority against—9.

The SPEAKER: I declare the question negatived.

Mr. Lawrence: A travesty of justice!

Question thus negatived.

Bill defeated.

LEGAL PRACTITIONERS ACT.

Amendment of Barristers' Board Rule 30.

Debate resumed from the 22nd October, on the following motion by Mr. Evans:—

That new Rule 30 of the Barristers' Board, made under the Legal Practitioners Act, 1893-1950, as published in the "Government Gazette" of the 28th May, 1954, and laid upon the Table of the House on the 22nd June, 1954, be amended as follows:—

Add a new paragraph to the rule:—

(v) Rules 28 and 29 shall not apply to any articled clerk whose principal's main office is situated fifty or more miles from the General Post Office, Perth.

MR. COURT (Nedlands) [9.13]: I desire to speak very briefly on this motion and then move an amendment to it. The intention of the proposal placed before the House by the hon. member for Kalgoorlie was, in substance, to exempt

articled clerks living outside a radius of 50 miles of the G.P.O., Perth, from attending University lectures. The Minister, in speaking on this motion, explained, and I think demonstrated very adequately, that if the motion were passed in its present form it could have a different effect from that envisaged by the hon. member for Kalgoorlie, inasmuch as it could affect our reciprocity with other parts of the world in respect of legal qualifications. It could very seriously interfere with the examination requirements in respect of articled clerks.

I have no quarrel with the idea of exempting articled clerks from attendance at the University if they live outside a radius of 50 miles; or—expressed in another way—if their principals practise outside a radius of 50 miles from the G.P.O., Perth. However, I would be strongly opposed to any change in the rules which would undermine the prestige of our legal profession in this State and affect its reciprocity with other parts of the world. I therefore propose to move an amendment to this motion.

I regret that I was not able to have the amendment placed on the notice paper. It was my understanding, from the Minister, that an amendment along these lines would be moved from another quarter this evening; and I was surprised that it did not appear on the notice paper today. However, I have had several copies of my amendment made, sufficient to circulate throughout the Chamber.

Mr. Norton: There is an amendment on the notice paper.

Mr. COURT: That is another one. The amendment I now move reads as follows:—

> Delete all words following the words "be amended as follows:—" and substitute the passage following:—
>
> > Add to paragraph (i) the words, "provided however, that an articled clerk whose principal does not practise within fifty miles of the General Post Office of Perth shall not be required to attend any lectures".

I consider that this is a simple way of achieving the objective of the hon. member for Kalgoorlie. It means that after Rule 30 (i) we would add the words I have just mentioned so that the amended Rule 30 (i) would read as follows:—

> The Board may for good cause shown excuse an articled clerk from attending at any lecture or lectures, but subject thereto an articled clerk shall not be deemed to have attended the lectures provided in any subject unless he shall have attended at least 80 per cent of the number of lectures provided in that subject in any year, provided however, that an articled clerk whose principal does not practise within fifty miles of the General Post Office of Perth, shall not be required to attend any lectures.

In the absence of the proviso set out in my amendment, an articled clerk would have to attend 80 per cent. of the lectures. That position will be overcome if the amendment is agreed to, and an articled clerk will not have to seek the approval of the board, or anyone at all, to absent himself from those lectures. At the same time, however, he must appreciate that he cannot escape the examinations. In practice I think the loss will be that of the articled clerk, because there is great advantage to be obtained by attending the lectures. However, I should imagine that an articled clerk would make his utmost endeavour to attend the lectures.

If the amendment is agreed to, it will be left entirely to the discretion of the clerk as to whether he attends the lectures at the University, if his principal practises outside a radius of 50 miles of the General Post Office, Perth.

MR. EVANS (Kalgoorlie—on amendment) [9.18]: It is my intention to accept the amendment explained by the Deputy Leader of the Opposition. Some weeks ago I introduced this motion to amend Rules 28 and 29 of the rules of the Barristers' Board. At that stage my intention was to make it possible for a practitioner in the country districts of this State to employ an articled clerk. In other words, it was my purpose to decentralise the system of studying for qualifications to enter the legal profession. At present, as the Deputy Leader of the Opposition said, an articled clerk is expected to attend at least 80 per cent. of the lectures at the University in order to qualify under Rules 28 and 29 of the Barristers' Board. Because of this, it is utterly impossible for a person to be articled in a country district.

The purpose of my motion was to exempt an articled clerk from these rules if his principal practised beyond a radius of 50 miles from the G.P.O. I made no mention of examinations; and it is not my intention, by avoiding that particular provision, to try to give the impression that an articled clerk would be exempt from examinations; because, prior to 1954, when Rules 28, 29 and 30 were included, the Barristers' Board had other rules which set out the list of subjects which were the basis of the examinations that an articled clerk would be required to pass before becoming qualified.

It was my impression that if Rules 28 and 29 were altered in such a way as to exempt articled clerks from attending lectures at the University, the Barristers' Board would immediately gazette a new rule which would state that an articled clerk would be required to pass certain examinations. However, the Minister

stressed the fact that it was most important that articled clerks be required to pass examinations, and that this fact should be mentioned in the rules of the Barristers' Board and should be incorporated in the motion. With that view in mind, I am prepared to accept the amendment moved by the Deputy Leader of the Opposition.

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

On motion by Mr. Evans, resolution transmitted to the Council and its concurrence desired therein.

LAND ACT AMENDMENT BILL (No. 2).

Second Reading—Defeated.

Order of the Day read for the resumption of the debate from the 22nd October.

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

Ayes—15	
Mr. Bovell	Sir Ross McLarty
Mr. Brand	Mr. Nalder
Mr. Cornell	Mr. Oldfield
Mr. Court	Mr. Perkins
Mr. Crommelin	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. Mann	Mr. I. Manning
Mr. W. Manning	*(Teller.)*
Noes—25	
Mr. Andrew	Mr. Lawrence
Mr. Bickerton	Mr. Marshall
Mr. Brady	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Potter
Mr. Hawke	Mr. Rhatigan
Mr. Heal	Mr. Rowberry
Mr. W. Hegney	Mr. Sleeman
Mr. Jamieson	Mr. Toms
Mr. Johnson	Mr. Tonkin
Mr. Kelly	Mr. May
Mr. Lapham	*(Teller.)*

Majority against—10.

Question thus negatived.

Bill defeated.

METROPOLITAN BEACH TRUST.

Introduction of Legislation.

Debate resumed from the 22nd October on the following motion by Mr. Marshall:—

> That in the opinion of this House the Government should take early steps to introduce legislation to establish a metropolitan beach trust.

which, on motion by the Hon. L. F. Kelly (Minister for Lands) had been amended by deleting the word "introduce", and inserting in lieu the word "consider" and to which Mr. Crommelin had moved a further amendment to insert before the word "legislation" the following words:—

> ways and means whereby financial and technical co-operation between the Government and local authorities for the adequate preservation and development of beaches may be achieved without the creation of a further Government authority in the form of a beach trust and without reducing the powers, responsibilities and initiative of local government.

MR. LAPHAM (North Perth—on amendment) [9.27]: Firstly I should like to congratulate the hon. member for Wembley Beaches for bringing this motion forward. I think it is something which should have been introduced into this House many years ago. As it is some weeks since the matter was first discussed, some hon. members may have forgotten what took place then, so I would like to remind them that when the motion was first discussed everybody appeared to be in agreement with most of its fundamental principles, but seemed to be a little at a loss with regard to the machinery provisions. I have a further amendment on the notice paper which, if agreed to, will delete all words after the word "achieved" in the the amendment moved by the hon. member for Claremont.

From the debate so far these factors have emerged—

(1) That an unfair burden has been placed on a portion of the ratepayers to finance the development and upkeep of our beaches;

(2) that beach development and beach preservation, generally speaking, are not pursued with sufficient vigour, and that, as a consequence, the normal amenities which the public is entitled to expect, are not available to them; and

(3) that speakers during this debate have not been at variance with regard to those two points but only on the principles suggested for their implementation.

The hon. member for Wembley Beaches desired the Government to introduce legislation to establish a metropolitan beach trust; and the Minister moved an amendment to the motion so that the Government would be asked to consider the introduction of legislation. The difference there was that the mover of the motion wanted to have legislation introduced, but the Minister wanted the motion to read, in effect, "to consider introducing legislation." Further, the Minister apparently felt that a State trust was more desirable than was a metropolitan beach trust. By his amendment the hon. member for Claremont desired the Government to introduce ways and means whereby financial and technical co-operation between the Government and local authorities for the adequate preservation and development of beaches might be achieved.

However, the proposed amendment then went on to indicate opposition to the idea of a beach trust, and advocated local government control. I venture to suggest that somewhere between the three ideas is the ideal solution, and an examination of each in turn reveals the fundamental which I consider I have moulded by my amendment into a motion that would be acceptable to this House. I felt that the prime factor in the motion, as moved by the hon. member for Wembley Beaches, was the desire to shift the responsibility for the upkeep and development of the beaches from the shoulders of a few to those of the many.

With that view all seemed to agree. So I feel we should start our motion by including all that part down to the word "considered." As the Minister does not want to be tied down to introducing anything, I feel that the amendment to which we have already agreed—that of substituting the word "considered" for the word "introduced"—is fair and reasonable. I feel it is logical for the Minister to want to do this, and it is a fair approach to the subject.

After all, it is all very well for us to make the most complex requests, but someone must find the method of implementing and working out the details. That someone is, of course, the Minister. In effect, he must, to please us, do what we tell him to do—that is, if we know exactly what to tell him. That is one of the difficulties in regard to this measure. Everyone has the same thought. Everyone wants something done in regard to the beaches, but wants the experts to work out the plan.

Some hon. members have said that it should not be a State beach trust but a metropolitan beach trust. Others have said that it should not be a beach trust, but that it should come under the control of local government.

My amendment leaves the matter completely in the lap of the Minister; because if it were accepted, it would mean that the Minister could institute any type of organisation he felt necessary to cope with the problem. Difficulties have been raised in regard to this matter, and hon. members have suggested that quite a number of difficulties could arise. I would be prepared to say, however, without hesitation, that even although a number of difficulties have been raised, they are few to the number that could be raised if a body of experts got together and examined the entire problem.

It is only reasonable, when giving consideration to a matter of this nature, that the Minister would want to consult all the authorities concerned, and that he would wish to seek their co-operation and assistance as to whether, as a result of their deliberations, a metropolitan beach trust, a State beach trust, or some other authority was the ideal solution to the preservation of our beaches; whether that was the best means of making them a tourist attraction, and the best means of shifting the burden of responsibility from the few people who now carry it, to the shoulders of those who should carry it.

Accordingly, I suggest that the method which I have outlined in my amendment is the ideal way to deal with the problem. I will be quite candid and say that I am not terribly keen about the idea of a trust, but I would not oppose the motion because of that. I think it has so much merit that I would agree with it even though it suggested the establishment of a trust; but if it is not necessary to have the word "trust" in the motion, we should leave it out. It would then give the Minister greater scope to appoint what he and the experts consider the ideal body to carry out this work. The idea of a trust could be good in theory but it might be woeful in practice.

Let us take, for example, the Swan River Conservation Board. What has it ever conserved? To my mind it has only conserved the mud in the river; but I might be wrong in that view. It certainly has not conserved the wide expanse of white sand that was at one time a feature of the river. If we set up a trust it might only be equal to, or as good as, the Swan River Conservation Board—or as poor, according to one's views.

The trust, of course, might be the answer. But the ideal method is to let the Minister and the authorities confer in order to see if they can work out a solution to this problem. The issues involved are quite momentous. We all know that 35 or 40 years ago most of our beaches were reasonably decent. I remember as a youngster coming down from the Goldfields and swimming at South Fremantle. In those days it was an ideal beach. But who would call it a beach today?

Mr. Roberts: The hon. member for South Fremantle is looking at you.

Mr. Lawrence: Am I not entitled to?

Mr. LAPHAM: As we go further north, and look at Leighton Beach, we find that it does not even possess toilet facilities. Admittedly, there is a little difficulty being experienced there and another beach is being formed. But it is a general tendency. If we look at the beaches around us we will find that they are not as good as they were years ago. At one time Cottesloe was the Mecca of all beaches, and as a youth I was always there.

Mr. Lawrence: Not as good as South Fremantle.

Mr. LAPHAM: But who would call Cottesloe a beach today? It is on a par with South Fremantle.

Mr. Lawrence: We are a shade ahead.

Mr. LAPHAM: I would not like to find the shade. I would not classify those as beaches; though at one time they were

exceptionally good. The North Cottesloe beach has possibilities. City Beach has been more fortunate, except, of course, during last year when there was trouble with regard to effluent. The Perth City Council is to be commended for what it has done at City Beach. There has been some degree of planning in that area, and as a result it is still a reasonably decent beach.

Admittedly, like most of the beaches in the metropolitan area, it completely lacks shade. There is the swimming facility which nature has provided and, of course, there is the sand. But we have no shade. There is a roadway between the hills to the beach proper where the kiddies cross the road to buy ice creams—and of course every kiddy wants an ice cream when attending the beach. That all amounts to bad planning. But if an authority of experts were set up and conferred with the Minister, then I am sure City Beach could be improved by the planting of shade trees.

At this stage I would like to say that the great quantity of shade is a feature of the beaches in Victoria. Whilst in Melbourne at Christmas time, I was amazed at the number of cars I saw towing caravans to the beaches. Out of curiosity I followed them and, almost without exception, the caravans were parked in their thousands around the Melbourne beaches. They were all placed in the shade of the Victorian ti-tree. They all had their letterboxes in front of the caravans, together with their containers for milk, groceries and bread. They made themselves most comfortable and very much at home in their caravans; and, what is more important, they were well in the shade.

I cannot help but compare the ideal shady arrangements provided in Victoria with those that exist on our beaches. Nature has provided the Victorian ti-tree, but the entire set-up around the Victorian beaches was something that could, I felt, be copied in Western Australia. It may be said that the ti-tree will not grow on the beaches; but I think I can refute that statement, because I have seen them growing in the beach areas. Indeed, I have grown them myself. The Victorian ti-tree which we see growing as a hedge can quite easily be grown on our beaches; it grows well.

Mr. Lawrence: They are growing at Coogee.

Mr. LAPHAM: If this authority were created, we could have the ideal establishment of our beaches similar to what obtains in Victoria. As a consequence, we could make our beaches the greatest tourist attraction in Australia, because we have the best climate.

I think it is advisable always, when a facility is available, to make use of it—that is, the facility of attracting tourists. Quite recently we sent a trade mission overseas. However, I would say that the average Englishman's idea of Australia is that we have a population of 10,000,000; that Western Australia has a capital city by the name of Perth—named after Perth in Scotland; that the 10,000,000 people in Australia inhabit the green coastal strip around the edges of Australia; and that the centre of Australia is all desert and arid. That is what the average English child is taught in school about Australia.

Admittedly, two world wars and a bunch of very fine athletes have done a lot to correct that view; but, unfortunately, it still exists in the Old Country. When a trade mission goes to England for the purpose of getting financial interests to come to Western Australia, the idea in the minds of the English people is that Western Australia is inhabited in a little coastal strip and the inland is arid.

I would say without hesitation that if the people of England really knew what did exist in Western Australia; knew of our tourist attractions; and knew that our beaches were close to our homes and cities, there would not be sufficient shipping available to bring out all the people who wanted to come here. The average Englishman has to plan 12 months ahead to have a fortnight at the beach; but we are able to go every week-end. That is why I say we have never made full use of our tourist attractions, and I think it is high time we did.

I do not want to prolong the debate on this issue, but I feel the amendment I will move is the ideal solution to the whole problem. It is a middle-of-the-road course and, if agreed to, will overcome the whole of the difficulty associated with the problems raised in this debate.

As I have said, the greatest difficulties seem to be not in the fundamental principle of the motion, but rather in the method and implementation of it. Therefore, I will move to amend the amendment of the hon. member for Claremont. I move—

> That the amendment be amended by deleting all words after the word "achieved."

Subsequently I will move to delete from the amended motion the words "legislation to establish a metropolitan beach trust."

MR. CROMMELIN (Claremont—on amendment on the amendment) [9.50]: I do not want to prolong the discussion on the faults of the beaches as they are today, but would like to speak on the amendment on the amendment.

The hon. member is under a misapprehension when he states that the intention of my amendment is to form a trust of the local authorities. Such is not the intention at all. The purpose is to obtain

finance and technical help from the Government for local authorities, the idea being that some of the local authorities have already progressed to a certain extent with their own ideas of improving the beaches.

However, as I have said on previous occasions, all of these local authorities are failing, through lack of funds, to do the good job they would like to do. I would like to correct the hon. member for North Perth in that respect. By shortening the amendment as he suggests, in some measure he is also supporting me; because he says that he is not in favour of a Government-created beach trust. Therefore, he is supporting my suggestion that the local authorities do not want and do not require a beach trust. They have initiative, and all they want is Government assistance so that they can put their respective beaches in order.

Mr. Lapham: I would like to correct you. I say we should leave it to the experts and the Minister to decide what the local authorities want.

Mr. CROMMELIN: The hon. member for North Perth suggested that he was not in favour of a beach trust; but rather than see the whole motion dropped, he would support it. Therefore, I make the point that to a certain extent he is supporting my amendment.

If the amendment, as moved by the hon. member for North Perth, is carried, to a certain degree it will defeat the object of my amendment; because it immediately says, in other words, that the Government may consider ways and means. Surely the consideration of ways and means would give the Government the right to consider the introduction of legislation to create a beach trust! That is directly opposite to my idea of getting help for the local authorities.

If the hon. member for North Perth achieves his object, the position reverts to the original motion as moved by the hon. member for Wembley Beaches; and it would be possible for the Government to introduce legislation to create this so-called beach trust. Therefore, I feel that my amendment should be proceeded with, as I do not think a beach trust is necessary. The desired results could be achieved without a beach trust.

We talk of technical co-operation with the local authorities; but if the amendment as moved by me originally is not carried, it will take away from local authorities all power and initiative, and we will not give them credit for having done anything to the beaches. Possibly, under legislation, all their powers will be taken from them. Therefore, I oppose the amendment on the amendment.

MR. ROBERTS (Bunbury—on amendment on the amendment) [9.55]: As a member who has some of the best beaches in the State in his electorate, I oppose the amendment on the amendment.

Mr. Kelly: That is questionable.

Mr. ROBERTS: As one who has a very big beach frontage in his electorate, which is well-known throughout the length and breadth of this State, I feel I must say a few words in respect of this amendment.

The motion has become a little complex. Originally, the hon. member for Wembley Beaches moved a motion that in the opinion of this House the Government should take steps to introduce legislation to to establish a metropolitan beach trust. The word "introduce" was subsequently deleted, and the word "consider" inserted in lieu. Subsequently, the hon. member for Claremont moved an amendment, which the hon. member for North Perth now seeks to amend; and you will notice, Mr. Speaker, that the Minister has given notice of an amendment to amend the original motion by deleting the word "metropolitan" and inserting the word "State". It has certainly become a most complex set-up!

Mr. Marshall: It is as clear as mud to me.

Mr. ROBERTS: I disagree that there should be another Government statutory body set up. We have too many such bodies in this State at present. Who is better qualified than the local people to decide or to advise on what is required on the beaches within their areas?

Mr. Norton: Then we don't want this motion.

Mr. Lapham: The local authority and the Minister can confer.

Mr. ROBERTS: The hon. member has had his say, and I am going to have mine. I agree with the amendment moved by the hon. member for Claremont, because at least he is suggesting ways and means whereby financial and technical co-operation between the Government and local authorities can be achieved. Everyone must agree that it is wrong in principle that the local authorities concerned with beach development should carry the whole baby, so to speak; because people throughout the length and breadth of this State use the facilities provided by local authorities at the beaches.

Beach improvements in this State cost a considerable amount of money. First of all a road has to be laid down to gain entry to a particular beach; water has to be laid on, electricity provided, and, in due course, shade has to be provided which, as pointed out by the hon. member for North Perth, is a most important factor.

Mr. Lapham: You have none in Bunbury.

Mr. ROBERTS: Yes we have, but not in the form of trees.

Mr. Lapham: A few shelters.

Mr. ROBERTS: Parking facilities have to be provided; and, as the beach becomes more popular, these parking facilities have to be extended. Change-room facilities have to be provided; and, in due course, refreshment rooms are needed. Above all this, every beach should provide children's playground facilities. At present, the finance for all these improvements has to come out of the pockets of ratepayers within the local governing area concerned.

Therefore, it is wrong in principle that these local government authorities which possess beaches should carry the whole burden.

Mr. Lapham: I agree in part.

Mr. ROBERTS: In this amendment we are saying, "Let the Government find ways and means of providing the local authorities with the financial and technical know-how and the funds to carry out agreed upon alterations and additional facilities within the particular areas."

Mr. Lawrence: That is what the last amendment means.

Mr. ROBERTS: Not necessarily. I wholeheartedly agree with what the hon. member for Claremont is endeavouring to do. The Government must ultimately subsidise the local authorities so that they may provide the facilities required.

Mr. Lawrence called attention to the state of the House.

The SPEAKER: I have counted the House and there is a quorum present. The hon. member for Bunbury may proceed.

Mr. ROBERTS: I do not want to delay the House any further. I just wish to stress the fact that it is high time the Government of the day—irrespective of its political colour—set aside some funds for these facilities. As has been mentioned in the House on innumerable occasions since I have been here, we have a tremendous potential in the State for additional tourist activities. We have a good climate and various attractions that will draw tourists, to Western Australia. In the next two years we will have an opportunity of showing people—from all over the world, probably—what our attractions are. Doubtless, after the Empire Games, they will return to their home countries and boost our tourist potential.

Mr. Brand: Will you build a pool for them in the park?

Mr. ROBERTS: I hope not. Nevertheless, the tourist potential is great. So, I seriously suggest to the Government that it make provision for funds to be allocated to the local authorities so that the whole responsibility for finding the finance to maintain our beaches, is not left on the shoulders of the ratepayers of the various local governing bodies. I support the amendment moved by the hon. member for Claremont and oppose that which has been suggested by the hon. member for North Perth.

MR. LAWRENCE (South Fremantle—on amendment on the amendment) [10.3]: It is most invigorating and pleasing to know that, on a motion dealing with a metropolitan beach trust, we have an honest and sincere hon. member on the opposite side of the House, coming forward with a non-parochial attitude. The hon. member for Bunbury espouses the cause of the metropolitan beaches; and I congratulate him.

Mr. Roberts: I did not espouse the cause of the metropolitan beaches.

Mr. LAWRENCE: I say that the hon. member did, because he is not in the metropolitan area. We must look clearly at this question to see the true position of the beaches in the metropolitan area. When we look around the coastline of the metropolitan area we find that the beaches come under the control of the local governing bodies—whether councils or road boards—and the majority of the beaches are well kept and are a credit to the local authorities concerned. However, when we look at other beaches we find that, due to the advice of experts, or so-called experts, they are in a disgraceful condition.

One can start from the southernmost part of the metropolitan area—I refer to Rockingham. The beach at Rockingham is in a very satisfactory state. It is quite safe; and certain facilities, including a jetty, are provided. In addition, there is a good anchorage. We find that in the Rockingham area, sanitary arrangements and showers are provided for both sexes. These facilities are provided by the local governing authority; and it has received no assistance by way of Government funds, because, as we know, no such funds exist for this purpose.

Going north along the coast, we find that at Kwinana the same facilities exist as are to be found at Bunbury. Parking areas for caravans are provided. These areas are let at the nominal fee of 7s. 6d. a week. Sanitation is good and there are showers with a plentiful supply of fresh water. The Kwinana Road Board has no reason to support a metropolitan beach trust.

Coming further north, we find that there is 100 yards of beach, in depth, at Naval Base. Men's showers are provided, and cottages are let at a rental of 17s. 6d. There are women's showers there, and trees have been planted in the area. As the hon. member for North Perth pointed

out, ti-trees will grow close to the beach. Plenty of ti-trees have been planted by the Cockburn Road Board at Naval Base, and they are thriving. There are good roads there and, although at the moment they are not bituminised, it will not be long before the local authority sees that they are.

At Naval Base a caretaker is employed. In my honest opinion, with the six latrines that are provided and the six showers—and there are even wash bowls in the latrines; and the same facilities are provided for the females—nothing is left to be desired. In fact, one can readily say it is a credit to the local authority.

We come next to Clarence Rocks where we find something of an innovation that probably very few hon. members here, or in another place, know about. Septic tanks have been established there on the beach front; and this area is used mainly by fishermen. The septic tanks are of a type that does not need flushing. This is an innovation, and it goes to show how the local authority is pursuing the question of amenities. The local authorities strive to do the best they can for their ratepayers and to keep the beaches going.

Some 10 days ago I was at Coogee beach where I counted 86 caravans. The local authority provides sanitation for these people. Now we are being asked to say that the right to look after these beaches should be taken from the local authorities. I cannot agree that such a body as a metropolitan beach trust can be set up, because I feel that if it is, and the initiative is taken from the people who wish to do the best for their ratepayers, we will, having regard to the question of who would constitute a beach trust, be in a sorry plight.

Coming further north, we find South Beach, which is in the middle of my electorate. No beach was nearer to my heart than was South Beach. Yet we have the spectacle today that the beach is washed away, and so is the jetty. In fact, if something is not done, I say to the Minister for Railways, or his deputy here, that there will be no railway at South Beach; and I can tell the Deputy Premier, who is in charge of the State Electricity Commission that his cable line will be washed away from Marine Terrace at South Beach.

So we look for the reason why South Beach has disappeared. I can remember back 35 years ago when South Beach —I will be quite fair here—was the Mecca of beaches in Western Australia. It is my honest and candid opinion that the beach has been washed away because of the advice of so-called experts.

The authorities built right down to the waterfront, with the result that when heavy seas hit the beach two years ago, Mother Nature took her course. If one understands applied mathematics, it is quite easy to find out the weight of water that comes in, and multiply it by the footage and so find the force pounds weight. By so doing we can readily imagine the terrific power behind the sea.

Some two years ago I asked a question—I have not taken time off to look this up in Hansard—to find out just how much was charged against the Government accounts to replace in Marine Terrace the rocks that were dislodged as a result of the big blow. The alarming answer was that it cost £19,000. I can assure you, Mr. Speaker, that when the next blow comes, the same rocks will again be washed away. I can also assure the Minister for Railways that his railway line will go. If we impede the progress of the sea, the sea has her answer. Nature will have its way.

If we go further north we come to Ampol Beach—a newly developed beach which has been taken over by the Harbour Trust. Many amenities have been provided there. The Harbour Trust is a semi-Governmental department, and I give full votes to a good Government, and to the Minister, for the policy that is being pursued.

Mr. Brand: You have spoiled a good speech.

Mr. LAWRENCE: Speak up and don't be frightened! A little further north, we come to Leighton beach. We are told that no amenities are provided there, but some amenities are provided. That beach, like Ampol Beach, is a good one It has not been built on. If we go further north we find Cottesloe Beach, which was a beautiful beach years ago when I was a lad; but now we find there is no beach there for the simple and obvious reason that it has been built onto, and nature, in her savagery, has taken account of that. City Beach is in somewhat the same condition, because it has been built on

Because certain local authorities have looked after their beaches, it would be hardly fair to set up a trust; for if we did, and the trust came under Governmental control—which it would do—the people who live at Rockingham, where the beaches are in good shape, would be paying for the people at South Fremantle; and the people at Coogee, Naval Base and Kwinana would also have to pay. I cannot understand how the suggestion for the establishment of a beach trust ever got on to the notice paper. I do not know who would constitute such a trust. I do know that the development of our beaches would give a better prospect of increasing our tourist attractions; and I feel that if the Government were approached by local authorities that found themselves in difficulties, technical and possibly even financial co-operation would be forthcoming.

However, I feel that the status quo should remain as regards the handling of our beaches; and if the amendment moved by the hon. member for North Perth is

agreed to, I do not think any local authority need fear that the utmost co-operation, both financial and technical, will not be forthcoming from the Government of the day. I support the amendment.

THE HON. D. BRAND (Greenough—on amendment) [10.17]: I oppose the amendment moved by the hon. member for North Perth, because it seeks to delete certain words which cover the principle that we have enunciated since the motion was first moved by the hon. member for Wembley Beaches; that is, that a beach trust, as such, should not be set up to deal with the problem of metropolitan beaches only; and, secondly, that we do not favour a beach trust at all, because ultimately it would develop into a comprehensive department with all the associated problems, including a heavy financial burden for the payment of experts, with the result that the people it is intended to benefit would not benefit at all.

Lastly, we say that local government can do the job, and that it could ensure that the maximum amount of the finance made available, whether from local rating or from the Treasury, would be spent to the best advantage in the solution of the difficulty.

It will be recalled that the McLarty-Watts Government initiated a policy, which was not very comprehensive, I admit, but which did represent a start in the right direction, in that it recognised the great difficulties faced by places such as Albany, Bunbury and Geraldton in providing for visitors and, indeed, in providing for some of the people living just outside those towns, when they flock to the beaches during holidays.

The proposition was to subsidise the local authorities or tourist organisations on a £ for £ basis, and I understand that the present Government has continued that policy and has increased the amount of money available for the purpose. I think we limited it to £500, but we also initiated the policy designed to support inland districts and local authorities in the provision of swimming pools; again a policy which was carried on by the present Government.

Mr. Kelly: But you never made 6d. available under that policy.

Mr. BRAND: I said we initiated it.

Mr. Kelly: But you did nothing about it.

Mr. BRAND: I hope the Minister for Lands is not going to be concerned about my pointing out the truth. I am stating the facts, and I do not want to rob his Government of any credit of having provided swimming pools in the country. We would have implemented that policy, because we had already enunciated it; but at all events it has been recognised by Governments that there is need to provide, from the general taxpayer, a certain sum of money to help local authorities—whether in the metropolitan area or in the country—with the problems of coping with the demands made on them with respect to their beaches. We oppose the amendment moved by the hon. member for North Perth, because we do not wish to see a beach trust set up to achieve the purpose of the hon. member who moved the motion. We also emphasise that we believe that local government should be the medium through which such assistance should be given.

I agree with the point raised by the hon. member for South Fremantle. If, in the first place, we assist local government with the planning of the beaches—whether in the metropolitan area or in the country—the plan is the first essential. I believe that local government, if given the authority and opportunity, would adhere to such a plan. Having ascertained what would be the cost of implementing a plan of that nature over a number of years, I am sure a formula could be arrived at, but I do not believe that a further tax—as suggested by the hon. member for Wembley Beaches—should be imposed on the unfortunate landowner even though, over all, it might raise £1,000,000. I think that is a wrong approach and I believe the time has come when we must cease imposing tax burdens on the ordinary landowner who, in the majority of instances, is the householder.

The problem in the metropolitan area is different from that in the country. Rockingham, for instance, with a not very large population, is expected to provide facilities to meet the demands of thousands of people from the metropolitan area. It is expected to provide water and other services, such as power, although that has not always been so. In the metropolitan area proper the local authorities controlling the beaches are called upon, on any really hot summer night, to provide all sorts of facilities for hundreds of thousands of people. Those facilities include parking and ablution facilities, together with many other services, and the result is that each local authority faces a different problem. I think they should be granted subsidies from year to year by the Treasury, in order that they might deal with their problems in their own way.

Mr. Lawrence: Don't you consider that the further amendment moved by the hon. member for North Perth would cover that?

Mr. BRAND: The amendment seeks to delete certain words, but we do not desire a beach trust to be set up and that is why we oppose the amendment, as we think the local authorities could do the job. Even the tiniest local authorities in the State, such as that at Irwin, or some of those in the electorate of the hon. member for Roe, have their own problems. Those local governing bodies, with very limited income, are expected to provide facilities which entail the spending of thousands of pounds

on big capital works, including the provision of water supplies and electric power—

Mr. Lawrence: Aren't you exaggerating?

Mr. BRAND: No. One cannot have thousands of people flocking to country beaches without ensuring that certain standards of hygiene are observed, and that alone requires a reasonably good supply of water—

Mr. Watts: What about Bremer Bay and Peaceful Bay?

Mr. BRAND: Now that I have heard of those bays I will include them in what I have to say. The beaches right along the coast will have to be developed, because they will gradually become centres to which people will go for their holidays, as they cannot all go either south to the main beaches or to the metropolitan area.

I believe the policy of the Government should be to apply a formula to the allocation of funds; perhaps on the basis of the local authority concerned raising a certain sum and the business community of the district contributing something while the Government provides the balance—a scheme which I understand is followed in some parts of South Australia. It cannot be denied that the people of any beach town would benefit by the attraction of tourists and holiday-makers for the area.

The motion was moved in the first place along the lines that the Government should introduce legislation, but the Government quickly backed out of that one, and now proposes to consider legislation. The hon. member for Wembley Beaches has been here long enough to know that that means a full-stop, and also to know the reason for the moving of the amendment.

However, if we are returned to office we shall substantially increase the allocation of moneys to local government to assist local authorities with the planning and technical requirements which are necessary to deal with this problem. It is a tremendous task for local authorities to perform when demands for greater facilities on our beaches and at the various holiday resorts are made during peak periods. If it is good enough for the Government to assist a local authority to establish a swimming pool in any district, I am sure similar assistance can be extended to those local authorities which control our metropolitan beaches.

I do not know what the Minister for Lands is grinning about, but this question is wrapped up with the provision of £ s. d. If we wish to make this State attractive and a pleasurable one for our own people and also for the tourists that we may be able to attract from outside, we must be prepared to spend large sums of money on our beaches, holiday resorts, and other attractions.

I certainly do not think that the establishment of an expensive Government trust would help to solve this problem. Therefore, I oppose the amendment moved by the hon. member for North Perth.

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

MR. LAPHAM (North Perth) [10.32]: As the Minister has indicated that he does not intend to move his amendment, I move—

> That the words "legislation to establish a metropolitan beach trust" be struck out.

Amendment put and passed.

MR. MARSHALL (Wembley Beaches—in reply) [10.33]: I thank all hon. members who have contributed to this debate. It has given them an opportunity to discuss a question that no doubt is exercising the minds of a great many people in this State. When I moved the motion I clearly indicated that, over the years, I have ascertained that there is great interest shown by the public in our beaches. Of course, I have not always lived in the metropolitan area. Like other hon. members, I spent many years of my life in the outback. Nevertheless, for many years I have frequented our metropolitan beaches and have also been associated with surf clubs. I am also fully aware of the public feeling concerning our beaches, especially when large crowds congregate upon them.

At times feeling has been very strong in regard to the lack of facilities on our ocean beaches, particularly in the metropolitan area. It is the general opinion that such facilities do not measure up to the standards required by our modern civilisation. Hon. members will probably recall that I mentioned this fact in my maiden speech in this House when I was given the opportunity to voice my opinion on this subject for the purpose of drawing the Government's attention to the fact that local authorities should be granted some assistance so that they could exercise some control over our beaches.

During his remarks, the hon. member for South Fremantle said he did not consider that any trust should be formed. I take it that the Kwinana Progress Association is a most responsible body in the electorate represented by the hon. member for South Fremantle; so I am sure that he will find the following letter of interest, because it makes reference to the establishment of a metropolitan beach trust:—

> The above Association is desirous of having the Kwinana Beach area included in the proposed Trust. As you are the member who is endeavouring to effect the legislation we hope you will consider our request and give us any information which will help us to have this area included.

I need hardly point out that the beaches in this area are unsurpassed for the safety of swimmers, particularly juveniles, and the popularity that they have with the public in general. Any development needed is not of a costly nature as the beaches like City Beach or Swanbourne would require, both from a point of maintenance and initial cost, there are not the hazards of rocks and dangerous currents experienced at the surfing beaches, and we feel most strongly that if beaches like Coogee (closed because of effluent) and Whitfords Beach requiring costly road works to popularise it, can be included in this comprehensive scheme then Kwinana Beach should be included.

That is the opinion expressed by a responsible body in the district represented by the hon. member for South Fremantle.

Mr. Lawrence: Does the hon. member realise that the Kwinana Road Board has no control over that beach whatsoever?

Mr. MARSHALL: That letter is from the Kwinana Progress Association.

Mr. Lawrence: I can assure the hon. member that it is not the opinion of the Kwinana Road Board.

Mr. MARSHALL: Some hon. members have expressed the opinions of various people living in the district, but I would point out that local government consists of the representatives of ratepayers.

Mr. Lawrence: Not in this instance, because there is a commissioner there.

Mr. MARSHALL: It is of interest to note that from time to time local authorities make some endeavour to raise money for various purposes, but on some occasions objections are raised against their efforts and a referendum of the ratepayers has to be held. As a result, it is often found that the objects of the members of the road board are thwarted by the decision of the referendum. Therefore, the opinion expressed by road board members cannot always be regarded as being the opinion of the people they represent.

I have indicated previously that a number of opinions have been expressed in letters received from many local authorities which fully support the principle of establishing a metropolitan beach trust. Hon. members can realise, therefore, that there is a difference of opinion. In general, however, quite a number of members of local authorities in the metropolitan area have indicated to me personally that they consider some form of control over our beaches is needed and that the cooperation of the Government should be sought to bring this about. That is why I moved the motion in the first place.

What has been expressed in the amended motion would have taken place in any case before the establishment of any authority such as a beach trust. Therefore, I am quite satisfied with the amended motion, because I consider that the Government will do all in its power to bring together the local authorities in a concerted effort to establish facilities on our beaches.

We must make progress. It must be remembered that in a few short years thousands of people will be visiting our State to watch the Empire Games, and it is possible that during that time an Australian surf carnival will be held on one of our metropolitan beaches. When the Australian surf carnival was held at Scarborough last summer I met representatives of the various surf clubs who were visiting this State from all parts of Australia.

Many of them had not been here for seven or eight years and they could not understand why greater improvement had not been made to our beaches. They were of the opinion that the lack of progress had marred the beauty of many of our metropolitan beaches. It is only when we hear the opinions of people from the Eastern States and other places that we begin to realise that it is time we did something to improve our beach facilities.

I am of the opinion that it is beyond the capabilities of local authorities to provide all that is required. Naturally some resentment is shown by those people who live in districts which are bounded by an ocean beach, and who have to contribute rates, portion of which is spent on ocean beaches for the benefit of people generally throughout the State.

When one talks to the people and to the ratepayers' associations, one is inclined to think that the proposition which I am advocating should be accepted. In order to arouse some interest in this matter and in order to circulate a proposition which should be discussed, I am pleased that I, and other hon. members, have been given the opportunity to express our opinions. Most hon. members seem to support this proposition. I hope the Government will see fit to encourage all local authorities to put forward recommendations. I feel sure that the outcome of this debate will give us the opportunity to see some development taking place in the very near future, not only for our benefit but for the benefit of our children to come.

Question put and passed; the motion, as amended, agreed to.

LAND ACT AMENDMENT BILL (No. 3).

Second Reading.

MR. CORNELL (Mt. Marshall) [10.47] in moving the second reading said: First of all I wish to express my appreciation to the Deputy Premier for postponing an

item on the notice paper to enable this Bill to be given consideration. It is truly a small Bill and seeks to validate a position which many people believe already exists.

Section 29 of the Land Act sets out the various purposes for which the Governor may set aside land and make reserves. These are many and varied, and among others include sites for town halls, public baths, libraries, agricultural societies, temperance institutions, cricket grounds, golf links, bowling greens, tennis courts, croquet grounds and racecourses.

Paragraph (j) of Section 29 permits the making of reserves necessary for the encouragement of towns, or for the health, recreation or amusement of the inhabitants. Recently a reserve in the Mt. Marshall electorate was made for the purpose of a club site, but when the club occupying the site had spent approximately £23,000 on premises and made application to the Licensing Court for registration under the Licensing Act, it was pointed out by the council opposing the grant of registration that the title to the land on which the club was sited was bad, in so far as the Governor had no power under Section 29 of the Land Act to make reserves for the purpose of a club site.

I took the matter up with the Minister for Lands and he was good enough to refer the subject to the Crown Law Department. The opinion of the Crown Law Department was to the effect that it was very doubtful whether Section 29 authorised the setting aside of land for the purpose of club sites. This Bill, if passed, will, I trust, give the Governor authority to make reserves for club sites and premises. I venture the opinion that it will confer a power to create reserves for this purpose, a power which the Land Department apparently thought it had had for a number of years. I commend the measure to the House and move—

That the Bill be now read a second time.

THE HON. L. F. KELLY (Minister for Lands—Merredin-Yilgarn) [10.50]: I have given quite an amount of consideration to this small amending Bill. If passed I feel it would clear up a doubt which now exists. I see no reason for delaying the measure.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

House adjourned at 10.53 p.m.

Legislative Council

Thursday, the 6th November, 1958.

CONTENTS.

The PRESIDENT took the Chair at 2.25 p.m., and read prayers.

QUESTIONS ON NOTICE.

NARROWS BRIDGE.

Effect on Bus Services.

1. The Hon. A. F. GRIFFITH asked the Minister for Railways:

(1) To what extent, at this stage, has the fact of the completion of the Narrows Bridge sometime towards the end of 1959, been considered by the Metropolitan Transport Trust in future planning?

(2) Are there in existence, at present, any revised plans for the provision of bus services for residents served by Canning Highway in the area between Canning Bridge and Perth and between Canning Bridge and Fremantle?

(3) What services are likely to be rerouted over the Narrows Bridge when it is completed?

(4) What would be the estimated reduction in travelling time to reach the city for people travelling by bus over the new bridge from, for example, the Applecross and Mount Pleasant areas?