Legislative Assembly

Thursday, the 13th November, 1958.

CONTENTS.

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

OBITUARY—LETTER IN REPLY.

The Late Hon. G. Fraser, M.L.C.

THE SPEAKER: I have received a letter from Mrs. M. A. Fraser which reads as follows:—

"Panorama,"
4 Bay Road,
North Fremantle,
11th November, 1958.

The Hon. The Speaker and Members, Legislative Assembly.

Would you please accept the sincere thanks of myself and family for your motion of condolence for my late husband, Hon. G. Fraser, M.L.C.?

My thanks also to all members for the many kindnesses and considerations shown during his long illness.

PORTFOLIO CHANGES.

THE HON. A. R. G. HAWKE (Premier—Northam): With your permission, Mr. Speaker, I would like to advise hon. members that the Departments of Industrial Development, Local Government and Town Planning will be administered by the new Minister, the Hon. F. J. S. Wise. The Minister for Mines (the hon. member for Boulder) will be Chief Secretary from now on, as well as Minister for Mines.

QUESTIONS ON NOTICE.

FREMANTLE RAILWAY BRIDGE.

Details of Proposed Structure.

1. Mr. BRAND asked the Minister representing the Minister for Railways:

(1) Does the Government intend to proceed with the construction of a railway bridge at Fremantle at a site parallel to the present traffic bridge?

(2) Would he give details and cost of work done to date on the proposed site?

(3) Who decided that this work should proceed, and why has it now been stopped?

(4) What department is responsible for the expenditure incurred to date?

(5) What is the estimated cost of the proposed bridge and rail links with existing main lines?

(6) For what period does expert railway department opinion consider the bridge safe for traffic?

(7) Does the Chairman of the Fremantle Harbour Trust, Mr. F. W. E. Tydeman, agree that the new rail bridge should be built alongside the traffic bridge?

Mr. GRAHAM replied:

(1) Reconsideration is now being given to resiting the bridge in the vicinity of the existing structure.

(2) Preliminary work in investigation of site:

	£
Wages, salary, material and incidental loan charges	1,603
Boring and construction of embankment — (Mines Department and Harbour Works)	6,084
Ex-gratia payment disturbance of lease held by Melbourne Cask and Drum Co.	2,525
	£10,212

(3) The Government approved that work should proceed on a site adjacent to the road traffic bridge. Work was suspended at the request of the Minister for Works in the light of his findings whilst abroad.

(4) W.A.G.R.

(5) Approximately £1,228,000 on the site where boring has been carried out.

(6) The present structure, although safe, is in a very poor condition. After 1960, heavy and increasing expenditure involving major reconstruction must be incurred to continue rail operations over the bridge.

(7) Mr. Tydeman has been absent abroad for some time and has not been consulted.

FILLED MILK.

Prohibition of Manufacture and Sale.

2. Mr. WATTS asked the Minister for Agriculture:

(1) Is legislation necessary to implement the recommendation of the Australian Agricultural Council that the manufacture and sale of filled milk should be prohibited?

(2) If so, does the Government intend to introduce legislation this year?

Mr. KELLY replied:

(1) Importation of filled milk can be prohibited by the Commonwealth Government under existing regulatory powers. Legislation would be required in each State for the prohibition of the manufacture and sale subject to Section 92 of the Constitution to be effective.

(2) From the experience with legislation to control the manufacture of margarine, the agreement by all States, especially upon a precise definition of filled milk, is considered essential before legislation is introduced.

EMPIRE GAMES VILLAGE.

Location, etc.

3. Mr. MARSHALL asked the Minister for Housing:

(1) What progress has been made in the allocation of land, and the survey necessary to establish the Empire Games village?

(2) Who is responsible for the design and general layout of the building sites and roads required?

(3) When is it considered necessary to commence the project?

(4) Has finality been reached on the actual location?

Mr. GRAHAM replied:

(1) The Perth City Council has the matter of subdivisional plans for the area north of The Boulevarde and east of Marine Drive, City Beach, in course of preparation.

(2) Perth City Council.

(3) Not yet determined.

(4) See answer to No. (1) above.

SEWAGE.

Treatment Works.

4. Mr. MARSHALL asked the Minister for Works:

(1) As the sewage treatment works extensions now in progress are expected to be completed in 1960, for how long and to what extent will the Subiaco and Swanbourne treatment plants then be able to provide for the increase of population and the extension of services?

(2) Has consideration been given to the establishment of a sewage farm in the light agricultural areas in the Wanneroo area north of Perth?

Mr. TONKIN replied:

(1) The sewage from the area south of the Swan River which is at present treated at Subiaco is planned to be diverted ultimately to an enlarged and altered southern sewerage scheme. Likewise, the unserved area north of the present scheme will be dealt with by a northern sewerage scheme. With extensions now in hand at the Subiaco works, plus Swanbourne, adequate plant will be available for the area which these works will ultimately be called upon to serve.

(2) Yes.

NATIVE FLORA.

Laboratory for Investigating Medicinal Properties.

5. Mr. MARSHALL asked the Minister for Health:

Have any recommendations or reports been submitted by the committee appointed to investigate the setting up of a laboratory for the purpose of investigating extracts from native flora, and their possible use for medical purposes?

Mr. HAWKE (for Mr. Nulsen) replied:

A report has been made and will be submitted to the Senate of the University of Western Australia at its next meeting.

SCAEVOLA SPINESCENS.

Palliative Properties.

5A. Mr. MARSHALL asked the Minister for Health:

Does the Medical Department consider that the extract from the plant scaevola spinescens has any palliative properties? If so, has any recommendation been made to have this thoroughly investigated?

Mr. HAWKE (for Mr. Nulsen) replied:

Some cases have obtained some relief of symptoms for varying periods. Yes. The pharmacology is at present being investigated by a firm of pharmaceutical chemists.

WATER SUPPLIES.

Yunderup District.

6. Sir ROSS McLARTY asked the Minister for Water Supplies:

(1) Have any plans been prepared to supply the Yunderup district with a reticulation water scheme?

(2) In view of the rapid development of this district, and taking into consideration the difficulties of obtaining a potable underground water supply, could he indicate when it is considered likely that a scheme will be provided to serve this district?

Mr. TONKIN replied:

(1) No.

(2) A supply to this district will probably be given from the main which will ultimately serve Mandurah. This latter scheme is listed for consideration.

CITY OF PERTH PARKING FACILITIES ACT.

Tabling of Annual Report.

7. Mr. JAMIESON asked the Minister for Transport:

Could he give any indication when the annual report as required by the City of Perth Parking Facilities Act, 1956, will be available for tabling?

Mr. GRAHAM replied:

The report is now being prepared by the Perth City Council and will be tabled within the period specified in the Act, and before the end of the present parliamentary session.

RAILWAY EMPLOYEES.

Transfer to International Business Machines Pty. Ltd.

8. Mr. JAMIESON asked the Minister representing the Minister for Railways:

(1) How many operators trained by the W.A.G.R. in the use of international business machines have left the department in the past year?

(2) Is it a fact that these personnel are now employed by International Business Machines Pty. Ltd.?

(3) What action is contemplated by the W.A.G.R. to prevent any wholesale repetition of such unfair use being made by I.B.M. Pty. Ltd. of the W.A.G.R's. work in training these personnel?

Mr. GRAHAM replied:

(1) Four.

(2) No; only two are employed by I.B.M.

(3) It is not agreed that I.B.M. Pty. Ltd. has been unfair. The company provided training for 15 W.A.G.R. officers without charge. It always declines to accept customers' staff into its organisation unless the customers agree. Officers cannot be compelled to remain in the employ of the Railway Department against their will.

HOUSING.

Homes Built at Bunbury.

9. Mr. ROBERTS asked the Minister for Housing:

(1) How many houses were built within the boundaries of the Municipality of Bunbury during the year ended the 30th June, 1958, under each of the following schemes:—

(a) Commonwealth - State Housing Scheme;

(b) War Service Homes Act;

(c) State Housing Act?

(2) How many applications for homes in Bunbury were still outstanding at the 30th June, 1958, under each of the abovementioned schemes?

(3) How many houses are proposed to be built in the abovementioned area under each of the aforementioned schemes during the financial year ending the 30th June, 1959?

Mr. GRAHAM replied:

(1)	C.S.H.A.		55
	W.S.H.		21
	S.H.A.		2
(2)	C.S.H.A. (includes 20 two unit families)		133
	W.S.H.		1
	S.H.A.		42

		Under Construction as at 30th June, 1958.	Programme, 1958-59.
(3)	C.S.H.A.	24	41
	W.S.H.	7	12
	S.H.A.	23	4
	Government Employees ..	—	2
	Total	54	69

Allowing for a vacancy rate on existing houses of approximately 50 for the year and an estimated wastage on applications of 40 per cent., it is considered that the programme will reasonably cope with the demand.

BROOKTON STATE SCHOOL.

Completion.

10. Mr. MANN asked the Minister for Education:

Owing to the conditions prevailing at the Brookton State school, will he give consideration to repeated requests over the years for a completed school?

Mr. W. HEGNEY replied:

Although Brookton is on the department's building list, no funds will be available during this financial year for replacements of classrooms. Recently, the hon. member wrote to me; and this answer will supplement the reply I sent him.

WYNDHAM.

Erection of New School.

11. Mr. RHATIGAN asked the Minister for Education:

Would he advise me when work on the urgently required new school at Wyndham will commence?

Mr. W. HEGNEY replied:

Material is now on the way and construction should commence before the end of the present month.

NORTH-WEST.

Port Facilities for Napier Broome Bay.

12. Mr. RHATIGAN asked the Minister for Works:

Relative to my questions of the 11th, the 17th, and the 24th September, regarding port facilities at Napier Broome Bay, will he indicate when the party, quoted in his answer to my question of the 24th September, is to make the necessary examination to provide port facilities?

Mr. TONKIN replied:

It is proposed that the examination will be made as soon as found possible after the end of the wet season.

KALGOORLIE SCHOOL OF MINES.

Assay Service to Prospectors.

13. Mr. EVANS asked the Minister for Mines:

Will facilities be expanded at the Kalgoorlie School of Mines, if found necessary, to continue providing assay service to prospectors, after the sole existing assaying business closes down in Kalgoorlie?

Mr. MOIR replied:

Free assays for bona fide prospectors have, for many years, been undertaken by the School of Mines as a service to the industry, and such service will continue. The existing facilities are adequate.

BALLAYING STATE SCHOOL.

Reasons for Closure.

14. Mr. NALDER asked the Minister for Education:

(1) Is it correct that the Ballaying State school is to be closed at the end of this year?

(2) What are the reasons for its closure?

Mr. W. HEGNEY replied:

(1) Consideration is being given to the closure of this school as from the end of 1958. At present the possibility of bus transport of pupils to other schools is being investigated.

(2) The anticipated low enrolment—a maximum of eight, but possibly only four.

No. 15. This question was postponed.

ROADS.

Widening and Sealing of William-st., East Cannington.

16. Mr. WILD asked the Minister for Works:

(1) When is it expected that work will be continued on the widening and sealing of William-st., East Cannington?

(2) Is it intended to complete the widening of this road to the Welshpool turn-off this financial year?

Mr. TONKIN replied:

(1) Early in the New Year.

(2) Yes.

QUESTIONS WITHOUT NOTICE.

SITTINGS OF THE HOUSE.

Suspension for One Week.

1. Mr. BRAND asked the Premier:

While I presume that the Premier will indicate what hours he intends to arrange for next week's sittings when he moves the motion in regard to Government business precedence, I would remind him that hon. members are awaiting a decision and would like to know as soon as possible.

Mr. HAWKE replied:

I can indicate at this stage that just before the close of today's sittings the Government will move an adjournment motion which will have the effect of adjourning the House until Tuesday week. That will mean there will be no sitting of the Legislative Assembly next week.

FREMANTLE RAILWAY BRIDGE.

Reason for Suspension of Work.

2. Mr. BRAND asked the Minister for Works:

The answer given by the Minister for Transport to part (3) of question No. 1 on today's notice paper reads as follows:—

> The Government approved that work should proceed on a site adjacent to the road traffic bridge. Work was suspended at the request of the Minister for Works in the light of his findings whilst abroad.

Would the Minister give to the House the principal reasons for writing home and asking that this project be held up?

Mr. TONKIN replied:

When it became apparent that there was a strong probability of the establishment of very substantial industries in Western Australia at Kwinana, it immediately became necessary to give thought to what provision should be made for the handling of cargo which could be expected to come into that area, and which would be loaded out from it. I was aware that we have had some years of experience of the wharfage facilities which have been established by British Petroleum at Kwinana, and that no great difficulty had been experienced by that company in loading and unloading ships. Therefore, there was a strong probability that the best place for the establishment of additional berths would be in Cockburn Sound rather than in the inner harbour.

It was because I felt that this needed further examination, in the light of that knowledge and experience, that I requested the Government to suspend the work which was then in progress so that an opportunity would be afforded to have the position thoroughly examined in the light of the more recent developments. It must be borne in mind that when the committee of experts advised the Government that it was desirable to proceed with limited upriver development, it also said that there should be commenced immediately an inquiry into the possibilities of developing Cockburn Sound. At that stage we had had no experience of the weather conditions there or what effect they would have on shipping in that locality.

It was clear then, in the light of subsequent developments and the information in my possession, that it was most desirable that further work should not be proceeded with until the whole position had been thoroughly examined, more especially as the work which was then in progress entailed a considerable expenditure for land resumption which might, under the new idea, be obviated. Those were the reasons which actuated me in making a recommendation to the Government, and which the Government decided should be accepted.

PRICE OF SUPERPHOSPHATE.

Reasons for Variations.

Mr. COURT (Nedlands) [2.40]: I desire to make a personal explanation arising from the question asked by the hon. member for Geraldton yesterday on my comments on page 1545 of Hansard No. 11 regarding the superphosphate price movements.

I have rechecked my information with the superphosphate companies and find that the price movements are:—

	Cash Price. £ s. d.	Terms. £ s. d.
(1) As at last notice received under price control before that legislation was discontinued	14 4 3	14 9 3
(2) During period of no price control or unfair trading legislation—		
(a) July, 1954, a reduction of 18s. 6d. per ton	13 5 9	13 10 9
(b) October, 1954, a further reduction of 3s. per ton	13 2 9	13 7 9
(c) October, 1955, an increase of 5s. 3d. per ton	13 8 0	13 13 0
(d) July, 1956, an increase of 12s. per ton	14 0 0	14 5 0
(e) Net decreases during this period using price dates and not main effective periods of delivery	4 3	4 3

	Cash Price £ s. d.	Terms. £ s. d.
(3) Since the operation of the Unfair Trading and Profit Control Act—		
(a) October, 1957, a decrease of 4s. per ton	13 16 0	14 1 0
(b) July, 1958, a decrease of 18s. per ton	12 18 0	13 3 0
(c) September, 1958, a decrease of 4s. per ton	12 14 0	12 19 0
(d) Net decrease during the period using price dates and not main effective periods of delivery	1 6 0	1 6 0

Hon. members will appreciate that the figures quoted by me on page 1545 of Hansard refer to years and not specific dates. It is the custom of the suppliers of rock phosphate—the most costly single item—to vary the price to coincide with the 1st July each year, such price to be applicable to the whole year. The supplier is the British Phosphate Commission.

Cost variations are reflected in price adjustments made by the superphosphate companies as early as possible in the season with the object of a stable price effective for the farmers' season and to ensure equity between users.

In supplying information for the respective periods of no price control or unfair trading legislation and the period subsequent to the enactment of the Unfair Trading and Profit Control Act, the industry's summary of price movements within the two periods under discussion was based on the season price and main delivery dates and not on the effective dates of price variations.

Thus it will be seen, in fairness to the industry, that the main incidence of supply at the higher 1956-57 price was during the operation of the Unfair Trading and Profit Control Act, even though the price was announced with effect from the 1st July, 1956.

My main concern in respect of the original questions asked by the hon. member for Geraldton, on the 30th September, 1958, and the answers given to them, was that they could wittingly or unwittingly give the impression that price adjustments during the period of the unfair trading legislation had been influenced by that legislation and the operations of the commissioner. In fact, the price variations were made by the superphosphate companies in the ordinary course of their operations, and not because of any legislation or official influence or direction.

FACTORIES AND SHOPS ACT AMENDMENT BILL.

First Reading.

Introduced by the Hon. W. Hegney, (Minister for Labour) and read a first time.

GOVERNMENT BUSINESS.

Precedence.

THE HON. A. R. G. HAWKE (Premier —Northam) [2.42]: I move—

> That on and after Wednesday, the 19th November, Government business shall take precedence of all Motions and Orders of the Day on Wednesdays as on all other days.

THE HON. D. BRAND (Greenough) [2.43]: We have no objection to this motion, which is one that is brought down about this time each session. I must admit, however, that we are a little surprised to learn that the Premier has decided we should adjourn for the next week in order that some hon. members of Parliament may take what he called an active part in the Federal election campaign. The Premier said quite a number of hon. members seemed to think they would wish to participate actively. There seemed to be a degree of hesitancy in that statement.

As far as we on this side of the House are concerned—and I believe I speak for all hon. members on this side—we would have liked to carry on next week, and to end the session as quickly as possible.

Mr. Hawke: There is nothing to prevent your carrying on next week.

Mr. BRAND: That is up to the Premier. We will be here with as many hon. members as we can muster; and, provided the Premier was also here, we could go on. I want to make the point that in view of the loss of one week I trust the Premier will not expect us to sit here all night, under pressure, in order to get some of the most important legislation through the House.

I refer, of course, to the hire-purchase legislation, the Swan River Conservation Bill, and others, all of which we feel should have been introduced much earlier. We must not forget that, apart from a few speeches on the general Estimates, not a great deal of progress can be reported. However, with respect to the Estimates, we can assure the Premier of our co-operation, provided he does not expect it at 3 o'clock in the morning.

Sir Ross McLarty: I do not think the Premier will feel too well after the Federal election.

Mr. BRAND: As a matter of fact, I cannot quite understand why the Premier is so eager to take the next week off to actively campaign in the Federal election.

That, however, is his business, and the business of the Government, which made this decision.

Mr. May: It was because of pressure from the Opposition that he did it.

Mr. BRAND: It was not. Let me make that quite clear. It was not at my request, and I doubt whether the Premier wished it himself. However, I support the motion, and offer the co-operation of members on this side provided, as I say, it is required within reasonable hours.

Question put and passed.

CLOSING DAYS OF SESSION.

Standing Orders Suspension.

THE HON. A. R. G. HAWKE (Premier —Northam) [2.44]: I move—

> That until otherwise ordered, the Standing Orders be suspended so far as is necessary to enable Bills to be introduced without notice and to be passed through all their remaining stages on the same day, all messages from the Legislative Council to be taken into consideration on the same day they are received, and to enable resolutions from the Committees of Supply and of Ways and Means to be reported and adopted on the same day on which they shall have passed those Committees.

This motion is one which is brought down at this stage of each session. Its purpose is obviously to speed up the proceedings during the last few days of the session, and I anticipate there will be no opposition to it.

THE HON. D. BRAND (Greenough) [2.47]: I support the motion, but I would ask that in the case of some of the more important legislation the maximum time be given for investigation and perusal of that legislation. It has struck me that at times we have taken unfair advantage of the suspension of Standing Orders in this regard. I would remind the House that at times during last session a very short period of the busy time of the session was available to hon. members who obtained the adjournment of very important measures; and I would ask the Premier to bear that in mind when drawing up the notice paper for the following day. I trust he will give hon. members of the Opposition the maximum time possible to study the Bills in which they are interested.

THE HON. A. R. G. HAWKE (Premier —Northam—in reply) [2.48]: Briefly, I would say that practically all the important legislation that was to have been introduced by the Government has been introduced.

Mr. Brand: Good!

Mr. HAWKE: Those hon. members who do not wish to participate actively in the Federal election campaign next week will be able to spend that time studying the Bills which have been introduced, and which have still to be passed.

Mr. Brand: That is the most co-operative statement the Premier has made for a long time.

Question put and passed.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL (No. 2).

First Reading.

Received from the Council and, on motion by the Hon. H. E. Graham (Minister for Transport) read a first time.

CANCER COUNCIL OF WESTERN AUSTRALIA BILL.

Returned from the Council with amendments.

INDUSTRIAL DEVELOPMENT (RESUMPTION OF LAND) ACT AMENDMENT BILL.

Second Reading.

THE HON. A. R. G. HAWKE (Premier —Northam) [2.52] in moving the second reading said: This Bill aims to amend the Industrial Development (Resumption of Land) Act in some important respects. Under the provisions of the Act, the Governor-in-Council is given the right to dedicate Crown land for use for industrial purposes. However, the Act does not give the Governor-in-Council any discretion regarding the cancellation of such dedication, or the rededication of the land once it has been dedicated under the Act for industrial purposes.

Some instances have arisen in which Crown land which had been dedicated for the purpose of this Act has been found subsequently to be either unsuitable, or to have become ineligible, as it were, to be used for industrial purposes, because the land in question has been re-zoned as other than industrial in the local government district concerned. Because there is no provision in the Act at present giving the Governor-in-Council discretion to cancel a dedication, or to rededicate the land, it becomes necessary to ask Parliament to alter the Act accordingly.

A provision in this Bill aims to give the Governor-in-Council the necessary amount of discretion so that in the future in respect of any Crown land which has been dedicated for industrial purposes, the Governor-in-Council will be able to cancel that dedication or rededicate the land under the Act. In the event of this Bill

becoming law, and the Governor-in-Council cancelling the dedication of any Crown land, it will revert to the control of the Lands Department and become available for disposal under the normal provisions of the Land Act.

Clearly the necessity for this amendment has been brought about by force of circumstances. Unless the land of which I spoke can be rededicated for another purpose, or the dedication already in existence can be cancelled, the land will not be capable of being used legally for any purpose.

Mr. Brand: Can you give an indication of the problem which prompted this Bill?

Mr. HAWKE: One instance which I can readily call to mind concerns land in the North Fremantle district. Crown land there was dedicated under the provisions of this Act for use for industrial purposes, and subsequently the area was re-zoned and the dedicated land became capable of being used for residential purposes. Consequently this land is dedicated under one Act of Parliament for industrial purposes, but has been zoned for residential purposes by the local authority. Obviously it is necessary for the land in question to be altered in regard to the original dedication so that it may be used for residential purposes.

Another amendment in this Bill aims to give the Governor legal authority to purchase land for industrial purposes, and any land to be purchased by the Governor will be purchased as a result of negotiation between the Governor and the owner or owners concerned; in other words, this amendment does not propose to give the Governor or the Government the right to purchase land by resumption. I wish to make that point very clear, because unless it is made clear there could be a good deal of misunderstanding, confusion and controversy.

Mr. Brand: How has this problem been overcome in the past?

Mr. HAWKE: We have not been able to overcome the problem in the past, and that makes this Bill necessary. The Act at present allows the Governor-in-Council to purchase or resume land. Where he is able to purchase land by agreement at present, that is done; where he is not able to purchase land by agreement, at present, the land can, after a great deal of negotiation and consideration, be resumed compulsorily.

The particular amendment in this Bill does not propose to alter the compulsory resumption provisions, but it does seek to give the Governor power to purchase land provided he can do that by negotiation and by voluntary agreement with the owner concerned as to price and other conditions. In the normal course, under the provisions of the existing Act, any land purchased by voluntary agreement can be allocated only to a person who wishes to use it for industrial purposes after the necessary application has been made, after the approval of Parliament has been obtained, and after a committee which is set up under the Act has gone through almost endless processes of consideration, and so on.

Clearly there are circumstances already in existence, and which will come into existence more and more in the reasonably near future, which create an impossible position if land purchased on a voluntary basis, as well as land resumed compulsorily for industrial purposes, has to go through all these procedures.

Obviously, if a particular company or business person wishes to obtain land for the purpose of establishing an industry, he desires to see the land and wishes to know—provided he considers the land suitable—that it will be available to him without any doubt; also that it will be available to him at the time at which he wishes to commence work upon it.

Therefore it becomes totally impracticable in most situations of this kind if the Government has to say to the particular company or particular businessman, "Well, we will be able to get this land for you; but before we can be sure, we will have to purchase it by voluntary agreement, or, alternatively, we will have to resume it compulsorily. After that we will have to take it to Parliament, when Parliament meets in three months, or whatever time it may be, and obtain its approval.

Next, if Parliament approves, we will have to get you to make application to the appropriate committee which operates under the Act, and that committee will have to go through a number of processes, all of which take a considerable amount of time. All this will have to be done before we can with any certainty say to you that this land will be available."

Very few business concerns or businessmen, I think, would look upon a proposition of that kind as being at all businesslike. On the other hand, I think most of them would look upon Western Australia, in regard to a matter of this kind, as being hopelessly involved. Therefore, the provision in this Bill on that point is to give the Governor, or Government, authority to purchase land only by voluntary agreement with the owners of the land and to be in a position to make land, bought under that method, available to the would-be purchaser without delay.

Where the Government is not able to buy land which is suitable for industrial purposes and required for industrial purposes, by voluntary agreement with the owner, then the Government would still have to go through the many processes to which I have just referred. In other words, it would have to resume land, or rather take action to resume land, and obtain the approval of Parliament before

finalising the compulsory resumption; and provided the approval of Parliament was obtained, then the application would have to be made to the committee and all the committee processes would have to be taken in hand and completed.

In view of what I have just said, I think it will be abundantly clear to hon. members that only land which is purchased for industrial purposes on a voluntary basis will not have to be approved of by Parliament and will not have to go through the long procedure which is necessary at present under the Act by the Committee in question.

It will also be abundantly clear that, where land for industrial purposes is resumed compulsorily under the present provisions of the Act, Parliament will have to be consulted and approval granted and the necessary application made to the committee in question.

Mr. Court: Regarding the early part of your speech, when you referred to land previously dedicated for industrial purposes and which had been re-zoned by the local authority for residential purposes, when that reverts to the Crown under the Land Act, would that override the residential zoning?

Mr. HAWKE: No.

Mr. Watts: The Town Planning Act binds the Crown.

Mr. HAWKE: Yes; that is right.

Mr. Court: I was wondering whether you would still have an industrial site in the middle of a residential zone. That is not the intention?

Mr. HAWKE: No. The intention is that where Crown land which has been dedicated for industrial purposes is no longer capable of being used for industrial purposes, the dedication will be cancelled. The land will then be dealt with under the provisions of the Land Act and will be used in such manner as the Government thinks fit; but certainly will have to be used, finally, for purposes within the laws of the local authority concerned.

The first amendment to which I have referred and to which the hon. member's interjection refers, is not an amendment which would, if it became law, be a means of getting round the local zoning by-laws.

Mr. Court: Good!

Mr. Watts: Once it became dedicated, it could not be undedicated.

Mr. HAWKE: Yes; that is correct. As I said earlier, the parent Act at present does not give any authority to the Governor to do anything about Crown land once it has been dedicated under this Act for industrial purposes. Once that point has been reached, it is the point of no return, as it were. Crown Law has advised that as the parent Act is silent in regard to any cancellation of dedication, then no cancellation can legally be made.

So, on the advice of the Crown Law Department, we have put into this Bill an amendment which will allow of a cancellation of a dedication when it has been found that the dedication in question is unworkable, as it is in the instance which I gave in connection with North Fremantle.

Those are the purposes for which this Bill is introduced. It is considered that the first amendment which I discussed is absolutely necessary to make workable the dedication of Crown land for industrial purposes; and the second amendment is necessary—and urgently necessary—in order that the Governor or Government may have the facility available to purchase land for industrial purposes on a voluntary basis with the owners concerned; and then be in a position, when the sale is finalised, to offer that land quickly and without further delay to any person or company wishing to buy it for industrial development purposes. I move—

That the Bill be now read a second time.

On motion by the Hon. A. F. Watts, debate adjourned.

HALE SCHOOL ACT AMENDMENT BILL.

Second Reading.

THE HON. A. R. G. HAWKE (Premier —Northam) [3.10] in moving the second reading said: This is a very important Bill; and those hon. members who have read the title will know that it is described as a Bill for an Act to amend or repeal certain Acts relating to Hale School of Perth and for other purposes. Actually the legislative statute which is to be amended is called the High School Act of 1876.

It will be clear, from what I have just said, that Hale School has not always—from the date of its inception—been called Hale School. It was originally called High School, and it was some years after its establishment and early operation that Bishop Hale had his name honoured by its being made the title of the school. From then onward it has always been known as Hale School.

No effort was made, after the school became known as Hale School, to alter the title of the High School Act, with the result that the Act is still on the statute book under its original title. Normally at this time, and with the necessary introduction of a Bill of this description, the old Act would have been repealed entirely and this measure would have been placed on the statute book as a new Act. However, at the request of the association of those who attended this school in the past, the Government agreed that some of the existing Act should be retained and therefore

this measure is a Bill to amend the old Act; and one section—I think it is Section 10—or some reasonable proportion of it, will remain.

I think hon. members will realise that the request from the members of this association was made, to a large extent, on sentimental grounds and I believe we can all appreciate the feelings of those concerned in wanting to have some of the original Act preserved as part of what will, in effect, become largely a new law as a result of the introduction of this Bill, provided, of course, that it is accepted by both Houses of this Parliament.

The need for the Bill arises, to a large extent, from an agreement made by the Government and the Governors of Hale School, for the purchase by the Government of the present Hale School property. All hon. members of this House are aware that negotiations were entered into several months ago by the Governors of Hale School and me, as Premier and Treasurer, for the purpose of trying to ascertain whether an agreement could be reached, under the terms of which the Government would purchase the Hale School property and thus place the Governors of Hale School in a position where they could commence to organise, on a practical basis, to establish new Hale School accommodation on land which they had purchased some years before at what is called Wembley Downs, this land being situated fairly close to Scarborough.

The negotiations were carried on over a fairly considerable period in an atmosphere of co-operation, with neither the Government nor the representatives of the Governors of Hale School wishing or trying at any time to take advantage of the other. Finally an agreement was reached and finalised. The Bill which I am introducing this afternoon contains a provision for the ratification of that agreement, and I think that it would be appropriate for me, at this stage, to explain briefly the main provisions of the agreement.

In the first place, the Government binds itself or the State to pay a sum of £225,000 for the existing Hale School property. This total purchase price is somewhat above the valuations which were supplied to the Government by the appropriate valuation authorities. Nevertheless, the Government considered it was justified in going beyond the valuations because of the fact that the present Hale School property is so very conveniently situated in the City of Perth.

As a matter of fact, as we all know, Hale School is one of our closest neighbours, here in Parliament House. It is just across the road from us, and I believe there will be some feeling of regret on the part of every member of Parliament when the time comes that Hale School no longer exists as such and is no longer carried on as such in the present buildings.

Through the years, all of us, I think, have taken an interest in Hale School and in the boys who have passed through it from year to year and from period to period. Therefore it might be appropriate —and it is certainly well deserved—that we should say at this stage how wonderfully well the school has been managed and controlled and how well behaved and dignified the boys have been in their conduct outside the school; and from that—I should think—their conduct inside the school, under the supervision of teachers would, if possible, have been better still.

I am not saying that Hale School is the top school in Western Australia, or that it is necessarily to any degree better than most other schools. The fact, however, is that it has been our close neighbour and has consequently come under our regular observation; and we have had a fortunate opportunity of seeing the school and the conduct of the boys who have gone there through the years.

It might very well be that if Parliament House had been next to Scotch College, Aquinas College, Christian Brothers' College, the Christ Church Grammar School, Modern School, or even West Northam School, we would have the same impression about those schools and the students who go there as we have about Hale School and the students who have attended it and those who are still attending it.

As I have said, the Government agrees, on behalf of the State, to pay to the governors of Hale School £225,000 for the present Hale School property. The whole of this amount will not be paid at the one time, and none of it will be paid for some time to come. The agreement provides, firstly, that £75,000 will be paid when the governors of Hale School satisfy the Government that £150,000 has been expended by them on the construction of the new school which, I think, is already under way at Wembley Downs. Naturally, it will be necessary for the governors of Hale School to raise the £150,000 in question from such financial sources or resources as may be available to them.

After they have raised that amount and expended it on the construction of the new school, the Government will make its first instalment of £75,000 for the purchase of the property which is just over the road. The second £75,000 will be paid by the Government when the Minister for Education is satisfied that the amount expended on the new Hale School premises has reached a total figure of £225,000.

In other words, when the governors have expended, firstly, their own £150,000, and have then spent the first contribution by the State of £75,000, the Government will make the second £75,000 available. The final sum of £75,000 will be paid by the Government when the total amount expended on the new Hale School buildings

has reached £300,000. No interest will be paid by the Government to the governors of Hale School on the £225,000, which is the total amount to be paid for the present Hale School property.

They are the main financial provisions in the agreement. In addition, however, the agreement will grant to the Government the opportunity to construct buildings on the vacant land of the present Hale School property before the Hale School establishment on the present site is transferred to Wembley Downs. Further, the agreement will give the right to the Government to enter into occupation of any of the present Hale School buildings once they are vacated by the school, the idea being to give to the Government the opportunity to take possession of any vacant building for the purpose of making alterations, repairs, or whatever is required for the regular occupation of the vacant building by some Government department.

All hon. members know that the Stephenson Plan provides for Government offices in Perth to be concentrated in the area adjacent to Parliament House and running from King's Park-rd. to Hay-st. on the one side, and from Harvest Terrace to Havelock-st. on the other side. It is a fortunate circumstances, I think, that the governors of Hale School had planned to remove the school activities from the present buildings and property to the new land which they have held for some time in the Scarborough district. Their foresight has enabled this agreement to be made without great difficulty, and it places the Government in possession of land conveniently situated—land which Professor Stephenson strongly recommended should be retained for town planning purposes.

Whilst speaking on the agreement, I would like very much to say publicly how fair and reasonable and co-operative the governors of Hale School were in all the negotiations they had with me. I understand there has been some criticism—not much—of the governors of Hale School on the one hand, and the Government on the other, in connection with this agreement.

Some people say the governors of Hale School were trapped by the Government; were persuaded to give away to the Government, almost for nothing, the present Hale School property. Others say that the Government has paid too much for the land and buildings, and should have paid only the valuations. I think that, between these extreme points of view—expressed not by many people, fortunately—it might be said that the governors of Hale School and the Government of the State both did the fair and reasonable thing in the circumstances.

Mr. Brand: I think the satisfactory solution of the problem could be attributed, in a way, to the ex-political influence.

Mr. HAWKE: Seeing that the Leader of the Opposition has indirectly referred to the fact that the Hon. Leslie Craig is in the gallery, I take advantage of the opportunity to say that Mr. Craig, as chairman of the board of governors of Hale School, naturally had most to do, on behalf of the board of governors, in negotiations with the Government. Those of us who know Mr. Craig would be aware that, although he is fair and reasonable and co-operative, he is a very firm man. I am not sure, but I think he is a Scot, and we all know that in any sort of negotiation the Scot is extremely firm.

Mr. O'Brien: Hear, hear!

Mr. HAWKE: I would say that the chairman of the board of governors—together with the other members of the board—safeguarded and preserved, in a most reasonable way, the interests and the welfare of Hale School and of everybody associated with the sale of the present school land and buildings to the Government.

The Bill is clear-cut. Any hon. member who reads through it will very quickly comprehend what it aims at accomplishing. In the first place, the almost new Act which will come into operation after this measure is assented to will not begin to operate until one month after the Governor's assent.

It is understandable that some little time would be required by the board of governors to get themselves into a position to meet the requirements of this Act; and subsequently there will be some slight delay in the coming into operation of the Act following His Excellency's assent to the legislation being obtained.

In the definitions, as set out in the Bill, the rights and authorities of the Archbishop, who will be His Grace the Archbishop of Perth, are clearly set down. The definition of the term "Association" is capable of clear understanding on the reading of the interpretation. The same goes for the definitions covering the "Board", the "School" and the "Trustees".

The Bill provides that the governors of Hale School shall be a body corporate; and it also provides that the body to be set up under this legislation will consist of nine members, one of whom shall be the Archbishop who, as I said before, will be His Grace the Archbishop of Perth. Four shall be appointed by the trustees; and they are, as set out in the definition, the Diocesan Trustees; and four members of the board shall be appointed by the association which, as set out in the definition clause, will be the Old Haleians' Association.

The first group of four members to be appointed by the trustees, and also the first group of four members to be appointed by the association, will retire at varying

periods for the first four years. The member to retire at the end of the first year, second year, and so on, shall be determined by the group concerned. In other words, each group as it were, will have some local autonomy in regard to the members who are to serve initially for only one, two, or three years. It is thought that this is desirable, because it does give to the groups which will appoint these members to the board a democratic right to decide who shall, in the first four years, serve a short time and who shall serve the other three terms of longer duration.

The Bill makes provision for the filling of casual vacancies. There is a special provision in the Bill which sets out the rights and powers of the Archbishop; and this is, of course, in addition to the definition clause. The Archbishop is to have power to enter the school at any time to examine and instruct the pupils; to inspect the accounts and general management of the school; and to prevent the adoption of any rule or regulation; and to correct any act or omission which may or may tend to frustrate the intention that the school shall be and forever remain a Church of England school.

The board is given authority to sell, lease, mortgage, or otherwise dispose of or deal with all or any of the real or personal property which is, for the time being, vested in the control of the board. The board generally shall hold the property upon trust for the purposes of maintaining and carrying on the activities of Hale School. The management and control of the school and of real and personal property for the time being held by the board will be under the management of the board.

The board is given power to exercise all or any of the powers given by the Associations Incorporation Act, 1895, in respect of the exercise by the board of the powers which this legislation will confer upon the board. Provision is made in the Bill for the chairman to have only a deliberative vote. In other words, like all other members or governors of the board, he will only have one vote. The board is given authority to borrow money and to give and execute mortgages or other securities upon terms and conditions to be decided by the board itself, from time to time.

The trustees—that is, the Diocesan Trustees—are given authority to guarantee upon such terms and conditions as the trustees shall decide, any borrowings made by the board, and also to guarantee the performance by the board of any obligations which the board may legally enter into under the provisions of the legislation. Vacant land held by the board, and land held by the board and used for educational purposes, will, as previously, be exempt from rating under the provisions of the Road Districts Act, and the Metropolitan Water Supply, Sewerage and Drainage Act; and it will also be exempt from assessment for taxation under the provisions of the Land Tax Assessment Act.

I notice that the hon. member for Claremont is listening very carefully to these last few remarks of mine. I know he considers some local authorities are very unfortunate in the fact that they have so much non-ratable land in their districts, because they have been fortunate enough, in a way, to have so many large schools established within their boundaries; and the Municipality of Claremont, is of course, the outstanding example in that direction.

As I said earlier, there is a provision in this Bill which ratifies the agreement made between the governors of Hale School and the Government. In conclusion, I would say that I think this agreement and this legislation mark a very important step in the educational progress of Western Australia.

I need not say very much more about Hale School than I said earlier. However, it is a school which was based originally upon wonderful principles; it is a school which continued to operate through the years on those principles; it is a school which has developed very good traditions; and it is a school which has given to Western Australia, because of the education made available, some outstanding citizens, some of whom, I understand, are still members of our Legislative Assembly. At least one of them has been Premier of Western Australia; and, in this regard, of course, I refer to the hon. member for Murray, the Hon. Sir Ross McLarty.

Mr. O'Brien: Hear, hear!

Mr. HAWKE: The emphasis at Hale School has naturally, to a large extent, been spiritual as well as purely educational. I think all of us might agree that the emphasis upon spiritual values has—generally speaking, and taking the people of Australia as a whole and probably the people of most countries as well—weakened considerably over the last 25 or 30 years. So many other values, or so-called values, have been created, and have become popular and the accepted thing, with the result that spiritual values have not had the emphasis which they so richly deserve and need.

Therefore, it is encouraging and uplifting to feel that the spiritual values of Hale School will not cease by virtue of the fact that the Government has bought the existing school buildings, and property, but will only be transferred to a new location. At the new location, where the buildings will be erected in wonderful surroundings —at Wembley Downs, near the ocean— there can be no doubt this great school will continue to progress and to expand; and will continue to confer great educational and spiritual benefits upon the children who are fortunate enough to be able to go

through the school, and upon the teachers who are so fortunate as to be chosen to teach there.

Mr. Bovell: Is it not usual, in such an instance as this, for the agreement to be included in the Bill?

Mr. HAWKE: The Crown Law authorities' advice on this point was that the agreement would not be attached to the Bill. Copies of the agreement, however, can be made available; and I will be pleased to make them available. As soon as I sit down I shall make the copy I have with me available to whichever hon. member of the Opposition takes the adjournment of the debate. I have much pleasure in moving—

That the Bill be now read a second time.

On motion by Mr. Crommelin, debate adjourned.

Sitting suspended from 3.45 to 4 p.m.

HOUSING LOAN GUARANTEE ACT AMENDMENT BILL (No. 2).

Second Reading.

THE HON. H. E. GRAHAM (Minister for Housing—East Perth) [4.3] in moving the second reading said: Last year Parliament agreed to the Housing Loan Guarantee Act under which it became possible for approved institutions to loan to prospective house-builders a far greater percentage of money, based on the value of the asset, than was normal in the course of the ordinary business of those concerns.

Briefly, the position is that lending authorities advance up to 60 or 70 per cent. of the value of premises to be built; but, under the legislation, amounts up to 95 per cent. of the value can be loaned. The Government guarantees the amount in excess of the percentage normally loaned, or the entire amount if that be the wish of the approved institution.

The Government, not being anxious to encourage or foster high interest rates, placed a ceiling, first of all of 6 per cent. on these transactions, which would mean a payment of 6¼ per cent., having regard to the fact that one quarter of 1 per cent. is payable into a fund which is to be built up to meet any short payments. As there is the keenest competition from other investments, particularly hire-purchase, offering high rates of interest, the Government decided to raise the ceiling to 7 per cent. which, in respect to these guarantees, means a gross rate of 7¼ per cent. maximum to the home-builder.

Just recently there has been a new development which has been brought prominently before the notice of the Government by one particular firm. This firm, which is a British company, has on offer a sum of £250,000 which it is prepared to invest in Western Australia in home-building, subject to certain considerations.

That offer of £250,000 is neither the beginning nor the end of the prospects so far as this State is concerned; because, on account of the nature of the business, it will have funds available for investment from time to time over the years. In addition, I am aware of a number of other cases of lesser sums, but which in the aggregate reach considerable proportions.

Naturally enough it is desired to take advantage of the availability of this money for home-building purposes, for several good reasons. One which immediately comes to mind is that the building industry is by no means at its peak in Western Australia. In that respect I am comparing the situation today with that of 1955, for instance, when everything possible was thrown into the task of overcoming a tremendous housing lag which built up during the war and immediate post-war years.

There is also the question of employment, apart from the supply of building materials. I think house-building is more embracing than any other industry, or part of an industry, owing to the fact that for the ordinary humble dwelling particularly, and even the more elaborate type of home, almost all of the components used are produced and manufactured in Western Australia. A considerable percentage of the entire job requires labour in the physical erection of homes, apart altogether from the production of the necessary materials.

Therefore, any additional moneys which can be injected into the building industry, particularly in respect of homes, can do nothing but good in the economic sense, apart altogether from making a more happy and contended population by allowing them to purchase their own homes. Of course the very essence of this scheme is that people who are seeking homes can obtain them on a very small deposit.

Another aspect is that, over recent years, the State has devoted—taking everything into account—too great a percentage of the loan moneys available to it to the construction of homes. I do not want to be misunderstood when I make that statement. But, having regard for the requirement of schools, hospitals, water supplies, and other public facilities, the State cannot afford to be, forever and a day, spending as large a proportion of this money upon housing as it has been doing. Accordingly, the accent is on private home-construction, and private home-ownership, as was the case in pre-war years.

It will be still necessary, of course, for the State Housing Commission to provide homes for those people who are on the lower rung of the economic ladder; that is to say, people whose incomes are modest

and who cannot afford anything but an absolute minimum by way of deposit, and as light a charge for interest as possible, in addition to extended repayment periods.

The Act as it stands at present allows the Government to guarantee what is known as an approved institution. Quite a number of institutions have been approved. In the case of banks and insurance companies, which have funds of their own to invest, and which do business with individual clients in the way of advances for the construction of homes, the present system operates quite satisfactorily, in the fact that the guarantee is given to the financial institution which does the entire job.

But we have the position now—and that is the reason for the Bill—where there are certain instrumentalities which have money that they are prepared to invest in housing, but which do not want to engage in the task of dealing with individual clients. That is to say, the company's interest will be in making the money available to other organisations or concerns which will treat directly with the public. In the case of the concern that I have particularly in mind—that is, in relation to this sum of £250,000—that company, as the lender, should be guaranteed.

This company, therefore, will have a gilt-edged security, and will have no worry or concern whatever in the matter of the repayment of the principle and the regular payment of interest; and several concerns will be dealing individually with clients. It is admitted that there is a slightly greater element of risk to the Government in this process as against the proposition as contained in the statute at the present moment.

The Government is prepared to accept that risk; and overall, I do not think that in the matter of the transactions involving real estate—particularly where there is an initial margin of a minimum of 5 per cent.—there is any great danger of the Government being involved in any large sum of money.

In any event there is this fund established under the Act which will be constantly increasing; and which, of course, is there for the purpose of meeting any such eventuality. If this intermediary concern—in other words, the concern which is dealing directly with the clients—were to fall down on its payments to the financier, then the Government, through this fund, would be responsible for meeting the commitments.

As the State Housing Commission—acting in this matter for the Treasury—has a close liaison with the bodies making the individual advances and certain returns being necessary at frequent and regular intervals, even if one of those concerns deliberately went out of its way in an attempt to defraud or abscond with moneys made available to it by the initial lender, that concern could be brought to heel in a very short time.

But that is looking on the blacker side of the picture. This House may rest assured that applicants, in order to participate in this new arrangement, will be closely vetted; and only those concerns of some repute and standing, which can establish their bona fides, will be permitted to be involved in this guarantee scheme under the new idea contained in the Bill. I emphasised the risks; but to a very great extent I think they are on paper, and we need have no real fears in connection with them.

Broadly then, the Bill seeks to take the housing loan guarantee position a step further, with the idea of encouraging and promoting private finance for the purpose of the erection of homes on easy terms; and, to some extent at least, I hope and trust it will lessen the burden upon the Treasury; because as all hon. members are aware, apart from the matter of housing altogether, they in their own constituencies have many calls and requests made to them for public works to be undertaken—and I use the term "public works" in its broader sense. If certain activities can be undertaken in the community without the necessity of Government finance, then I think it is to the benefit of the State that that should be so. I move—

That the Bill be now read a second time.

On motion by Mr. I. W. Manning, debate adjourned.

BILLS (4)—MESSAGES.

Messages from the Lieut.-Governor and Administrator received and read recommending appropriation for the purposes of the following Bills:—

1. Industrial Development (Resumption of Land) Act Amendment.
2. Hale School Act Amendment.
3. Housing Loan Guarantee Act Amendment (No. 2).
4. Unfair Trading and Profit Control Act Amendment.

UNFAIR TRADING AND PROFIT CONTROL ACT AMENDMENT BILL.

Second Reading.

THE HON. W. HEGNEY (Minister for Labour—Mt. Hawthorn) [4.20] in moving the second reading said: When the original Bill in regard to unfair trading and profit control was introduced in 1956, there were gloomy forecasts by a number of those opposed to the measure; but I suggest that those forecasts have proved to be very unsound.

Mr. Court: You wish they had!

Mr. W. HEGNEY: It is true that in the next year, 1957, a further amendment was introduced which, among other things, segregated the position of commissioner from that of director of investigation; and from my experience, I would suggest that it has been illustrated that some legislative action has been necessary to control, as it were, or curb certain restrictive trade practices.

Opponents of this measure would give the unthinking person the impression that this was the only country in the world where such legislation was in operation. Nothing is further from the truth. I am advised that there are now about 60 countries in which legislation of this nature, including a number of provisions similar to those in our measure, is in operation.

I would like to mention that the title of the Act at present is the Unfair Trading and Profit Control Act, 1956-57. It has been decided to alter that title and it will henceforward be known—or I hope so—as the Monopolies and Restrictive Trade Practices Control Act, 1956-58. This title will not exactly bring it into uniformity with legislation in a number of other countries, but it will bear a closer resemblance to them in title than it does at present. As examples: In Great Britain, the appropriate Act is known as the Monopolies and Restrictive Trade Practices Inquiry and Control Act, 1953 as amended by the Restrictive Trade Practices Act, 1956.

Mr. Court: You would not compare the contents of that Act with those of our Act, would you?

The SPEAKER: Order!

Mr. W. HEGNEY: I do not mind, Mr. Speaker. I know the hon. member for Nedlands is getting itchy feet already.

The SPEAKER: Order! I think this matter can be discussed without a lot of interjection and cross-firing.

Mr. W. HEGNEY: I am fully in agreement with you, Mr. Speaker. The name of the corresponding Act in Canada is "Combines Investigation Act" (also certain sections of the Criminal Code); in Denmark,—that is not the one out from Albany—the name is the "Monopolies and Restrictive Practices Control Act"; in Germany, "Law Against Restraints of Trade"; in Sweden, "Public Law to counteract Restriction on Competition"; and in Ireland, "Restrictive Trade Practices Act." Those are the titles in those countries, and it is suggested that the title that is now included in our Bill will be quite appropriate.

Another amendment extends the interpretation of unfair methods of trade competition by including a provision covering collective tendering. I would suggest that there will be no opposition from any section of this House in regard to that particular amendment.

I feel it would be advisable at this stage to revive some of the more important sections of the report of the Honorary Royal Commission on Trade Practices and Legislation, ably chaired by the hon. member for Stirling, either last year or in 1956. All the members of that Honorary Royal Commission applied themselves to the task and suggested a few very fine recommendations.

On pages 14 and 15 of this report, the subject of level or collusive tendering is dealt with. I have made a little bit of research into this matter of collusive tendering, and find there is another term known as "unified" or "unity tendering." Another one is—and this is rather a neat one—"conscious parallelism." That is not a bad one; but it is a term that is sometimes used in that direction. There might not be anything in writing; but all those concerned with the collusive or level tendering, by accident or otherwise, think exactly along the same lines and tender to the exact penny.

Mr. Brand: I should not think that the Hurseys would believe that in respect of work.

Mr. W. HEGNEY: I did not catch that interjection, but I do not think I missed anything.

The SPEAKER: Order!

Mr. W. HEGNEY: The report states—

> We came across several instances of what is usually known, we understand, as level or collusive tendering. This amounts to an arrangement between persons engaged in the same lines of business not to tender an amount which differs from that to be tendered by other persons engaged in the same line of business. This practice, of course, eliminates the competition as to price on which the practice of calling for tenders is based and may have the effect of destroying the real reason underlying the calling of tenders, namely, to obtain competitive prices, and is correspondingly undesirable.

Mr. Brand: That should not worry this State. We do not call for tenders.

Mr. W. HEGNEY: To continue—

> It appears that this practice is not as yet very common in Western Australia but there is direct evidence of it in certain associations and it is therefore desirable that no opportunity should be given for it to become more widespread.

The next bit will be very interesting to all hon. members. It continues—

> The following list provided by Mr. G. W. Fruin, Comptroller of Stores, Western Australian Government Railways, indicates a number of articles which are non-competitive as to price whenever tenders are called:—

I will not read the lot but will pick out some of the main ones.

Mr. Brand: Hand-picked, of course.

Mr. W. HEGNEY: If the hon. member desires it, I will read the lot, or he can read them for himself afterwards. They are as follows:—

Antimony.
Augers.
Bakelite material (electrical switches, fittings, etc.).
Bearings, ball and roller.
Brushes, paint and varnish.
Belting, vee.
Brass, bar and sheet.
Cement.
Cells, dry.
Conduit and conduit fittings.
Cables, electrical.
Drawing linen and paper.
Drills, twist.
Electrodes.
Files.
Forks, ballast.
Fly wire.
Greases—various.
Insertion rubber.
Kerosene.
Lead, sheet.
Lamps, electric.
Locks, pad, various (Lockwood).
Masonite.
Motor spirit.
Nails
Oils, motor, various (standard grades).
Oils, linseed.
Oils, diesel fuel.
Paper, brown.
Paper, toilet.
Petroleum jelly.
Spark plugs.
String.
Shovels.
Coal scoops.
Sleepers.
Taps and dies.
Tubes and fittings.
Tyres and tubes.
Tin, ingot.
Tubes, fluorescent.
Radio valves.
Steam wheel valves, etc. (Johns).
Wire, V.I.R.
Wheels, abrasive.

I have read the lot, so there has been no selection. Mr. Fruin said further—

> When we call quotes for any of these the prices offered are identical.
> Perusal of minute books indicated considerable discussion on various contracts and in many cases the minutes listed the agreed discounts on the different lines for which tenders had been invited.

That is the submission of the Honorary Royal Commission in its report, in conjunction with the evidence of a high-ranking official of the Railway Department. I will now deal not with the majority recommendations of the Honorary Royal Commission, but with its unanimous recommendations.

Mr. Court: I hope you will read the majority recommendations afterwards.

Mr. W. HEGNEY: Some people are never satisfied.

Mr. Court: But it is most important.

Mr. W. HEGNEY: I am trying to explain the object of this amendment.

Mr. Court: Very well. So long as you read the majority recommendations.

The SPEAKER: Order!

Mr. Court: The Speaker seems to be nervous about the Minister today.

Mr. W. HEGNEY: I am not nervous. When the chickens come home to roost, the hon. member finds it is a different proposition. Of the unanimous recommendations of the Honorary Royal Commission, No. 12 reads—

> (a) That collusive tendering be prohibited and a substantial penalty provided.
>
> (b) That no association be registered whose objects or powers contemplate collusive tendering.
>
> (c) That collusive tendering be defined as—
>
> > the submission by two or more persons of tenders, in response to a public invitation, the amounts of which have been agreed between the persons tendering which agreement is contrary to the public interest.

No. 13 reads—

> (13) That proceedings for any offence in respect of collusive tendering shall only be taken with the consent of the Attorney General.

That was a unanimous recommendation, and in the light of experience, an amendment such as I have mentioned has been found desirable in the public interest.

Mr. Court: Aren't you going to read the majority recommendations?

Mr. W. HEGNEY: I do not at this stage propose to read the recommendations of the majority or of the minority, as every hon. member will have opportunity of dealing with them. I am just indicating one of the reasons why this amendment was placed in the Bill; and I suggest that after the passage of 12 months or so since this recommendation was made, circumstances have not altered sufficiently to warrant any departure from it.

Mr. Court: Subject to recommendation No. 19! You should be fair and read that out, as it was all made subject to the repeal of the Act.

Mr. W. HEGNEY: Does it make any difference whether or not there is an Act on the statute book, as far as the unfairness of collusive tendering or conscious

parallelism is concerned? That is the question. A further amendment provides that the director may institute proceedings for an injunction restraining a person, during any investigation by the director, from doing or continuing to do anything which appears to the director to be unfair trading. That is a simple amendment.

The next relates to appeals from the decision of the commissioner. At present the right of appeal to the Full Court of the State is denied; but the amendment would permit any party to the proceedings, including the commissioner, to appeal to the Full Court of the State; and if any authority is necessary for appeal to the High Court, the Act will confer that authority. The final amendment of any consequence provides that no person shall by any threat or in any other manner endeavour to dissuade or prevent a person from invoking the provisions of the Act for protection against unfair trading; in other words, it gives protection against victimisation.

I might mention at this stage that certain local interests have expressed concern regarding the provisions of the Act; and it must be understood that action at all stages is subject to the consideration of the public interest, which is a vital point. This ensures that reasonable consideration must be given to all fair and reasonable arrangements. The hon. member for Nedlands—if I heard his interjection aright—said that the Act in Great Britain was nothing like that on our statute book.

I suggest that he read a textbook published in 1956 by Michael Albury, Q.C., and C. F. Fletcher-Cook, M.P., barrister-at-law of Lincoln's Inn. It is entitled "Monopolies and Restrictive Trade Practices." These two gentlemen have taken the British Act and have gone through it with a fine-tooth comb, dealing with practically all the sections of that Act, and explaining the reasons for them, and their effect. It is an interesting and illuminating book.

If members read even portions of the Act, I suggest that it will be clearly demonstrated that the legislation in this State follows the lines of the British Act to a great extent; and also follows, to a certain extent, the U.S.A. provisions. The idea underlying this measure is not a new one; but, as I said earlier, some people would have us believe that this is the only State which has some form of control over what are generally regarded as restrictive trade practices. The Honorary Royal Commission indicated the countries which had legislation of a similar nature, dealing with the subject matter under discussion.

Mr. Wild: Does the Minister deny that it has not had great effect?

Mr. W. HEGNEY: I will deal with that later and will leave the hon. member in cold storage for the moment. Great Britain, the Union of South Africa, Sweden, Canada, U.S.A., Queensland, Denmark, the Republic of Eire, the Netherlands, New Zealand, Norway, and West Germany all have legislation of this nature. The Government, in its wisdom, decided some few years ago to introduce such legislation, and experience has shown that it is desirable.

I might add that I have had deputations from two organisations of employers in this regard. The Retail Grocers' Association approached me, as did also the Master Bakers' Association. I will not give details of the discussions which took place, but suffice it to say that those two organisations were anxious for the Government to give them some protection under this Act. Another organisation in this State wrote in only recently, with a view to having the Government introduce what were from its point of view some important amendments to this legislation. The legislation had been practically drafted at that stage and it was advised that consideration of its suggestions by the Government would have to be stood over.

Also, numbers of individuals have approached the unfair trading control office for the purpose of seeking some redress in regard to their relations with certain traders. I will not go into detail in that regard; but I think that if any hon. member of this Chamber were to discuss the matter with the commissioner or the director of investigations, it would be found that a worth-while job is being done in the public interest by the administrative authority responsible for looking after this Act.

The hon. member for Dale is absent at the moment, and I do not blame him for that; but I would like to indicate that the Government has, to my mind, been fortunate in securing the services of men like Mr. Wallwork, as commissioner; and Mr. Robinson as director of investigations. Mr. Robinson was an accountant in the Crown Law Department; and I believe hon. members who know him will agree that he is highly qualified, honest, energetic, diplomatic, and tactful.

There are a number of people who are against the continuance of this Act, and no doubt they will voice their protests. But they must recognise that the director of investigations is executing his duty in a praiseworthy manner. If I remember aright, the hon. member for Dale implied, by interjection, that a great deal of harm was being done to the State because this legislation is on the statute book.

Mr. Ross Hutchinson: There is no doubt about that.

Mr. W. HEGNEY: We now have the wise man from Cottesloe confirming the remarks of the hon. member for Dale. I

suggest that if there is any harm being done, it is being done by the allegedly responsible citizens of this State.

Mr. Ross Hutchinson: Like the members of the Government.

Mr. W. HEGNEY: Also, some of the hon. members of the Opposition do not measure up too well in regard to the attitude they have adopted. This legislation was not placed on the statute book by the Government, but by both Houses of Parliament, and it has been in operation for approximately two years. It ill becomes any citizen of the State, let alone a responsible member of Parliament, continually to hammer, criticise, and castigate the Government. The implication behind this attitude is that this State is being greatly harmed by the application of the Act. In my opinion, there is a great deal of politics being exercised regarding this legislation.

Mr. Ross Hutchinson: You would not like us to say anything in criticism of the Bill?

Mr. W. HEGNEY: No; but I would suggest that the criticism be levelled with a responsible approach. The Act is on the statute book, and it was passed by Parliament. It is filling a great need in the community. Therefore, why is there opposition to it?

Mr. Court: It is holding back industry.

Mr. W. HEGNEY: It is not. In fact, I have said before, and I say again, that this Government has done everything it can—and it will continue to do so—to foster industry in this State. It is trying to ensure the financial stability and steady development of the State.

Mr. Ross Hutchinson: The only thing wrong with it is the policy.

Mr. W. HEGNEY: As a matter of fact, the representatives of the Chamber of Commerce and the Chamber of Manufactures approached the Government and suggested that the Act might be amended to provide for the appointment of a consultative committee. The Government gave consideration to the request, and in due course a proposed clause was submitted to the Chambers of Manufactures and Commerce. At the same time I supplied a copy of the proposed clause to the members of the advisory council.

I am not going to debate the question of whether the clause met the requirements of those two chambers. The Premier can correct me if I am wrong, but I understand that the Chamber of Manufactures advised him that it did not propose to agree to the clause, because it did not go far enough. It considered that if the amendment received its approval it would be thought that it was subscribing to the Bill. We are not quarrelling with that.

Mr. Court: If one analyses that remark, the chamber made a very profound statement.

Mr. W. HEGNEY: I am merely saying that the criticism levelled against the Government to the effect that it is hampering industry in this State, is entirely unfounded. The Government introduced this legislation following representations made to it, and because it was in the interests of the public. Those persons in Western Australia who are trading according to the rules of ordinary business ethics, or competing with others in a proper and decent fashion, will have nothing to fear from this legislation. The Government will not worry them but, on the contrary, be only too willing to help them.

The continual plea by the Opposition is that the Government should not enter into these matters, but that they should be left to private industry so as to ensure free and untrammelled competition. However, where is this free and untrammelled competition, and what protection will the Government have if collusive tendering is allowed to continue? I would say it is an unfair combination. All these amendments seek to do is to strengthen the Act; to remove an anomaly; and to provide for an appeal to be made to the Full Court. In the circumstances, I hope there will be no opposition to the Bill.

Mr. Court: Are you going to give us the details of this consultative committee which you suggested to the chambers?

Mr. W. HEGNEY: There is no secret about that. I posted a copy of the amendment to members of the advisory council and the Premier has been in touch with the Chamber of Manufactures in connection with it. The following is the proposed amendment:—

Section 18A added.

The principal Act is amended by adding after section eighteen the following section:—

Consultative Committee.

18A. (1) The Minister by notice published in the Gazette appoint a Consultative Council comprising

(a) a representative nominated by the President of the Chamber of Commerce;

(b) a representative nominated by the President of the Chamber of Manufactures; and

(c) a representative nominated by the trade organisation or association covering the trade or industry under investigation.

(2) The Director may for the purposes of exercising the powers and functions authorised by this Act seek assistance from the Consultative Committee in all or any of the following, namely—

(a) collecting or preparing information required from any trade or industry;

(b) receiving suggestions on any matters under investigation;

(c) negotiating to reach a settlement satisfactory to the public interest.

A copy of that amendment was forwarded to the chambers.

Mr. Court: From your reading of it, I can see why they knocked it back.

Mr. W. HEGNEY: I am not criticising either of the chambers. But why did the Opposition adopt a negative attitude and do nothing? Why did we not receive a reply suggesting why the amendment was not acceptable?

Mr. Court: Did you ask them for an alternative suggestion?

Mr. W. HEGNEY: The Premier can answer that.

Mr. Court: Well, did the Premier ask for an alternative suggestion?

Mr. W. HEGNEY: I do not want to deal with that question, because the Premier was in communication with the chambers. I merely forwarded a copy of this amendment to the Chamber of Manufactures and to the Chamber of Commerce. I think I have explained the Bill in a reasonable way, and I move—

That the Bill be now read a second time.

On motion by the Hon. D. Brand, debate adjourned.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL (No. 3).

Second Reading.

Order of the Day read for the resumption of the debate from the 11th November.

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

Ayes—21

Mr. Andrew	Mr. Lapham
Mr. Bickerton	Mr. Lawrence
Mr. Brady	Mr. Moir
Mr. Graham	Mr. Norton
Mr. Hall	Mr. Nulsen
Mr. Hawke	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Toms
Mr. Jamieson	Mr. Tonkin
Mr. Johnson	Mr. May
Mr. Kelly	*(Teller.)*

Noes—16

Mr. Bovell	Mr. W. Manning
Mr. Brand	Sir Ross McLarty
Mr. Court	Mr. Nalder
Mr. Crommelin	Mr. Oldfield
Mr. Grayden	Mr. Owen
Mr. Hearman	Mr. Roberts
Mr. Hutchinson	Mr. Watts
Mr. Lewis	Mr. I. Manning
	(Teller.)

Majority for—5.

Question thus passed.

Bill read a second time.

In Committee.

Mr. Norton in the Chair; the Hon. W. Hegney (Minister for Labour) in charge of the Bill.

Clauses 1 to 3—put and passed.

Clause 4—Section 61 amended:

Mr. BRAND: I regret the Minister did not reply to the second reading debate. Irrespective of the pros and cons of this Bill, the fact remains that the taxi industry in this State is in such a condition that a great deal of concern is felt. Since the introduction of the measure a number of approaches and contacts have been made with members of Parliament; this clearly indicated that the people affected are not satisfied that the Bill is a solution to their problems.

It indicates that the Government is making a half-hearted effort to appease a number of taxi-drivers. Generally there is wholesale dissatisfaction. It would appear from the second reading speech of the Minister for Transport that he is aware of only some of the problems. I have not heard him in such poor form as when he delivered his utterances during the second reading.

Mr. Graham: I belted you and your mob.

Mr. BRAND: That is typical of the Minister. His remarks run in line with some of the criticisms made by taxi-drivers against him. This Bill will not solve the basic and fundamental problems of the taxi industry. Western Australia appears to have more taxis per head of population than any other State. There are too many taxis plying for hire in comparison with the number of people requiring this service. Whilst there is no immediate solution, it appears that a thorough inquiry should be made by the Minister for Transport.

Mr. Graham: You have not put forward any worth-while suggestion. You have put the matter off by asking for an inquiry.

Mr. BRAND: As the Bill does not in any way tackle the basic problem we had to oppose it.

Mr. LAPHAM: Whether this Bill deals with the whole problem or part of it, is immaterial. What matters is that there is some difficulty in the taxi industry in this

State. During the second reading debate it was indicated where much of the trouble lies. It lies in the extortion that is taking place by people who are not interested in the industry; not interested in giving employment to the operators; not interested in giving the public a service; but only interested in what they can get out of the business.

The Bill will at least rectify that aspect in one way. It will prohibit the extortionate owners from leasing out taxis at sums ranging from £20 to £25 a week, and it will prohibit the practice of sharing the takings; in other words, it will do away with the commission basis which is operating today. By that means this Bill will ensure over a period that all operators in the taxi industry will be owner-operators.

It was said the other night by the Deputy Leader of the Opposition that the Bill was a dragnet for compulsory unionism. That is far from the truth. It will not be the means of getting one more member into the Transport Workers' Union.

Mr. Court: You amaze me!

Mr. LAPHAM: If I am amazing the hon. member, I am also enlightening him; and he needs some enlightenment.

Mr. Court: Some of the supporters of this Bill said that one of its objects was to get the operators to join the union.

Mr. LAPHAM: They would not have a chance to join the union.

Mr. Court: You should read the Minister's speech.

Mr. LAPHAM: I know this industry, and I have been in it for many years. Over a long period of years I have seen this industry in a parlous condition.

The Premier: Would you know as much as the hon. member for Nedlands about this matter?

Mr. LAPHAM: One would not think so by the interjections the hon. member for Nedlands is making; but then he wants to interject all the time.

The Premier: But then the hon. member for Nedlands knows everything about every subject!

Mr. LAPHAM: He does not appear to know very much about the taxi industry, especially when he said the Bill was a dragnet for compulsory unionism.

Mr. Court: Don't you expect anyone engaged in the taxi industry to be a worker if this Bill is passed?

Mr. LAPHAM: Very few. The custom of employing drivers as workers in this industry was tried years ago and was discarded by the owners of the vehicles. One of the reasons for the difficulty is the trade recession which has been evident for a number of years.

Mr. Roberts: Has it nothing to do with the issue of plates?

Mr. LAPHAM: If conditions were as good as they were a few years ago, the number of taxi plates issued would not affect the position. The only thing that is wrong now is an insufficient number of clients; one of the reasons for the insufficient number of clients is the insufficiency of money. The reason for the insufficiency of money could be given by the hon. member for Bunbury if he were to consult some of his Federal colleagues.

Instead of the Opposition belittling the action taken by the Government in this matter, it should be thankful that at least something is being done for an industry which has been considered as a sweated industry in the last 30 years. It was only during the last war years that taxi-drivers were able to obtain a decent living. In all the other years before and since, they have had to work up to 100 hours a week; and at present, some are working 120 hours a week to earn a living.

Mr. Brand: What will be the actual effect of this legislation on the problem which, as you indicated, was brought about by too many taxis serving too few people?

Mr. LAPHAM: The Bill will do away with the extortion that is being practised. It will do away with about 250 taxis being leased out at extortionate charges of up to £25 a week.

Mr. Court: Are you sure of the figure? The Minister was not.

Mr. LAPHAM: I will not say there are 250 vehicles so owned, but the number could vary between 220 and 250.

Mr. Ross Hutchinson: Is the amount of £25 a week an average figure?

Mr. LAPHAM: It is the average. There is no set charge. The owners charge whatever they can get.

Mr. Ross Hutchinson: I was told the figure was £15.

Mr. LAPHAM: It is never that low. It seems that the worse the position of the hirer, the greater is the charge, because the owners who become aware that their drivers are in difficulty over payment, will arrange with the latter to pay a certain amount of the charge each day; so each day the driver pays £2 or £3 to the owner. The actual amount is assessed in proportion to the average takings. During the week-ends a greater amount has to be paid. The reason for splitting up the payment is that the owners know that they will not be paid if they have to wait for one week to receive the full amount of £25.

Mr. Ross Hutchinson: What will happen to these drivers if this Bill becomes law?

Mr. LAPHAM: They will get the opportunity to purchase the vehicles from the owners. We would then have owner-drivers in the industry, and thus the

extortion would disappear. These drivers would then be able to build up their assets in paying off the vehicles. Under the Bill they will have the opportunity to earn a decent living for themselves and their families.

One of the factors which makes it possible for the extortionate owners to operate is the existence of an unemployment pool in this State. There is no denying the fact that there is plenty of unemployment. In desperation, after months of unemployment, some people approach the extortionate owners for a lease of a vehicle, or to operate it on a commission basis.

Mr. Ross Hutchinson: If the hirers become owner-drivers there will be the same number of taxis.

Mr. LAPHAM: I cannot see any difference. I do not think the number of plates will vary. The Bill is not a cure for the whole problem. It is a start.

Mr. Court: What will the Government do next?

Mr. LAPHAM: Let us deal with these questions one at a time.

Mr. Court: Our complaint is that the Bill is a piecemeal approach to the problem.

Mr. LAPHAM: Does the hon. member admit that under the circumstances the Government is doing the right thing in regard to this Bill?

Mr. Court: No; this Bill is only just tinkering with the problem.

Mr. LAPHAM: What does the hon. member regard as the problem?

Mr. Court: We have been desperately trying to find that out from different Ministers, and have not obtained an answer yet. Could you tell us how much of that £25 is profit and expenses?

The DEPUTY CHAIRMAN: Order! The hon. member will have a chance to ask these questions when he speaks.

Mr. LAPHAM: I have been asked by the Deputy Leader of the Opposition to explain what amount of the £25 per week is profit and expenses. The cost of a vehicle is somewhere around £1,000. Taxi plates are 8s., two-way radio £120, and a meter £80, which makes a total outlay of £1,200 in order to run that vehicle. It would cost an additional set of tyres, say £50; depreciation, £200; rank fees, £230; licence and insurance, £80—which makes a total outlay of £560.

On that contract of lease an amount of £25 per week or £1,300 per year is received. If we take from that the £560 which I have already assessed, there is a balance of £740 for an investment of £1,200. Under those circumstances, I think it is excessive. It represents 61.6 per cent. interest, and that is the reason why there is difficulty in this industry.

I consider this Bill is a step in the right direction, and commend the Government for bringing it down. It may not cure all the problems of the industry, but at least it will do something; and any Government that is prepared to do something should be commended and not derided. The Opposition has endeavoured to criticise the Government because it has not cured all the problems of the industry.

The other evening I thought the Opposition would have asked for an inquiry into this matter, and I feel that there could be some justification for that attitude. However, it did not come to light with the idea of an inquiry. All it wanted to do was make statements on behalf of a few misguided people who have criticised the Minister for Transport.

When speaking the other evening I thought the Minister for Transport very capably set out why he had adopted a certain attitude in regard to this industry. I feel it is absolutely necessary that this amendment to the Act be passed, because it will at least give this industry the same industrial consideration that has existed in other industries for many years.

This House has dealt with industrial legislation in order to lift up the conditions of employment in certain types of industry. But, unfortunately, in the taxi industry this position has not applied to any great extent, due to the method that has been adopted by certain people to overcome industrial legislation. This Bill will plug up the hole or fill the gap; and when it is in operation, conditions should improve in the taxi-car industry.

Mr. OLDFIELD: I do not know whether this Bill will achieve all that it sets out to do. For many years the industry has been regarded as one in which an arrangement is entered into between the owner of the vehicle and the person who seeks to drive it. I think it could be considered as a somewhat similar arrangement to that of share farming, except that in many instances a share farmer does not buy plant and machinery. It is an arrangement made to the satisfaction of both parties.

I am amazed that this debate has proceeded for so many hours and not one proposal has been put forward as to how to remedy the ills of the industry. We are all aware that conditions in this industry are not good. The drivers work long hours—hours far in excess of those which should be permitted within the bounds of safety. When a driver has been at the wheel for a long time, he gets tired; and it is not fair to other people on the road, the passengers in his vehicle, or the driver himself that life and property should be risked on account of the likelihood of a man falling asleep.

These drivers are working very long hours, but are getting very little return at the moment. I feel that with a slight

amendment to the regulations under the Traffic Act there would be room for many more taxis in the metropolitan area. An amendment to the regulations would permit multiple hiring. This is debarred at the moment, although the police do close their eyes to it on Saturday afternoons in respect to those people doing work at the races. In that regard it has been permitted for many years and has worked quite satisfactorily.

If the regulations were amended, the taxi fleet could be used as part of the public transport system during peak hours. Special ranks could be put down within the city and taxis using each rank would operate on a certain route. Multiple hiring would relieve the pressure on public transport. Much of the loss on public transport is caused through buses being idle during the day, as many of them are only brought into operation during the peak hours—probably an hour and a half in the morning and two hours in the evening.

If we could encourage multiple hiring, the transport authorities could lay down special ranks from which it would be mandatory for the taxis to operate during peak hours. I suggest that the fleet could operate, say, from Barrack-st. to the Walcott-st. corner; or from Central Hay-st. to Wandana flats and so on. These are routes where people are continually getting off and on public transport.

Mr. Bickerton: Public transport does shift them.

Mr. OLDFIELD: Yes; but very slowly. Under multiple hiring, passengers could be shifted over short distances, and public transport could proceed well out of the city before commencing to set down its passengers. One could walk from the Town Hall corner quicker than one could travel in public transport to Parliament House, because of passengers boarding and alighting.

Mr. Lapham: Under certain circumstances, would you consider that taxis should be controlled by the Metropolitan Passenger Transport Trust?

Mr. OLDFIELD: The taxi industry has always been undisciplined, excepting where the police impose restrictions in regard to ranks and cruising.

Mr. Lapham: You are advocating that the taxi industry should be an auxiliary of the omnibus industry?

Mr. OLDFIELD: It should become part of the public transport system. In the city of Tel Aviv—a city double the size of Perth—the foundations for multiple hiring were laid down in 1919 or 1920; and there is no such thing as a tram or a rail service. I think the minimum fare for a bus journey from, say, the city to Thomas-st. or Walcott-st. is about 8d. or 9d. Many people would prefer to pay 1s. for a comfortable seat in a cab; and the driver who normally receives 2s. 6d. or 3s. for a single fare, would receive 5s. The taxi-driver would be happy, and so would the transport authorities, because they would not need the same number of buses to cater for the peak periods.

I hope this suggestion will be examined by the transport authorities in order to arrive at a solution which will be to the benefit of public transport and the taxi-drivers.

Clause put and passed.

Title—put and passed.

Bill reported without amendment and the report adopted.

Third Reading.

Read a third time and transmitted to the Council.

CHILD WELFARE ACT AMENDMENT BILL.

Second Reading.

THE HON. A. R. G. HAWKE (Minister for Child Welfare—Northam) [5.31] in moving the second reading said: The Bill contains a number of amendments which will form part of the Act in the event of Parliament agreeing to the Bill. One amendment deals with the use of the remedial or reformative institutions which are available. When the Children's Court adjudicates on a case and finds that a boy should be sent to a reformative institution, authority is already provided in the Act for the court to order or direct to which type of reformative institution the child shall be sent. Under the present law, the Minister has the right to vary the direction, or to alter it as time passes. The clause which deals with this part of the Act proposes to give the Minister authority to delegate his power to the Director of Child Welfare, and also—should he consider it desirable so to do at any time—to revoke the authority as given in the first instance to the director.

The parent Act, generally, gives authority for a member of a Children's Court—an appointed member—to sit with the special magistrate in the hearing of cases which come before the court. However, only the special magistrate is authorised to sit and adjudicate where charges are made against adults for offences alleged to have been committed by them against children. No appointed member of the court is permitted, in the hearing of those cases, to sit with the special magistrate. It is considered desirable that one of the appointed members should, in the hearing of such cases, have the right to sit with the special magistrate.

The Bill aims to make provision in that direction; but it also aims to ensure that the decision of the special magistrate—when the special magistrate and an appointed member of the court sit on the

same case and disagree—shall be the decision of the court. In other words, the authority of the special magistrate to make the decision is safeguarded and continued. I might say that the Special Magistrate, himself, is in favour of this proposal.

Under the existing Act, children who are destitute or neglected can only be placed in the care of the Child Welfare Department, and become wards of the State, after they have been charged before a Children's Court and committed by the court to the care of the department.

Some several weeks ago, a deputation representing all those churches which maintain and operate reformative institutions, waited upon me. The main point they discussed was the great financial burden which is placed upon them as a result of parents, who place their children in these church reformative institutions, subsequently refusing to pay anything by way of maintenance.

The members of the deputation told me that many parents pleaded with the controllers of the institutions to take the children. The parents make all sorts of promises and give all sorts of assurances of their willingness and intention to pay regularly the full amount of the maintenance. In many instances, unfortunately, after the parents have paid for two weeks or four weeks, or whatever the period might be, they cease to pay and in all too many instances they never pay another penny.

Clearly this situation places a great financial burden upon the churches which run these institutions. It might be thought that the managements of the institutions have a right to take action in the courts against the defaulting parents. Legally, they have such a right. However, I think we can easily understand that no church representative would wish to take action in the courts for the recovery of arrears of maintenance; because in many instances, any action so taken would have to be pursued to the extent of having the defaulter put in gaol. Even that—if any of the churches were prepared to take this course—would not necessarily help the institutions to get any maintenance from the defaulting parent.

One reason for this is that there is a serious legal doubt regarding the right of anyone concerned to have a legal claim to arrears of maintenance, after defaulting parents have served a term of imprisonment. In effect it is considered—although not strongly so; but sufficiently strongly so—that once a defaulting parent serves a term of imprisonment for the non-payment of maintenance, all the arrears of maintenance, even if they amount to £400, are wiped out.

So nothing would be gained by a church institution should it take action under the present law, particularly in the direction of imprisonment, because imprisonment would wipe out all the arrears of maintenance, and would achieve no good at all.

Mr. Watts: But you are amending that law by this Bill.

Mr. HAWKE: Yes. We propose, by the Bill, to amend that part of the Act and to lay down that in future, under the law, the serving of a term of imprisonment by a defaulter, in regard to maintenance in connection with his child, shall not have the effect of wiping out any accumulated arrears.

However, even that would not help the institutions, because, as I said, they shy clear, as it were, of any court proceedings at all. They feel it would be embarrassing, and not right for them, to haul people into the courts, even though in point of merit there would be some justification for parents, who deliberately defaulted when they could pay, to be brought before the courts to answer charges brought before them in regard to their default.

Mr. Nalder: It is possible that a percentage of these parents may not have the money.

Mr. HAWKE: Where the parent, because of his circumstances, cannot afford to pay the maintenance, no body—whether it be a church institution or the Child Welfare Department—would take him to court, let alone seek his imprisonment. I would say here, that the boards which control these church institutions, and the officers of the Child Welfare Department, are most reasonable and patient in connection with defaulting parents; even when their default covers large arrears of maintenance.

Mr. Watts: The position is that the law allows them to do it, but they never do it.

Mr. HAWKE: Is the hon. member speaking of the church institutions?

Mr. Watts: I am speaking of the department's activities in regard to parents without funds.

Mr. HAWKE: I could agree that the present law allows the Child Welfare Department, or the church institutions, to take legal action against a parent for arrears of maintenance, even where the parent had no income or only a small income. However, the parents we are concerned about in this Bill are those who can pay but who, for one reason or another, deliberately refrain from paying, and refuse to pay.

After all, these children are the children of the parents with whom we are concerned, and the least obligation which should be upon the parents is that of providing sufficient money to the Child Welfare Department, or to the church institution concerned, to provide food for the children in order that they might be reasonably fed.

No one expects a parent, whose children become wards of the State, or go into church reformative institutions, to pay the full cost of their maintenance and training, because the full cost of their maintenance and training by the Child Welfare Department or the church reformative institutions is very high; and, of course, it has increased considerably over the last eight or ten years.

However, what we are entitled to say, and what Parliament is entitled to lay down, is that where parents financially are in a position to do so, they should be called upon to pay reasonable maintenance in order that the Child Welfare Department, and the church institutions, might receive by way of recoup at least the cost of the food which has to be provided for the children concerned.

This particular part of the Bill will give the Minister for Child Welfare the legal right to declare a child who has been placed voluntarily in a church reformative institution, a ward of the Child Welfare Department. The legal authority for the Minister to do that will at least guarantee to the church reformative institutions concerned that they will not in the future have to shoulder the very great financial worries, and the considerable financial losses, which they have had to shoulder in the past, which they are shouldering at present, and which in addition they will have to shoulder in the future if this part of the Bill does not become law.

The Bill provides that where the Minister intends to declare such a child to be a ward of the department, the parents concerned shall have the right to ask the Minister for a reconsideration of the case; and where the Minister confirms his initial intention, any parent concerned will have the right of appeal to a court against the intention or decision of the Minister to make the child a ward of the department.

I think hon. members will see that the only real practical intention behind this proposed amendment is to give to the church reformative institutions financial strength far greater than they would be able to obtain if this particular amendment were not agreed to. The Minister for Child Welfare, and the officers of the department, will not exercise any authority or power over and above what would normally be exercised if this amendment had not been brought forward.

The essential purpose of the amendment is, as I said a moment ago, to ensure that where parents default in regard to children placed in these church reformative institutions, the institution management will obtain from the Child Welfare Department maintenance payments in respect to the children; and the department will take such action, legal or otherwise, as it considers necessary against the defaulting parents, to try to bring them to a situation where they will face up honestly, fairly, and squarely to the maintenance responsibility for their children, which should undoubtedly be upon their shoulders.

The next amendment has to do with the granting of permits to children to engage in street trading activities. Under the present law a limited number of street trading permits are issued from time to time to children who are 12 years of age or over.

Mr. Bovell: Does this apply to the newsboys?

Mr. HAWKE: Yes; sellers of newspapers are included where they are under 18 years of age and over 12 years of age. Under the present law, before granting a permit, there is a necessity to give close consideration to the moral and material welfare of the child. It is proposed, by an amendment contained in this Bill, to make it obligatory for the educational welfare of the child from whom an application is received, to be closely considered. I do not think there is any need for me to argue the reasons as to why this particular amendment should be included in the Act.

Under the present law, officers of the department are empowered to appear in the courts for the purpose of assisting a child who is under 18 years of age. An officer is not entitled to appear in court to assist the child or the teenager who is over 18 years of age. From time to time the term of wardship is extended beyond 18 years of age; but at present this applies only to females.

There is a provision in the Bill to give discretionary authority to extend the term of males as wards of the department to beyond 18 years of age but not to beyond 21 years of age. The wards of the department who sometimes have their terms of wardship extended beyond 18 years of age are those who are mentally dull, educationally backward, or who, for some reason, are considered to be best protected by remaining under the care and control of the department to perhaps the age of 19, 20 or even to nearly 21.

The Bill proposes to make this system of extending the period of wardship beyond 18 years of age apply to males as well as to females; and it proposes also to give to officers of the department the right to appear in courts when charges are being preferred against wards of the department, when they are over 18 years of age, just as at present when they are under 18 years of age.

Mr. Ross Hutchinson: Would that add materially to expenses incurred by either the department or the institutions concerned?

Mr. HAWKE: No, it would add very little to the expenses of the department, because the number of wards whose terms are

extended beyond 18 years of age is very small—I suppose the number would not be five per cent. of the total. Furthermore, in reply to the hon. member's question, the officers are employed by the department; and, consequently, their salaries are being met all the time, and there would be no need whatever to employ any additional officers to carry out this very small amount of additional court work.

Another provision in the Bill aims to provide exemption from personal liability for the Minister for Child Welfare, the director and the officers of the department. The reason for this is that all of those concerned have from time to time, in accordance with the provisions of the Act, to make decisions to take certain action and to make certain comments, all of which is done in the interests of the wards of the department, and in the interests of promoting the welfare of the children concerned. Naturally, all of these things done by the Minister, the director and the officers, are done in good faith. However, the welfare of a ward of the department is sometimes a matter of opinion.

It could easily happen that the opinion of the Minister, the director, or the officers in connection with the welfare of a particular child, could be different when compared with the opinion of a parent. It is thought that the Minister and his officers should not be vulnerable to legal action which any aggrieved parent might consider he is entitled to take. The protective provision which it is proposed to put into the Act would apply only when the Minister and the officers concerned had done something, or said something in good faith and in accordance with the provisions of the legislation.

Mr. Bovell: Is there any prospect of getting some more suitable premises for the Children's Court?

Mr. HAWKE: Although the Children's Court building is not by any means the best in the world, it is centrally located, and is therefore very convenient to most of the people who have to do business with or in the court from time to time. It could very well be that a new building could be planned and constructed when circumstances were rather more favourable from a financial viewpoint than they are at present. I have often said, in regard to a school building, and even to a dwelling house—and this applies to the Children's Court, too—that it is not altogether, nor even mainly, the type of school building, or the type of dwelling house which matters most; the thing which does matter most is what goes on within the school or dwelling house.

Mr. Bovell: I only thought that it was inadequate from an accommodation point of view. I have seen children and people crowding outside and I think it is a little too public.

Mr. HAWKE: Although we would all favour a more modern building to accommodate the Children's Court, the vital thing really is what goes on within the building, and not so much the building itself.

Mr. Bovell: I agree.

Mr. HAWKE: However, I agree with the point of view expressed by the hon. member for Vasse. Sometimes there is overcrowding, but that would not occur very often. Overcrowding would take place when there was a very special case, and perhaps there were present a lot of friends and relatives concerned with a particular child who was being interrogated by the magistrate.

Mr. Bovell: Personally, I have nothing but praise for the administration of the Children's Court.

Mr. HAWKE: I think I have explained all the main provisions in the Bill. I am sure hon. members will give careful examination and consideration to its contents, particularly to the major points which I explained. I move—

> That the Bill be now read a second time.

On motion by the Hon. A. F. Watts, debated adjourned.

LICENSING (POLICE FORCE CANTEENS) BILL.

Second Reading.

Debate resumed from the 11th November.

MR. ROSS HUTCHINSON (Cottesloe) [6.01]: I desire to make a brief contribution to the debate on this Bill, the purpose of which is to authorise the establishment of a central Police Force canteen. Although I propose to support the measure, I shall endeavour to make several small amendments to it, because I feel they are necessary. These amendments will certainly not be out of keeping with the sentiments expressed by the Minister during the introduction of the Bill.

Reasons that were adequately explained by the Minister indicate that grounds do exist for the establishment of a central Police Force canteen, and with that proposition I agree. I do bog down, however, on the plurality of phrasing in the Bill, and I shall make further comment on that in the Committee stages. Incidentally, it should be borne in mind that, while I concede there is justification for the establishment of a Police Force canteen, this will prove to be just another step—if a small one—among the great number of steps that have been taken, and by which inroads have been made on revenue which, to my way of thinking, rightly belongs to the hotel industry.

I think it is important that we should endeavour to ensure, as far as possible, that few inroads are made into this industry, because of its importance in so far as the great potential offering to this State from a sound tourist industry is concerned. One of the best methods of assisting the tourist industry, apart from the natural advantages we have to offer, is by providing comfort and convenience in our hotels.

Mr. May: Wouldn't this canteen be used mostly when the hotels are closed?

Mr. ROSS HUTCHINSON: I do not think that would necessarily be so.

Mr. May: Not entirely, but to a great extent.

Mr. ROSS HUTCHINSON: I envisage that the rules and regulations laid down would probably cater for shift work, which is an essential part of the Police Force work.

Mr. May: After the hotels have closed.

The SPEAKER: Order!

Mr. ROSS HUTCHINSON: As I said, it is not necessarily so. I made the point earlier that this was only a small step; but I do want to take the opportunity to mention the inroads that are being made into the hotel industry, and to say that each and every one of us should have regard to what is being done, because I feel we would be spiting ourselves if we discouraged the tourist industry by depriving the hotels of revenue which would enable them to build up to the requisite standards.

The principle that is being extended to the union is not one that should be abused, or unwisely extended. As the Bill stands, its provisions seem to be too general. Reference is made throughout the measure in plurality, in that "canteens" are referred to rather than "canteen", in the singular; whilst the tenor of the Minister's speech indicated that it was intended to establish only one canteen.

Mr. Nulsen: At the present juncture. I do not think there would be another one in my time.

Mr. Brand: That is all the more reason for leaving it as "canteen".

Mr. ROSS HUTCHINSON: The Minister also referred to the fact that in Queensland there was a wet canteen, and that steps were being taken in New South Wales to provide for a canteen. If carried, my amendment would ensure that the Bill provided for a single canteen only. If in the future the necessity arises for the establishment of other canteens, then I think it is only fair—in that the canteens are supplied for a certain section of the people—that the matter should be brought before this Chamber for deliberation and decision.

Mr. Lawrence: How will the people in Fremantle get on with canteens established in Perth?

Mr. ROSS HUTCHINSON: I have already indicated that the Police Union at this stage intends to build only a central canteen. If in the future it is desired to establish canteens in other centres, the matter should come before the House for decision.

Mr. Lawrence: What would you consider to be a central canteen?

Mr. ROSS HUTCHINSON: I mentioned the fact that whilst the Bill refers to one thing and speaks in the plural, the Minister in his speech indicated the singular to be the case. I want to ensure that, like the Minister's expression, the phrasing of the Bill is in the singular.

Mr. Norton: There is no restriction on bowling clubs.

Mr. ROSS HUTCHINSON: There is a very distinct and great difference between the two. It should be borne in mind that this is a privilege that is being extended to the Police Union, and there is no doubt that a great number of us would wish that this legislative action, establishing licence facilities to a union, will not prove a precedent for other unions to endeavour to establish a claim for similar treatment.

There is in this a vista of possibilities being opened up which would dismay quite a number of us. On this question of legislative action, I think it should be remembered for the future that the Police Union is being granted licence facilities because of special considerations. The Minister touched on the fact that there would be a degree of control over the canteen. I think it is essential that both the Minister and the Commissioner of Police should ensure that there is adequate and strict control over these canteen facilities, and that this control should be enforced by watertight regulations; although I am not at all sure that the phrase "watertight" is appropriate in the circumstances. I feel that in the first place the regulations should stipulate that no kegs, bottles or containers should be sold for use outside the canteen; and, secondly, that the canteen facilities should be purely for the use of the Western Australian Police Force.

Mr. Nulsen: Surely they can invite a friend some time or other!

Mr. ROSS HUTCHINSON: The amendments I have on the notice paper will provide for the eventualities to which I have referred. I support the second reading of the Bill.

THE HON. J. J. BRADY (Minister for Police—Guildford-Midland) [6.10]: My remarks on this measure will be brief. As Minister for Police I wish to say that the Government agreed to this Bill after representations were made by the social welfare club of the Police Department. For some time the members of the force have been anxious to secure a canteen which

would provide amenities for the Police Force and which, to some extent, would cater for country members who visit the metropolitan area from time to time.

Mr. Brand: Provision for just the one canteen?

Mr. BRADY: I do not think the hon. member for Cottesloe will have any difficulty in securing the striking out of the word "canteens" with a view to inserting in lieu the singular "canteen." The Minister is prepared to accept that amendment; and in any case it is not the intention of the Government to establish a number of canteens.

The purpose of this canteen is to provide facilities for country members, particularly when they visit the metropolitan area on important occasions. As an example, I would mention that during the last Royal visit there were as many as 200 country members of the Police Force in the city. They had no recreational or social centre available to them where they could meet together with metropolitan members of the force. While they were in uniform they were precluded, because of regulations, from entering the hotels.

The question might be posed as to why a club is not being started, instead of a canteen being established. One of the main reasons for this is that a club would not give the Commissioner of Police any control. If the members of the force set up their own club, the Commissioner of Police would have no control at all; whereas, a canteen would have to be conducted under certain regulations, to be drawn up, which would be subject to the Commissioner of Police and the Minister. In this respect there would be adequate control from the point of view of the Police Force generally. To that extent it is desirable that the proposed canteen be controlled by regulation.

The only other matter I have to mention is that there is already a similar type of canteen established in the Eastern States. Indeed, in the early part of this year, I entered one such canteen in Brisbane, Queensland; and on that occasion I found that the canteen was actually conducted on the Police Department's own property. I understand the police social welfare club in this State is desirous of having its canteen established on the union property, which is in James-st. But should it happen that the central activities of the Police Department are transferred to the vicinity of the carbarn, or around that area, it may be necessary for that social club to reconsider the position and establish its social centre there.

So it is quite possible that, although Parliament might accept this Bill, it will be some time before the union actually brings into existence the canteen in question, since it may not be too sure whether it is advisable to set it up in the James-st. premises or elsewhere.

In the meantime, I would point out that the proposed amendments have the blessing of the Government; and that when the measure goes through, Subsection (9) will give the Commissioner of Police ample control over the canteen. As I have said, the measure has the Government's blessing; and it has my blessing as the Minister for Police, and we hope that by its passing the Police Department and the members of the force will have a social centre which they can attend to have a drink without breaking regulations; one in which it will not be necessary for them to hide their caps and their coats while drinking. I support the second reading.

Sitting suspended from 6.15 to 7.30 p.m.

MR. LAWRENCE (South Fremantle) [7.32]: I highly commend this Bill to the House and wish to make a few remarks concerning it. The hon. member for Cottesloe objects to the word "canteens," but I would suggest to him that that is the proper word; because if it were changed to "canteen" this could suggest that the Bill would apply to one specified centre.

What do we mean by a centre? Is it to be the area now occupied—I do not know the actual address in James-st., Perth—by the police social club, or is it to be in an area such as that represented by the hon. member for Cottesloe, which would be practically an equal distance from Fremantle and Perth? We find ourselves assailed with this position: If there is only to be one canteen—something with which I could agree as a first step—then we could find ourselves in the position of having to amend the Act in future—if this Bill becomes an Act, as I am sure it will—to make provision for canteens.

I cannot see any merit in the hon member's suggestion. Seeing that this Bill has the blessing of the Commissioner of Police and the Minister for Police, I feel that the canteens will be conducted in a very advantageous manner to members of the Police Force. Our armed forces have canteens, and I do not see any need to differentiate between those services and the Police Force. I suppose one could say that the Police Force is the most necessary adjunct to our civilised form of living.

At present, when constables, commissioned officers, and non-commissioned officers complete their shifts, they are not able to obtain a drink in a hotel or club of which they might be members, because of the time factor. I think their shift usually finishes about 10.45 p.m.; and if they have to travel one mile to change from the Queen's uniform to civilian clothes, it is not possible for them to get back to a club before it closes. That position is not fair.

If we give this amenity to members of the Police Force surely we should not confine it to one section in the metropolitan

area or one section in the country! I disagree strongly with the deletion of the word "canteens" for the purpose of inserting the word "canteen" in lieu.

I highly commend this Bill, because constables come down from the country on escort duty, to attend State funerals or a function for His Excellency, the Governor; and we should provide amenities for them so that they can obtain a bed for the night, a meal, and also liquid refreshments, whether they be soft drinks or beer.

This Bill is highly commendable as it stands, although it leaves something to be desired. When a policeman ceases duty, he should be able to give his wife a social evening with fellow members of the Police Force, if he so wishes. He should also be entitled to take along his wife or lady friend of approved character. I hear some laughter coming from the other side of the House. Maybe some hon. members there would wish to take their mothers-in-law; and looking at those hon. gentlemen and noting their age, I guess they would not be taking their grandmothers! I feel these factors should be taken into consideration and further provision made in the Bill to allow wives, friends or members of a family to enjoy the amenities that will be afforded under this Bill.

After all, when one considers the duties that a policeman has to undertake, one must agree that they are onerous and very laborious. Policemen have to pad the beat all day. Perhaps that is why they have such big feet! I most strongly recommend this Bill; but cannot agree with the intention of the hon. member for Cottesloe because, as I have already pointed out, to delete the word, "canteens" and insert the word "canteen" in lieu, would be a somewhat retrograde step as, at a later date, if canteens were required to be established in, say the Kalgoorlie district, North-West ports or some other area, the Act would need to be further amended.

Mr. Ross Hutchinson: That is the point.

Mr. LAWRENCE: I do not see why! "Canteens" could remain in the Bill, because, after all, the matter is left in the hands of the Commissioner of Police, and the Minister. It does not go to the Licensing Court. Surely, therefore, having the trust we do in our worthy force and the Minister, it is to be assumed that we would have no fears on that point.

I might remind the hon. member for Cottesloe that, being fellow-members of the Fremantle Club, we have the right to take our wives there, and I think the hon. member will agree with me—if he has inspected the premises—that they have nothing to be desired. I would rather go there than to 99.9 per cent of the hotels in Western Australia.

I can discover no objection to this Bill, but would like to see it amended with a view to at least including friends; and I take it we are all friends with our wives. I do not suggest we are all friends with our mothers-in-law. I think something along those lines would be desirable indeed to help these constables, sergeants, and inspectors, etc., who may have to come from the country areas. They must be accommodated somewhere, and it is highly desirable that they be given the amenities that are enjoyed by members of other clubs, namely, beds, showerrooms, baths, and refreshments.

I commend the Bill to hon. members, and trust that at a later stage it will be further amended to incorporate provisions along the lines I have suggested.

MR. O'BRIEN (Murchison) [7.43]: I support this Bill because I am of the opinion that men of the Police Force work hard. They are on their feet walking the beat in all kinds of weather and are begrudged the privileges of ordinary citizens. From time to time many policemen come from remote areas to visit the metropolitan area, and when they meet their fellow policemen here they cannot participate in what we call "having a drink" with them at their leisure. This measure will afford them the opportunity of meeting fellow workers in, say, their lunch-hour at the official canteen.

THE HON. E. NULSEN (Minister for Justice—Eyre—in reply) [7.44]: I want to thank hon. members for their support of this Bill. In regard to the amendments, I think it was the intention of Cabinet that the word "canteen"—not "canteens" —should be used; and in consequence I am obliged to support that amendment, which I think has already been intimated by my colleague in the Ministry.

I agree with the hon. member for South Fremantle in regard to his general objections, but I think that he has in view the possibility that Fremantle may become a very big centre and would request a canteen. I feel that only a small amendment would be necessary for the establishment of a canteen there, if such was recommended by the Commissioner of Police and Cabinet.

I have one objection, and that is in regard to the inclusion in one amendment of the words "for the exclusive use of members of the W.A. Police Force." These men are held in high esteem, and I think that they should at least be allowed to take their friends to have a drink, especially their wives or relations—even their mothers-in-law, as I do not see any objection to that— and I believe that the hon. member for Cottesloe will agree with me in that regard. I repeat that I do not see why a police officer should not be accompanied by his friends as the premises will be strictly supervised by the Commissioner of Police in accordance with regulations which will be promulgated.

That is the sole objection I have to the amendments because, as I have said, if a canteen were required anywhere else, a small amendment would enable it to be provided. I feel that this Bill is going to be very helpful and hope it will receive the full support of the House.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Heal in the Chair; the Hon. E. Nulsen (Minister for Justice) in charge of the Bill.

Clause 1—Short Title and Citation:

Mr. LAWRENCE: Will the Minister inform me as to whether, if this Bill is extended to cover the whole of Western Australia, it will refer to women police in civilian uniform and members of the plain-clothes staff?

Mr. Nulsen: I think it is applicable to all members of the Police Force, female or otherwise.

Mr. ROSS HUTCHINSON: I move an amendment—

> Page 1, line 9—Delete the word "canteens" and substitute the word "canteen."

I feel that at present we would be unwise to use the plural instead of the singular. The Minister, when introducing the Bill, said it was his intention and that of the Police Union that there should be one central canteen only, and I think that is desirable. The amendments following this one will, with one exception, be consequential on the decision reached in this instance. If, later, some other large centre is found to require a canteen, the matter can be brought to Parliament for decision.

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

Clauses 2 to 5—put and passed.

Clause 6—Section 46 amended:

Mr. ROSS HUTCHINSON: I move an amendment—

> Page 2, line 18—Delete the word "any" and substitute the word "a."

As I stated earlier, this amendment is consequential.

Amendment put and passed.

Mr. ROSS HUTCHINSON: I move an amendment—

> Page 2, line 19—After the word "established" insert the words "in the City of Perth."

Amendment put and passed.

Mr. ROSS HUTCHINSON: I do not intend to proceed with the next amendment. I placed the amendment on the notice paper primarily to emphasise the fact that there could be abuses following the establishment of a Police Force canteen. It was apparent, from the Minister's introductory remarks, that the canteen profits will be used to supply amenities for the police social club and the logical desire of that club to obtain sufficient funds to provide amenities might lead to abuses. However, I will not proceed with the amendment as it might be harsh in application. I hope the Minister's assurance that the canteen will be strictly supervised will be given effect. I want it on record that there is no possibility of abuse, and I would like the assurance of the Minister for Police and the Commissioner of Police that an endeavour will be made to avoid the canteen becoming simply a profit shop.

Mr. Nulsen: I assure the hon. member for Cottesloe that, knowing the Commissioner of Police, I am convinced that the rules and regulations will be strict and that any breach will be quickly checked.

Mr. BRADY: As I recall it, when the members of the police social club appeared before me as a deputation in regard to this canteen, they mentioned that they might wish to take into the canteen a visiting policeman from some other State; but I do not think they asked for permission to entertain their wives or girl friends. I feel that for the time being the canteen should be kept for the sole use of the Police Force.

I realise that there could be a request for permission for members of the Civil Service and others coming in close contact with the Police Force to have access to the canteen. The police social club emphasised that this amenity was desired owing to disabilities suffered by uniformed members of the Police Force. It was for that reason that the Government was prepared to introduce this Bill to make it possible for the Police Force to have a canteen. Until such time as the Act was amended I would insist that only members of the Police Force could have access to the canteen.

Mr. Lawrence: What if they have a ladies' night?

Mr. MAY: I cannot agree with the Minister for Police, and I am glad that the hon. member for Cottesloe does not intend to move his amendment. This canteen will have to be a paying concern; and I think it would be much better if it were run on lines similar to an ordinary club, and visitors could be taken to it as honorary members. If it is reserved exclusively for members of the Police Force it will be difficult to run the canteen on a profitable basis. After all, somebody will have to be there all the time in charge of it.

Mr. ROSS HUTCHINSON: I was happy to hear what the Minister for Police had to say. One of the reasons why I decided not to proceed with the amendment was because on many occasions members of the

Western Australian Police Force wish to provide hospitality for members of the various police forces of the other States. It would be rather ludicrous if those people were debarred from entering the canteen. The Minister for Police said that he does not want to see the canteen used as a profit-making shop; and I was glad to hear him say that it will be used as a canteen primarily for members of the Police Force.

Mr. LAWRENCE: This Bill is to provide amenities for members of the Police Force—amenities which are ordinarily denied them by reason of their uniform. I take the word "amenities" to mean some type of social life; and if only policemen are to be allowed to use the canteen, they will not be given the amenities to which they are entitled. I am afraid I must disagree with the Minister for Police; because if the policemen wished to have a ladies' night they would want to invite their wives or girl friends to their club, the same as is done in all other clubs. I cannot see any objection to allowing that sort of thing.

Mr. BOVELL: On this occasion I agree with the hon. member for South Fremantle.

Mr. Lawrence: Hooray!

Mr. BOVELL: In my opinion members of the Police Force at present are denied a good deal of social activity because of the duties they are called upon to perform. Police officers cannot fraternise in the local hostelries; and if the canteen is established, police officers stationed in the country will be able to get together when they visit the city.

Mr. Nulsen: The canteen will be strictly controlled by the Minister and the Commissioner of Police.

Mr. BOVELL: The Bill provides for that, and I have no doubt the canteen will be run on strict lines. We have an excellent Police Force in Western Australia, and this will give its members an opportunity of being able to enjoy amenities which are at present enjoyed by others in the community.

The DEPUTY CHAIRMAN: I would like to point out that the hon. member for Cottesloe did not move his amendment and at present we are discussing Clause 6 as amended.

Clause, as amended, put and passed.

Clause 7—put and passed.

Clause 8—Section 9 amended:

Mr. ROSS HUTCHINSON: I move an amendment—

Page 2, line 31—After the word "conducting" insert the word "a."

This amendment is consequential.

Amendment put and passed.

Mr. ROSS HUTCHINSON: I move an amendment—

Page 2, line 31—Delete the word "canteens" and insert the word "canteen."

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

Title:

Mr. ROSS HUTCHINSON: I move an amendment—

Page 1, line 4—After the word "of" insert the word "a."

This, too, is a consequential amendment.

Amendment put and passed.

Mr. ROSS HUTCHINSON: I move an amendment—

Page 1, line 5—Delete the word "canteens" and substitute the word "canteen."

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

Bill reported with amendments, and an amendment to the Title, and the report adopted.

LOCAL GOVERNMENT BILL.

Council's Amendments.

Returned from the Council with amendments.

SWAN RIVER CONSERVATION BILL.

Second Reading.

Debate resumed from the 11th November.

MR. CROMMELIN (Claremont) [8.12]: It is approximately a year since a Bill similar to this was introduced into this Chamber. As a matter of fact, if my memory serves me rightly, the previous Bill was introduced about two weeks before the close of the session. On this occasion there are only three weeks to the end of the session. The Minister for Works having been overseas for some considerable time, I can appreciate that he would have found it difficult to bring forward this Bill at an earlier date.

This measure is more urgent now than it was 12 months ago, because in the short intervening period I am sure that further problems must have arisen as a result of the greater density of population and the increased number of manufacturing establishments, together with the erection of a new bridge over the Narrows and another over the Canning River. As yet we have not been able gauge the effect of the silt and other material that has been brought down from the upper reaches of the river by the heavy rains.

For about 13 or 14 years, the Swan River Reference Committee and the Swan River Conservation Committee have been acting in a voluntary capacity, but doing their utmost with the limited funds available to them to keep the river waters in a reasonable state and the foreshores free of algae and weed. This work has been carried out in conjunction with the Government and those local authorities which have river beaches for their boundaries. For this work the Government pays half the cost and the local authorities concerned pay the other half, but they also use their own vehicles and labour for the work.

I think the two bodies in charge of the conservation of the river spend about £1,500 a year on such works. Under the Bill, however, a new scheme is proposed, which is based on the population density within the metropolitan area and concerns all those road boards and municipalities within the area covered by the legislation; that is, from as far as the Fremantle Harbour boundary to the Middle Swan Road Bridge over the Swan River and the Canning River to the junction of that river with the Southern River.

Under the new scheme it is proposed that the Government will pay two-thirds of the cost of the work to be carried out and the local authorities that are affected will pay one-third. Of that one-third, 75 per cent. of the money will be paid by all of them and the remaining 25 per cent. will be paid by those local authorities that have beach frontages as their boundaries. It is evident, after contacting most of the local authorities, that they have no objection to this method of financing the scheme.

In some instances the cost to the local authorities would be less than it is today; but, on the other hand, other local authorities will have to pay more than they have in the past. If, as is visualised in the Bill, the money spent in the first 12 months of the operation of the legislation amounted to approximately £5,000, this would mean that the Government would find £2,400 and the local authorities would contribute £1,600, which is a very fair division of the cost. The City of Perth would contribute the greatest amount, because it has an estimated population of 100,000; and on the population formula it would pay £320, and on the river formula, £30—making a total of £350. The Cottesloe Muncipality would pay £25 on the population formula, and nil on the river frontage formula—making the full total £25. The South Perth Municipality would pay £80 on its population estimate, and £50 on its river frontage—making a total of £130.

So in some cases, where the population estimate is less than that of the river frontage, they will subscribe more through their river frontages. The formula for working out the payment is taken on an estimated population of the total of the areas within the province suggested under the Act, and worked out mathematically.

The intention of the Act is to form two new bodies, one of which is to be known as a board, and the other as an advisory committee. The first essential of the board will be to formulate a policy of improvement with the help of local authorities who, naturally, have a knowledge of their own problems as to river pollution, etc.; and it is assumed that they will co-operate in that respect. Where there is a requirement of discharge into the river, they must then decide whether it should be maintained and if so, at what standard. They must set out to prevent pollution of the river, and do their utmost to keep the beaches clear of algae, and other such things.

I imagine the first essential of the board would be to take a general survey of the entire area, and thus obtain a background as to the total problems of that area. The board will be faced with the task of setting standards and, at the same time, of levying fees for permits. The setting of standards, of course, is a highly technical matter, and naturally they will require the best advice they can obtain.

The standards of discharge into the river must vary according to the quality of the product which is being discharged, and the state of the river at the particular spot at which the discharge is being made.

For example, if one particular institution was discharging something of a poisonous nature into the river, and the depth of water at that particular spot was 3 or 4 ft., and there was no current, the pollution in that spot would be very intense. But if the same discharge was going into the river at another spot where the depth was perhaps 20 or 30 ft. and where there was a 10 or 12 knot current, it will be appreciated that the pollution would not be so great, because it would be spread out over a much larger area of water.

So the setting of the standards is an all-important job so far as the institution which requires to obtain a permit is concerned. To me the basic and important part of the Act is the board. This board will have all the authority it requires to administer the Act. It is to be made up of 14 members, plus a chairman, one of whom is to be a civil engineer employed by the City of Perth and one of whom is to be nominated by the Perth City Council. In this regard it is possible to see that the Minister has taken cognisance of the suggestions made last year, and has agreed to an alteration in the constitution of the board.

Four other members of the board are to be appointed by a body known as the Local Government Association. Seven members are to be nominated—one from the Water Supply, Sewerage and Drainage

Department; one to be a qualified medical practitioner or health inspector; one to be representative of the Public Works Department; one a representative of the Harbour and Light Department; one from the Government Chemical Laboratories; one from the Lands and Surveys Department, and one from the Town Planning Board.

The other member named is a person who is to be nominated by the committee under the National Fitness Act of 1945, and known as the Associated Sporting Committee. In this respect I have an amendment on the notice paper to increase the number on the board by two. If it were necessary it would be possible to pick five men in the metropolitan area who could carry out the work if they were given the power and advice of a committee.

In some respects I agree with the Minister that the board could be too unwieldly. On the other hand there is such a tremendous interest being taken in the river today that surely it is worth while to endeavour to secure a slightly larger board which would be completely representative.

One of my suggested nominations is a member of the Aquatic Council. The Aquatic Council is formed of four bodies; namely, the W.A. Amateur Swimming Association (Inc.), the W.A. Rowing Association, the W.A. Speed Boat Club (Inc.), and the Yachting Association of W.A. At the next meeting of the council it is hoped to enrol the members of the Water Ski-ing Club of Western Australia. The council has a secretary and one representative from each of the bodies I have named.

I am given to understand that the nomination from the associated sporting committee of the National Fitness Council is a representative of the Yachting Association; and I take this opportunity of saying, very definitely, that the Yachting Association has not a representative on the National Fitness Council. I understand the National Fitness Council is interested in the river on account of the part it plays in instructing children to swim. I am informed that the major interest of this council leans more towards sports, and the provision of fields for athletics, cricket and other types of sport.

The Aquatic Council is not being represented to any great degree by the National Fitness Council. Surely the Minister will agree that the interests of the sporting bodies which I have enumerated are confined to the river. During the last two or three week-ends anyone who visited Freshwater Bay or Perth Water to watch the opening of the yachting season would have had the opportunity of seeing hundreds of sailing craft on the river.

I would point out to the Minister that the yacht clubs have members as young as nine or ten years of age. These young members are taught not only to sail a boat and to swim, but also to take an interest in the cleanliness of the river. If the Aquatic Council is given a seat on the proposed board it will instruct its youthful members —who spend every week-end in the summer on the river, and even after school hours during week days—to look out for algae, and to ensure that the remains left by crabbing parties and lunch parties are not left on the waterfront. That is the sort of pollution which the board should seek to prevent. It is as a result of lectures on these matters that the young boys and girls will begin to co-operate to a large extent in an effort to keep the river clean.

The Minister could well afford to agree to my suggestion by giving representation to the Aquatic Council, which, without exaggeration, represents 3,000 or 4,000 people who use the river week-end after week-end, and who possess, at a conservative estimate, £1,000,000-worth of sailing craft. Surely this Council should be given some consideration. It is anxious to serve on the proposed board.

My other suggestion is the appointment of a representative of the Chamber of Manufactures on the proposed board. It must be admitted that manufacturing interests play a very big part in the affairs of this State. If the hopes of the Minister for Works are realised, in the next few months manufacturing interests in this State will be greatly multiplied.

A large number of manufacturers make use of the river, because their factories discharge effluent therein. The Bill contains an important provision to fix the standard of discharge at a reasonable level. Some manufacturers take from the river bed shell grit for the manufacture of cement and plasterboard sheets.

Mr. May: The poultry farmers also use the shell grit.

Mr. CROMMELIN: There was a dredge operating in Claremont waters last summer for a considerable time. I do not know where it came from, but it was operating night and day for a few weeks dredging shell grit from the river bed. I understand that was to be used for the trotting track.

Mr. Brady: Some manufacturers take coarse sand from the river bed for use in manufacturing.

Mr. CROMMELIN: The proposed conservation board does not include any representative of industry or commerce. When the Minister introduced the Bill he made the point that the representative of industry or commerce could be a butcher or baker, and on the other hand he could be a representative of the manufacturers. I doubt whether one of the manufacturing interests will be chosen to serve on this board. As it is proposed to appoint 15 members to the board, an extra two will not make any difference.

After all is said and done, the manufacturers are vital to the economy of this State. They provide employment for thousands of workers. They operate many industries, including sugar refining, tanning, manufacture of footwear, brewing, etc. Many of these industries are dependent on the waters of the river for their processes.

Mr. Potter: Do you think they would be more than interested; that some of them may have an axe to grind?

Mr. CROMMELIN: That is the sort of comment I would expect from the hon. member. I do not think the manufacturers would bring politics into this matter. The hon. member has suggested that they may have an axe to grind. How childish can he get!

Mr. Potter: You are the one who is being childish. The manufacturers are doing just that in other types of boards, including local authorities.

The Premier: Fancy these two peaceful members having harsh words with each other!

Mr. CROMMELIN: I am not going to do what I did on a previous occasion, and throw Standing Orders around the place. I shall wait very peacefully until the noise abates. The manufacturing interests in this State employ a large number of people, and they will form the vast majority of those who will contribute to the funds of the proposed board, because they will have to apply for permits and pay a fee for them. Realising fully how very important are the manufacturing industries in this State, the Minister could very well agree to give them the opportunity to serve on the board.

Members of the board are to be paid a small fee for their labours. However, knowing what I do about the people who have worked on this board for a considerable number of years in a voluntary capacity, I am sure they would continue to do the same thing, because of their genuine interest in the river and its preservation. But the small amount of £3 3s., or whatever they are to receive for each meeting, will be some little compensation and should not do any harm.

Mr. Potter: They will not meet only once a year.

Mr. CROMMELIN: No; these men will be more enthusiastic than the hon. member for Subiaco.

Mr. Mann: Thank heavens for that!

Mr. CROMMELIN: I attach very much importance to this board. Therefore I have placed some amendments on the notice paper to which the Minister should agree; because when he was giving his second reading speech, he said that the reference committee was subservient to the board. He did not mean that in a derogatory manner. He was trying to point out that the board was the more important of the two organisations. Therefore, the appointment of inspectors should be made by the board. I do not think for one minute that the advisory committee to be constituted should not be able to use inspectors. Of course it should; and it should be able to instruct the inspectors who are appointed by the board.

As the Minister is the overriding member of the board he has every opportunity to call for a file on any matter relating to the carrying out of the Act, and I feel certain he has all the power he will need to make sure that the board carries out its functions correctly. The membership of the advisory committee is very well composed, and it will have all the technical advice that is necessary. The only disagreement I have with regard to the advisory committee is that its chairman will be appointed by the Minister.

As the chairman of the board is automatically a member of the advisory committee, surely he should automatically be the chairman of that committee; and if he is unable to be present at a meeting, let the advisory committee appoint its own chairman! In some respects it is not right that the man chosen to be the chairman of the board should not have the opportunity of chairing the advisory committee.

In regard to the setting of standards by the board and the advisory committee, I feel that this is a duplication. The board will set the standards. If a certain manufacturing company is not satisfied with the standard, it will appeal to the Minister and the Minister will very smartly tell the board that he does not agree with its standard and request it to get a new one. He would go to no other body but the board to get a further suggested standard. I do not think there is any need for the advisory committee to appoint its own inspectors and set its own standards.

I do not intend to speak at length, but I have done my best to impress upon the Minister how important I feel this Bill is. I know how keen the W.A. Aquatic Council is to serve on the board; and I know that its representative would give all the help he could. This organisation has every justification in asking for representation. The same applies to the Chamber of Manufactures, as it is an important organisation within the economy of our State.

I hope that during the Committee stage the Minister will accept my amendments. I support the second reading.

THE HON. D. BRAND (Greenough) [8.46]: I do not want to delay the passage of this Bill, and I think the hon. member for Claremont has set out clearly the attitude of my party to the measure. In

general, we accept it as we accepted the principle contained in the Bill introduced last year.

I do not imagine that we will see immediate results from the setting up of this board and the advisory committee; but because of the authority which this Bill, if it becomes an Act, will vest in the board and the committee, no doubt we will be able to deal with some of the fundamental difficulties in connection with the river and the preservation of its natural beauty and beaches.

One of the great difficulties for many years, has been the general problem of keeping the river clean. Whilst I—when Minister for Works—and the present Minister for Works, have been accused by various people of polluting the river through Fremantle Harbour development, and allowing certain effluents to go into it, the real contributions to its filth and its unsightly condition at times when algae appears, stem from the result of agricultural development in the upper reaches of the river, soil fertlisers and the like.

These things, in my opinion, have polluted the river: this, combined with the fact that we have built huge dams on the upper reaches of the river, and it is no longer a swift-flowing stream. For a large part of the year it is almost still water. Therefore, it has not the natural advantage of keeping itself clean.

I recall that during the time when I was at the Public Works Department and the Swan River Reference Committee was under my control, every effort was made by the representatives on that committee—local government representatives and experts from each of the departments—to control the river and gradually improve its condition in order to keep the water as pure as possible. I do not see that we can expect a marked improvement. I feel it is going to be physically impossible to improve the cleanliness of the river. The most this board will be able to achieve will be to maintain the beaches, and straighten up the banks and make them more attractive, and prevent as much as possible filth and damaging effluent flowing into the river.

It has been said in this House—I think indeed by the Minister himself—that the water is, in fact, very pure. I think on one occasion he claimed it was almost as pure as that of Mundaring Weir and that we could drink it without any great danger. While I was Minister for Works I was never able to convince the hon. members in this House, particularly the hon. member for Fremantle, that that was so, even though I did in the latter part of my Ministry receive the same advice that the purity of the water was such that it was the most we could expect.

Mr. May: Ever tried it out?

Mr. BRAND: No. I was unconvinced myself that what the experts had said was true. I am not sure that the present Minister has gone so far as to prove it for himself, either. I should imagine that the Minister would have the advantage of having seen for himself overseas the results of the setting up of similar bodies of control in the closely populated countries such as the United Kingdom and the United States—or parts of it. They must face the problem of keeping their rivers clean, not overlooking the fact that from the River Thames which flows through densely populatd area, many hundreds of thousands of people draw their water for domestic use.

I do not know, as the Minister did not say, whether he has, as a result of knowledge gained overseas, included in this Bill any of the ideas—or made any amendments—in regard to the Bill he has brought down this year as against the one introduced last year. I would hope that he has and that he has available here a Bill that will incorporate the latest in river conservation control. I would hope, on the other hand, that in so doing, he has not put into the hands of the civil servant too great an authority. I know that in Western Australia, local government authorities—road boards and councils—are most anxious to combine to improve the condition of the river; to preserve it as the great national heritage in the city of Perth.

I should say the majority of visitors to Perth from any part of the world admire the river and would urge us to leave no stone unturned in order to improve it and maintain its natural beauty. The hon. member for Claremont has made the suggestion that two members should be added to the board. I consider that the board is the important body; although it would appear, from a cursory glance at the Bill, that the advisory committee has great power. As a matter of fact it seems to me that it has almost more authority and greater power than the board itself. It appears to me that the Minister, by including the provision that he should be advised by the advisory committee suspects that from time to time his views may conflict with those of the board and that he may—bearing in mind that the board would be composed of laymen—from time to time find it necessary to call upon the advisory committee for expert advice.

I can understand that point of view, but I hope that a situation will not develop where the advisory committee tends to feel it is the more important body, and that it owes allegiance to the Minister rather than the board; because I think that is the situation the Minister would like to be in existence. I can see

that perhaps the board might make a decision, upon advice from the advisory committee, which was not satisfactory to certain local government authorities; and they would appeal to the Minister. He would then call upon the advisory committee for some advice.

There must be a united stand. The feeling should not be allowed to be developed of owing an allegiance to the Minister. I think that the board's authority should be paramount and we should look upon it as the one authority. I notice that the advisory committee has power to appoint inspectors. I think that that power should be vested in the board, and that it should appoint its own inspectors, and that those inspectors should be responsible to the board.

The Aquatic Council, which I understand is composed of representatives of yachting, rowing, and no doubt other important sporting bodies uses the river; and as there already are to be 15 members on the committee, I believe it is quite feasible that a member of this council should be on the committee. I know that the Minister could challenge me and say, "Why not a few more?" But I think this body, and the Chamber of Manufacturers are very important organisations and should both have a representative on the committee if they desire it, as I understand they do. Therefore let us accept the amendment and provide for a council of 17 and commence with the wholesale cooperation of all sections of the community who are anxious to make this Bill workable.

The Chamber of Manufactures is interested, no doubt, because certain effluents are discharged into the river from manufacturing establishments. No doubt, from time to time, they use water from the river for their processing works; and because of that, I think it is better that they should have a representative on the board. In this way decisions made by the board would be well known to the Chamber of Manufactures, thereby avoiding a state of affairs where appeals to the Minister would be necessary, and avoiding the creation of an atmosphere which might not contribute to the general progress and stability of the board.

As regards the advisory committee, it is comprised of senior civil service representatives from a wide field of interests and departments; and I should think that if this committee came to a unanimous decision, we would certainly be making available to the board the very best expert advice available; not forgetting that the majority of these men have for a long time served, or been represented by their officers, on the Swan River Reference Committee which for so long did a very important job.

I pay tribute to the Swan River Conservation Committee, a voluntary organisation which for many years did a worth-while job, very often to the embarrassment of the Public Works Department, by bringing the problem of keeping the river clean before the public. I think that publicity contributed greatly to the awareness of many people of the importance of the river to the City of Perth and the deterioration which was gradually taking place and which called for some immediate major action on the part of the Government, as the only authority—apart from the local authorities concerned—which could do anything about it.

I hope the Bill will be passed through this House as quickly as possible, in order that another place may have time to consider fully all its aspects. This legislation seeks to create an entirely new committee and, provided that it does not unduly interfere with the rights of people or of local government, I am convinced that it will, in the long run, contribute in a real way to the maintenance of that great asset which we have in the Swan River, with its beaches and the beauty which it provides when viewed from many points of vantage surrounding this city.

THE HON. J. T. TONKIN (Minister for Works—Melville—in reply) [9.2]: I am greatly encouraged by the response which the Bill has received, particularly from the hon. member for Claremont and the Leader of the Opposition. It was clear that the hon. member for Claremont, who spoke for the Opposition, had given the Bill considerable thought and his criticism of it was, without exception, of a constructive nature. I thank him for his approach to the question, because it is indicative of the attitude of the Opposition, which is unanimous in its support of the Bill and anxious to see it become law.

I hope the same enthusiasm will be found in another place, and that there will be no excuse given for again shelving the legislation. I hope we will succeed in having it passed this session. I feel disposed to accept some of the suggestions for amendments which have been made, but I will deal with them when the Bill reaches the Committee stage. I am not convinced on some of the points that have been submitted, but am still open to conviction on them if sufficient argument can be adduced in support of those contentions.

For example, I feel it is essential that the Minister should have the right to be advised by the advisory committee. It does not necessarily follow that the board will act only after having advice from the advisory committee. There may be some questions which the board would not refer to that body at all, but in regard to which the board may act on the report of one of its inspectors. In such a case the Minister ought to be in the position to refer the matter—if there is an appeal, or even if there is not but the Minister is doubtful of the proposed action—to the advisory committee for its advice.

Mr. Crommelin: He has that power under the Bill.

Mr. TONKIN: Yes; it is in the Bill. But the proposed amendments would alter that. While, in principle, I agree that we do not want a lot of inspectors and that the board should have power to appoint inspectors, there may be cases where it is desirable that the advisory committee should appoint an inspector for a special purpose. Such an instance could be where the opinion of the advisory committee is in conflict with that of the board. If the opinion of the board is formed as the result of a report put by its own inspector, the advisory committee will not get very far if it has to use the same inspector in order to get the information upon which it is going to advise the Minister.

In such a case, I feel that the advisory committee should have power to appoint an inspector, although that power might never be used. If it is considered necessary for the advisory committee to appoint an inspector, it would be a different inspector from the one who advised the board—

Mr. Crommelin: Would that not still be possible? Surely there would be more than one inspector employed!

Mr. TONKIN: It would not be possible if the amendment were agreed to, because it proposes to take from the advisory committee the right to appoint an inspector. I am considering, as an example, the interest of some manufacturing concern which might be the subject of an order to carry out some work involving considerable expenditure. The order having been made by the board, consequent upon a report issued by the board's inspector, the manufacturing concern would lodge an appeal to the Minister, who would then seek the advice of the advisory committee. If that committee were obliged, in all cases, to use the same inspector as the board used, it could fall into error.

We must not overlook the fact that inspectors have a difficult job to do and that all men are not of even temperament. I have known inspectors, because of difficulties with people, to harbour a grudge against certain individuals and then be incapable of unbiased judgment so far as those persons were concerned. That does not happen often, but I have known it to occur. When an inspector has been crossed rather badly he may become upset and unable to see anything right in relation to a particular establishment or person.

He might think he is acting fairly and correctly, although he has an unconscious bias because he has been upset about something that has been done. Should such an instance arise, and the circumstances be brought to the Minister's notice, I think there should be power for the advisory committee to appoint another inspector to go into the question as a check on the first one. That is the only reason why I seek the inclusion of this power; and, if hon. members desire to take it away, I will agree, although I think it would be against the interests of the person who might suffer some injustice if that were done.

Mr. Crommelin: Would not the Minister have power to seek advice from another inspector?

Mr. TONKIN: No. He would not want to be appointing a lot of inspectors himself, because he would refer any particular matter to the advisory committee and suggest to it that this was a case in which the committee might feel it desirable to appoint its own inspector. I consider that this power should be there in the interests of common fairness and justice. It may never be used; but I can conceive of circumstances which would justify such a procedure. I repeat—if the House is desirous of deleting this provision, I will not resist it.

Mr. Crommelin: Would you look at the other point of view—

Mr. TONKIN: Let the hon. member think about it; and, when we get into Committee I will hear his argument in support of his proposition. But I have yet to be convinced that what he proposes is the right thing to do; I think he would regret it subsequently. However, we will pass that for the time being.

As there has been general acceptance of the legislation, there is no need for me to speak at great length in closing the debate on the second reading. I shall hear arguments in connection with the amendments that have been submitted. I feel that I can agree to a number of them; I could quite easily agree to the lot if the arguments were sufficiently strong to convince me that they were advantageous. But at the moment the hon. member for Claremont and the Leader of the Opposition have not convinced me on certain points with which we will deal later.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Norton in the Chair; the Hon. J. T. Tonkin (Minister for Works) in charge of the Bill.

Clause 1—Short title and citation:

Mr. WILD: I should like to ask the Minister why, if this is to be known as the Swan River Conservation Act, it is intended to bring under the powers of the authority, the river right up to the junction of the Southern and Canning Rivers. The settlers in that area are fearful about this legislation. The other day I was asked whether it was intended that it should cover those rivers. I said that I

did not think it would because I thought it covered only as far as the Kent-st. weir. These men are in an irrigated area; and three or four years ago, when there was a dry year, they had to ask the Minister's department to release anything up to 2,000,000 gallons of water a day to keep them going. Why is it intended to cover this area in view of the title of the Bill?

Mr. TONKIN: I think the hon. member for Dale is really more concerned about the scope of the legislation than about the actual naming of it. It should be recognised that during a previous discussion on this measure, suggestions were put forward that in this initial attempt to take control of the Swan River, sufficient territory was not being embraced. There have also been some suggestions that we should not restrict the activities to the Swan River only, but that we should include other rivers in country districts. The area suggested for control initially is not too large by any means.

The matter has been carefully looked at in order to determine whether anything more or anything less is required to meet the position. We feel that, for the control to be effective it should be exercised over the area which is delineated in the Bill. As these rivers flow into the Swan, and really contribute either to its cleanliness or its pollution, we believe they should be included in the control. The purpose of the legislation is to see that the Swan River—this wonderful heritage of ours—is not allowed to deteriorate, but that its condition should be improved.

Clause put and passed.

Clauses 2 and 3—put and passed.

Clause 4—Interpretation:

Mr. CROMMELIN: Will the Minister give us an exact definition of the word, "foreshores"? I have always understood that a foreshore was that line between the high water mark and the low water mark. But that is not the position according to the Bill; and I would like the Minister to tell us what it really means.

Mr. TONKIN: This point was raised in debate previously and somebody suggested that the word, "adjacent" might be used. We had a look at the dictionary definition and it does not help us. The word, "adjacent" is too loose to be relied upon where any action might have to be taken. The advice tendered to me was that the word, "foreshores" was the best word to include in the Bill.

Mr. COURT: Can the Minister qualify further the intention of the word, "foreshores" and just what it means? How far back will the foreshores extend? I refer the Minister to the definition of "waters." Last year the hon. member for Claremont gave a definition which meant that the foreshores would be that area between high and low water mark. In practice, however, we have come to learn that the term "foreshore" is something different from that. In general terms I would say it is the dry land immediately to landward of the high-water mark. The reason why I raised the query is that in my electorate there is an area of foreshore under the control of the local authority as distinct from that under the control of the National Parks Board. The area which is under the control of the local authority will later be the site for a major development scheme.

Mr. Tonkin: You are in no doubt yourself what is meant by the term "foreshore," are you?

Mr. COURT: No, but I do not think the foreshore should be as unlimited an area as I think it is myself.

Mr. Tonkin: It is not unlimited. For example, the foreshore is not up in St. George's Terrace.

Mr. COURT: The Minister is just making a farce of it.

Mr. Tonkin: No, I am not. You know what the foreshore means, without any doubt.

Mr. COURT: I want the Minister to tell us what he thinks is meant by the term "foreshore."

Mr. Tonkin: All of the foreshore.

Mr. COURT: The Minister knows the area I am referring to. Part is in the Nedlands district under the control of the National Parks Board, and part is under the Nedlands Municipality. I take it that the Minister would declare the foreshore to be that area at the foot of Waratah Avenue up to but excluding the high land at Birdwood Parade. Does the Minister mean that the foreshore will include the whole of that area or a limited portion of it?

Mr. Tonkin: I mean the whole of the area from which pollution could go into the river and which is contiguous to the river.

Mr. COURT: In other words, it could mean all the ground that rises steeply to Birdwood Parade, but not past Birdwood Parade. The whole of that area would come under the local authority and, I take it, it would have power, for example, to allocate a site for the erection of a clubhouse.

Mr. Tonkin: If a yacht club wanted to erect a building on the foreshore, it would have to seek the approval of the local authority.

Mr. COURT: I thought I knew what was meant by the term "foreshore," but I certainly have a doubt now after the Minister has told us what he thinks it is.

Mr. WILD: The Minister did not answer the point I raised. I am rather fearful that, according to Clause 4, the area to be under the control of the conservation board will go as high as the junction of

the Southern River. However, further on in the Bill one realises what the board can do and, virtually, it can do nothing up as far as that point. What I am fearful of is the power that will be conferred upon it by the provision contained in Clause 20.

I am fearful that the board may do something lower down the river which will cause the river waters to flow away quicker than they have done in the past. The problem actually arises in the summer. If this area were bounded by the Kent-st. weir, the water that is being used by the citrus orchards and the large market gardens round Maddington would still be maintained at the present flow, even though that is not desirable in dry seasons.

If the board orders that the waters be cleaned lower down the river, these people will be denied the water that they are getting as best they can during the hot months of the summer.

Mr. TONKIN: The aim of this legislation is to take sufficient action to prevent pollution of the river. We will fail completely in our object if we start limiting the power of the board to take action which is necessary to attain the objective it is seeking. If there are persons in the area mentioned by the hon. member for Dale who are committing acts which are against the good condition of the river, we want to stop them, but if we exempt their actions from the control of the board we cannot stop them, and we may as well not have any board in existence.

Although it may be irksome to them, if they are letting a great deal of water go, which, some distance down the river, erodes the foreshore, they have to be stopped in the interests of the preservation of the river; but if there is no power to stop them, the appointment of the board is sheer waste of time.

After some consideration, we have come to the conclusion that it is necessary to give the board power over the area delineated, and I am not prepared to reduce it by even 50 yards. We consider it is essential that the board should have control over that area if we are to be certain of attaining the objective we seek. The hon. member for Dale will have to explain to these people who are worried that they will have to take a wider view, because what is being done is in the interests of all the citizens of Western Australia. If it means some personal inconvenience and expenditure, it will have to be borne cheerfully.

Mr. WILD: The people to whom I am referring are not doing anything that will be detrimental to the river.

Mr. Tonkin: What are they worried about, then?

Mr. WILD: They are not putting anything into the river, but they are taking out some water in order that they may continue to earn their livelihood. For instance, we have a man named Gaze who has spent many thousands of pounds installing electricity in order that he can pump water from the river. He has, possibly, one of the largest horticultural gardens in Western Australia.

Mr. Tonkin: What do you want to do?

Mr. WILD: If the river is to be cleaned out lower down, why cannot the power of the board be extended to include the river further north, to the Kent-st. weir? We must look at this from the broad point of view. This water is the livelihood of these people, and if the river is going to be cleaned out lower down they must be denied the water they are receiving now. There is a very large garden belonging to the Harrisons which would be affected, and this undertaking provides a great export trade in cauliflowers. They are very fearful about being denied the small amount of water they have, particularly during the dry times of the year, by having the river cleaned out lower down.

Mr. Tonkin: So you don't want us to clean out the river?

Mr. WILD: I am all for it, but I do not think these people should be denied the water they are getting today. One has only to cast one's mind back 25 years, before the wall was put on the Canning to recall the water that flowed down. But this has gradually been denied to the people in that area. Only two or three years ago I had to make representation for 2,000,000 gallons of water to be released from the Canning Dam to keep these people going. If the river is going to be cleaned out lower down, their entire livelihood will be affected. The Minister should have another look at this.

Mr. Tonkin: I have had all the looks I intend to.

Mr. ROSS HUTCHINSON: When replying to a remark made by an hon. member the Minister said that firms would be penalised if they polluted the river by their actions, and they would have to bear the expense of fixing it up. Does the same apply to the Government?

Mr. Tonkin: Yes.

Mr. ROSS HUTCHINSON: There are certain sections in the Mosman Park area in the region of Mon Repose—

Mr. Tonkin: That has nothing to do with this discussion; perhaps the hon. member could bring it up later on the relevant clause.

Mr. JAMIESON: I cannot follow the argument of the hon. member for Dale in regard to the cleaning of the river causing a lowering of the water in the area about which he is concerned. As he knows, once the weir is in place and the wooden structure is erected the water is fairly static, and it would depend on the level

rather than on the snags in the river, because there would be no flow at all once the back water dried out. I think that would have more bearing on whether the people were receiving a supply or not. What they might get is deeper water if the river is cleaned out.

There is another point on which I would like to touch. I am sorry the Minister did not extend the scope and the coverage further than the Middle Swan-rd. bridge. Surely we should go as far as the tidal section of the river extends. There are industries at the top extremes of the tidal section of the river which may not be receiving the consideration they should. For instance, beyond the section covered initially there is at least one large winery, and one small winery, which have a certain amount of effluent and residue to get rid of in the form of liquid waste. Apart from this there are other vineyards and industries which could cause pollution within the tidal section of the river. It would be desirable if, initially, the Bill were to cover the lot. If it is necessary to extend the coverage as far as the junction of the southern Canning River, then surely it is necessary to extend it as far as the tidal section of the Swan River.

Mr. CROMMELIN: I move an amendment—

Page 3, line 6—Delete the words "or by the Advisory Committee."

This refers to inspections. I think the Minister said that if an inspector were only appointed by the board, on odd occasions trouble could be caused by the inspector developing a dislike for a particular institution he was endeavouring to inspect with a view to making a report to the board. In that respect I could quote another case. Let us imagine that the committee, as well as the board, had the power to appoint inspectors. We could find that the board employed an inspector for some time, found that he was not satisfactory—that he was a man of the type quoted by the Minister—and discharged him. That inspector could then immediately go to the advisory committee and say, "I have been discharged by the board; could you give me a job?" There is nothing to say that the committee could not give the same inspector a job.

Mr. Tonkin: Fall over themselves to do it.

Mr. CROMMELIN: I doubt that very much.

Mr. Tonkin: So do I; I do not think it is a possibility.

Mr. CROMMELIN: That is a possibility. In suggesting this amendment, I looked at the Act very closely, particularly the functions of the board, with a view to giving the board power to employ inspectors. I am of the opinion that it will not be long before the appointment of more than one inspector is required. When a big survey is undertaken, one inspector will not be able to carry out all the work. In those circumstances the board could appoint another, at the same time instructing him to take instructions from the advisory committee. If the board found that it needed advice from another inspector, to check on the work of the first inspector, there would be nothing to stop it from appointing an extra one.

Mr. TONKIN: The hon. member has not been able to advance any argument against this clause. He did not submit one single argument against allowing the advisory committee to appoint an inspector. If the hon. member disagrees with the provision in the Bill he should show that it is undesirable, but he has not done that. All he did was to show that it was all right for the board to appoint more than one inspector, and for the advisory committee to use the services of the inspectors appointed by the board. In some cases it is better for the advisory committee to have the power to appoint its own inspector. Unless some sound reason can be given as to why the advisory committee should not be permitted to appoint an inspector, then the provision in the clause should not be altered.

I can conceive of a situation arising when it would be desirable for the advisory committee, when giving advice to the Minister on the lodging of appeals, to have power to appoint its own inspector. In most cases that committee will utilise the services of the inspectors appointed by the board. Naturally the committee will avoid duplication and will seek to save expenses, but if it feels it should appoint an inspector of its own choosing, it should not be prevented from so doing.

Mr. BOVELL: The functions and problems of all these inspectors will be the same. The principal authority, the board, has power to make such appointments. It must be realised that the advisory committee is appointed only in an advisory capacity. There would be conflict if the authority to appoint inspectors were given to both bodies.

The Minister has said that the advisory committee might be called on to give him advice, and without its own inspector the committee might not have anyone available to undertake the necessary work. The board is entitled to the confidence of the Minister, and it should be given the sole power to appoint inspectors. Conflict will arise if two bodies are given the authority to appoint inspectors to carry out substantially the same work.

Mr. TONKIN: The point raised by the hon. member in regard to conflict is amusing. When resumptions are taking place, there is often disagreement in the Public Works Department on the valuations placed on the land by the departmental valuer. In most cases we suggest to the owner

who disputes the departmental valuation that he obtain an independent valuation. Very often there is conflict between the two valuations. I could well imagine the reaction of hon. members opposite if I were to tell a landowner who is disputing the departmental valuation, to make use of the departmental valuer for the purpose of checking the valuation.

Mr. Watts: The circumstances are not parallel.

Mr. TONKIN: They are. A valuer makes a valuation of a property having regard to the attendant circumstances; and very often differences occur between the valuations made of one property. It is conceivable there could be these differences of opinion between the inspectors under this legislation. Frequently I have heard of cases concerning health inspectors of local authorities, who strictly apply the health regulations in respect of some particular properties, but who leave other properties, under far worse conditions, unmolested. That has often mystified me. The explanation is that the regulations should be observed; but, at the same time, generally such property owners have had disagreements with the health inspectors, and the latter have made up their minds to become difficult. So they push matters to the absolute limit of the regulations.

It is in order to guard against a situation like that that I consider it is necessary for the advisory committee to have the power to appoint its own inspector if it feels that the board's inspector is biassed. It could happen and has happened. I do not regard this matter as of such importance that I want to spend all night on it; but it is my point of view that it is an improvement to the Bill for the advisory committee to have this power. If the Committee feels otherwise I will not be at all upset about it.

Mr. BRAND: The Minister started off in a very co-operative frame of mind, but he deteriorated rapidly, and is now back to the point where he feels he can co-operate.

I am going to suggest that it would be better, in the interests of co-operation, to let the board have this authority; and if it is found, as the Minister has stated, necessary for the advisory committee to have the authority to appoint separate adjudicators, then come back to the House with an amendment in 12 months. I think the right thing to do in the first place is to vest all power and authority in the board and leave the advisory committee in that capacity.

Mr. Tonkin: We have not yet heard one argument against the committee having the power to appoint an inspector.

Mr. BOVELL: I tried to convey to the Committee that it would be conflicting to have inspectors appointed by the advisory committee and the board.

Mr. Tonkin: Just like two valuers?

Mr. BOVELL: There should be some system whereby the Minister has power to appoint somebody to adjudicate whether there is a difference of opinion.

Mr. Tonkin: The Minister does not want power to appoint an inspector.

Mr. BOVELL: I do not necessarily mean an inspector. In 12 months' time the advisory committee could, in the light of experience, recommend to the Minister, that an authority be appointed as an appeal board against the inspector's opinion or ruling. I think the present position is conflicting, and I hope the Minister will give the amendment a trial for 12 months, as has been suggested by the hon. member for Claremont.

Amendment put and a division called for.

Remarks During Division.

Mr. Tonkin: There must be some reason up your sleeve which I do not know about. I would not have pushed this to a division.

Mr. Court: It will be funny when an inspector turns up and says, "I am the board's man," and another fellow turns up the next day and says, "I am the inspector from the advisory committee."

Mr. Tonkin: What is funny about that? It is no funnier than two valuers turning up and one saying he is from the department and the other saying he is from the man concerned.

Division Resumed.

Division taken with the following results:—

Ayes—14	
Mr. Bovell	Mr. Lewis
Mr. Brand	Mr. Mann
Mr. Court	Sir Ross McLarty
Mr. Crommelin	Mr. Roberts
Mr. Grayden	Mr. Watts
Mr. Hearman	Mr. Wild
Mr. Hutchinson	Mr. I. Manning
	(Teller.)

Noes—20	
Mr. Andrew	Mr. Lawrence
Mr. Bickerton	Mr. Moir
Mr. Brady	Mr. Nulsen
Mr. Evans	Mr. O'Brien
Mr. Heal	Mr. Potter
Mr. W. Hegney	Mr. Rhatigan
Mr. Jamieson	Mr. Rowberry
Mr. Johnson	Mr. Toms
Mr. Kelly	Mr. Tonkin
Mr. Lapham	Mr. May
	(Teller.)

Pairs.	
Ayes.	Noes.
Mr. Thorn	Mr. Sewell
Mr. Mann	Mr. Sleeman
Mr. Cornell	Mr. Marshall
Mr. Nalder	Mr. Hall
Mr. Oldfield	Mr. Graham
Mr. W. Manning	Mr. Hawke

Majority against—6.

Amendment thus negatived.

Clause put and passed.

Clauses 5 and 6—put and passed.

Clause 7—Offices on the board:

Mr. CROMMELIN: I move an amendment—

> Page 6, line 14—Delete the word "fourteen" and substitute the word "sixteen."

This amendment is necessary to increase the membership of the board by two. The two extra members would be made up of a representative of the W.A. Aquatic Council and a representative of the Chamber of Manufactures, W.A. Inc.

Mr. TONKIN: On further consideration of this proposal to include a representative of the Chamber of Manufactures, I am, on the principle that there should not be any taxation without representation, disposed to agree. The people most likely to be affected will be manufacturers and I am therefore, prepared to grant the right of direct representation to them. They would not be in the position of controlling the board, because they would have only one representative out of 15 or 16, but they would have the satisfaction of being able to present their case to the board and of knowing what took place.

I do not think there is the same argument for the Aquatic Council, but in order to have sufficient numbers on the board to obtain a majority—because the chairman has only one vote—if I agree to one additional member, I must agree to two. I would like to point out that the various sporting bodies are already well represented because on the board there will be a representative of the National Fitness Council, and among the organisations affiliated with or attached to the National Fitness Council, are the Yachting Association of Western Australia, the W.A. Rowing Association, the W.A. Skin Divers and Spear Fishermen's Association and the W.A. Amateur Swimming Association. These bodies, therefore, would have a say in the selection of the representative of the National Fitness Council; and recognition was given to this council because it is a statutory body established by this Parliament.

Therefore, although I replied to repeated requests from the Aquatic Council that I would not concede to its having direct representation, in view of the fact that I propose to agree to there being a member of the Chamber of Manufactures on the board, I am now, in order to allow sufficient members on the board to obtain a majority, prepared to agree to the inclusion of a member of the Aquatic Council on the board. Under those circumstances, I am not opposing the amendment.

Mr. CROMMELIN: I thank the Minister for his co-operation in agreeing to the amendment and take this opportunity of pointing out to him that although the Yachting Association has the right to be represented on the National Fitness Council, at the present time it has no representative, and that is why I was particularly keen to have a representative of that association included. I am sure the Minister will get a good representative from this association.

Mr. GRAYDEN: Notwithstanding the fact that everyone appears to be going to support this amendment, I intend to oppose it; mainly because I believe it is a most cumbersome board already and here we are proposing to increase the size to 16 members and one chairman. It is already going to cost the taxpayers £42 every time a meeting is held, in addition to the £100 paid to the chairman. If these additional members are included, the cost to the taxpayers will be £48 per meeting. If there are 12 meetings a year, a considerable amount of money will be involved.

As one of the first members of the Swan River Conservation Committee, I can recall the difficulties we experienced. I believe the main reason we did not achieve very much was that every time we submitted a proposal, it was rejected by members of the Public Works Department. On this particular committee, we are going to have at least seven Government members; and we are going to make membership very attractive thereby inducing them to be co-operative.

They will all agree with what the Minister or the Government of the day desires because we are going to pay them £3 every time they come along. I can imagine that some member is going to submit propositions and find that time after time they are rejected, possibly without any good reason. Naturally he will become completely disheartened and will then not raise his voice very much because he knows that if he does he will be removed from the board; there is ample provision for that to occur. Therefore he is simply going to sit there and draw his £3 per meeting and do nothing in return. For that reason I am going to oppose any increase in the number of members on the board.

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

Clause 8—put and passed.

Clause 9—Interests represented on the board:

Mr. CROMMELIN: I move an amendment—

> Page 7, line 3—Delete the word "fourteen" and insert in lieu the word "sixteen."

Amendment put and passed.

Mr. CROMMELIN: I move an amendment—

Page 7—Insert new paragraphs (d) and (e) as follows—

(d) a member of the W.A. Aquatic Council;

(e) a nominee of the Chamber of Manufactures, W.A., Inc.

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

Clauses 10 to 21—agreed to.

Clause 22—Authority and duty included in the functions of the board:

Mr. CROMMELIN: I move an amendment—

Page 16—Delete paragraph (e).

Under Clause 10, the board has authority to obtain the advice of the committee on any matter relating to the purposes of the Act. In that case there is no need for the clause specifying that it shall, on one particular aspect, refer to the advisory committee. Surely the board, as constituted, would not go to anyone but the advisory committee for advice on the fixing of standards!

Mr. TONKIN: The hon. member said the board would, in all probability, refer the question of standards to the advisory committee. But it might not. It might think it knew sufficient to fix the standards itself. This provision imposes a duty on the board, because this is a complex matter and I am not prepared to leave it to the discretion of the board, which should be directed, in the fixation of standards, to refer to the advisory committee. Paragraph (d) gives it authority to obtain the advice of the advisory committee on any matter relating to the purposes of the Act, but it might not exercise that authority on a number of occasions. Instead of being superfluous, paragraph (e) is most necessary.

Mr. BOVELL: The Minister is putting the cart before the horse.

Mr. Tonkin: Do you think so?

Mr. BOVELL: I am sure of it. The advisory committee is there to advise, but this gives it power to direct the board.

Mr. Tonkin: Don't be silly!

Mr. BOVELL: That is the position, and the Minister knows it. He is giving the advisory committee power and authority over the board, and that is why he will not accept the amendment.

Mr. TONKIN: Heaven save us from these bush lawyers!

Mr. Brand: That is right.

Mr. TONKIN: Nothing in the legislation obliges the board to act on advice of the advisory committee. All it has to do is to use its authority, when it so wishes, to obtain advice from the advisory committee. Having got that advice, there is nothing to say the board shall act in accordance with it. The hon. member for Vasse thinks that allows the committee to direct the board, but I cannot follow his reasoning.

Mr. May: It is only an advisory committee.

Mr. TONKIN: These two provisions provide, firstly, that the board shall have authority, when it thinks it desirable, to refer matters to the advisory committee; but in all matters except one it is under no obligation to do so. With regard to the fixation of standards, however, I believe it should not be left to the board's discretion, and that Parliament should insist that, before standards are fixed, the question should be referred to the advisory committee so as to have its advice on those matters. It should be obligatory on the board, in this complex matter, to refer such questions to the expert committee, in which case the board would find it difficult to act contrary to that advice, even if it felt disposed to do so. That is a necessary safeguard.

Mr. BOVELL: If a board has an advisory committee, it calls for advice. If I have a legal adviser, a medical adviser, or a political adviser—

Mr. Tonkin: You ring them up every day?

Mr. BOVELL: No, I do not. When I seek their advice they advise me. The same principle should apply here.

Mr. Tonkin: That is just the point. When you do not seek their advice they do not advise you. Now you are waking up.

Mr. BOVELL: In this case the Minister will make the advisory committee advise the board even if the board does not want that advice.

Mr. Tonkin: On that point, yes.

Mr. BOVELL: Now we have come to the crux of the argument. Let the Minister call it what he likes; it is not an advisory committee.

Mr. Tonkin: I don't mind what you call it.

Mr. BOVELL: I know how pedantic the Minister can be, and how he dislikes using wrong phrases. Consequently it surprises me that in this case he should call it an advisory committee.

Amendment put and negatived.

Mr. CROMMELIN: I move an amendment—

Page 17, line 11—Add after the word "appoint" the words "and instruct."

I believe this board should have the right to instruct inspectors as well as appoint them.

Mr. TONKIN: This is a funny one. According to the hon. member for Claremont, unless the board has power to instruct an inspector he just sits down and does nothing! Apparently, if the board gives an inspector a list of his duties he can turn round and say, "You have no power to tell me to do anything."

Mr Bovell: He could say that.

Mr. TONKIN: But just imagine him saying it! It is ridiculous. If he was given certain instructions and he did not carry them out he would not be in the board's employ for very long.

Mr. Bovell: The board has the power to hire and fire.

Mr. TONKIN: It is just too silly.

Amendment put and negatived.

Clause put and passed.

Clause 23—Constitution:

Mr. BRAND: I think the Minister should have a little more to say about the point raised by the hon. member for Dale. Some of the orchardists and agriculturists are relying on water from the river.

Mr. Tonkin: There will still be water in the river if the board is appointed.

Mr. BRAND: The hon. member for Dale raised a point which has not been answered by the Minister. The question of compensation might be involved and these people might face some hardship and inconvenience as a result of the activities of the board or the committee. Can the Minister give the people who have raised this query an assurance that they will not be affected?

Mr. TONKIN: If all that the Leader of the Opposition and the hon. member for Dale want is an assurance that the Act will be administered fairly and justly I readily give that assurance. I do not imagine that the board will act unreasonably, unfairly or unjustly. It is subject to the Minister who in turn is answerable to Parliament, and he could be expected to curb the board if it attempted to do something that was unfair or unreasonable. But I am not prepared to restrict the area of the operations of the board, because it would nullify the purpose of the legislation. I am certain that we can rely on the good sense of the men who will comprise the board.

As the hon. member for Dale knows, when requests have been made to the Minister to make more water available from the reservoir, because the damming of the water has restricted the flow, the Minister has agreed to it. The same view would be taken by any Minister with regard to the operations of this Act. There would be nothing to fear in that direction, but we cannot stultify the board by restricting its operations to an area which is not sufficiently large for its work to be effective.

Mr. WILD: The Minister raised a point just now which I consider should be recorded in Hansard. I am fearful, on behalf of these people, that this may go wrong. The Minister has said that there is always the right of appeal to the Minister, but I do not know of any occasion, over the years, when those people who have wanted water have had it granted to them. In the 12 years that I have been a member of this Chamber, I have not been successful in obtaining one new licence to draw water from the Canning. The water is so restricted that if a man who owns 10 acres of land divides it into two, he who has the pumping rights is the one who had the original block.

Successive Ministers have never been able to grant one pint of water to the man who has bought the other half of the land that had been divided. I am not cavilling against that, because I realise there is such a shortage of water in that area that it is wise to conserve it for those who do possess water rights. If this conservation body commences to clean the lower reaches of the river, and the flow of water is quickened higher up, will these people be denied the water that they have been in the habit of getting for the past 12 years?

Mr. CROMMELIN: I move an amendment—

> Page 18, line 5—After the word "Board" add the words "representing the Local Government Association."

When making his second reading speech, the Minister suggested that one of the members of the advisory committee could be a local government representative, but as the Bill is printed he could not be. So, I am, by moving this amendment, seeking to ensure that the intention of the Minister will be realised.

Amendment put and passed.

Mr. CROMMELIN: I move an amendment—

> Page 18—Delete Subclause (2) and insert a new Subclause (2) as follows:—
>
> (2) The office of the Chairman of the Advisory Committee shall be occupied by the Chairman of the Board or in his absence such member of the Committee constituted aforesaid, as such Committee may appoint.

The intention of the amendment is that, as the chairman of the board is to be a member of the advisory committee, it is felt he would be the logical choice, instead of a person nominated by the Minister who could change from meeting to meeting.

Mr. TONKIN: I thank the hon. member for Claremont for moving this amendment. I wanted to do it myself, but I thought I might strike some opposition. The Bill is so drafted that the Minister appoints the chairman of the board, and if he is automatically to be the chairman of the committee, the Minister is appointing the chairman of the committee as well. I readily agree to the amendment.

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

Clause 24—Conduct of Advisory Committee's Proceedings:

Mr. BRAND: It seems strange that we should have a special clause to authorise the advisory committee to conduct its own meetings from time to time and in the way it pleases. What is the reason for clothing the committee with statutory authority to hold its own meetings in such a manner as the committee from time to time determines?

Mr. Ross Hutchinson: It is one of the silly ones!

Mr. BRAND: It seems to me that this is an indication that behind the drafting of the Bill was the determination to give the advisory committee a certain authority outside and apart from the board, otherwise it would be accepted that the advisory committee could hold its own meetings and conduct them as it so desired. Earlier in the Committee, I think the Minister argued that if an inspector were appointed it would be assumed that he would act as instructed.

As we intend to appoint an advisory committee—particularly as it will be made up of top civil servants—surely it will hold its meetings when it wishes and conduct them as it so desires. I would like to hear the Minister on this clause.

Mr. TONKIN: It is axiomatic that to describe is to limit. The purpose of this description of the duties of the advisory committee is to indicate the limits of the work which it will be called upon to do and, furthermore, that what it will do will be subject to the Minister. If its scope were not set out in the Bill, there would be no power to say what is to be subject to the Minister. I want all that is set out in the Bill to be subject to the Minister, and I want the advisory committee to have the express power to advise the Minister. The hon. member for Claremont has an amendment on the notice paper aimed at preventing the committee from advising the Minister.

Mr. Brand: Are you talking about Clause 24?

Mr. TONKIN: It does not matter. He is providing that the advisory committee shall not advise the Minister.

Mr. Ross Hutchinson: It does not limit them in any way.

Mr. TONKIN: It is axiomatic that if you describe you limit.

Mr. Ross Hutchinson: How is it limiting them in Clause 24?

Mr. TONKIN: The particular functions it will carry out which will be subject to the Minister will be limited to those described here.

Mr. Ross Hutchinson: Have a look at Clause 24.

Mr. TONKIN: I do not need to.

Clause put and passed.

Clause 25—Functions of the Advisory Committee:

Mr. CROMMELIN: I move an amendment—

> Page 18, line 18—Delete the words "the Minister and".

The intention is to limit the advisory committee to tendering its advice to the board. This is not done with any ulterior motive, because the Minister has access to anything that is sent to the board. By giving him the overriding authority he has information of any kind available to him from the files and correspondence of the board. It is felt that the advice offered to the board should come from the advisory committee only, and that it is not necessary to duplicate this to the Minister, because he would be getting it automatically from the board.

Mr. TONKIN: The hon. member for Claremont mistakenly believes that all the advice the Minister would desire from the advisory committee must come to him through the board. That is not necessarily so, because the board may not ask for the advice the Minister wants.

Mr. Bovell: The Minister could ask the board to get it.

Mr. TONKIN: So he has to do that has he?

Mr. Bovell: He could instruct the board to get it.

Mr. TONKIN: Why should he not have power to get the advice direct from the advisory committee?

Mr. Bovell: He would have to request that advice from the advisory committee.

Mr. TONKIN: Why go through the advisory committee?

Mr. Bovell: Because the advisory committee is there to advise the board.

Mr. TONKIN: The Minister should get it direct from the advisory committee.

Mr. Bovell: That confirms my former statement that it is not an advisory committee.

Mr. TONKIN: The hon. member can have it his own way.

Mr. Bovell: Why not call it what it is?

Mr. TONKIN: The hon. member can call it what he pleases. It is necessary that the advisory committee be authorised expressly to advise the Minister, otherwise it might feel diffident if requested for advice on an appeal against the decision of the board.

Mr. Brand: You mean the departmental heads would be reluctant to give the Minister advice when he asked for it?

Mr. TONKIN: The Minister has no power to ask for it; and they are not all departmental officers.

Mr. Brand: You should ask their advice.

Mr. TONKIN: How? Is the hon. member suggesting that in order to get the opinion of the advisory committee the Minister should ask each individual member for his opinion and make up his mind on the weight of opinion?

Mr. Brand: No.

Mr. TONKIN: The advisory committee comprise other than departmental officers; so, unless the Minister has express power to request information from the advisory committee, from whom would he get it? It is idle to say he could refer to the Chief Engineer of the Metropolitan Water Supply Department, because that would be only his opinion. The advisory committee could say, "Under statute, we are only obliged to tender advice to the board as a committee," and the Minister would be limited to the advice of the departmental officers whom he can approach. It would be an unfair and unsatisfactory situation. No reason has been adduced against the advisory committee being empowered to advise the Minister. Why should it not do so? What is wrong with the advisory committee being expressly empowered to advise the Minister, as well as its own board? I think the provision is very necessary.

Amendment put and negatived.

Clause put and passed.

Clauses 26 to 43—put and passed.

Clause 44—Prohibition of granting of rights in respect of waters or foreshores without consent of the Board:

Mr. WILD: If a person is denied a right under Clauses 44 or 45 and he appeals to the Minister, and the appeal is dismissed, will he receive compensation for having been deprived of his livelihood? I cannot see any provision for the payment of compensation.

Mr. TONKIN: The hon. member presupposes a number of things which will not occur. No action will be taken to deprive a person of his livelihood. If no such action is taken the question of compensation will not arise.

Mr. Wild: It could deprive him of a part of his livelihood.

Mr. TONKIN: We should agree to this provision and allow the Bill to go through. If through experience something is found to be wrong, the Act can be amended at a later stage.

Mr. BRAND: In that case we should leave out the appointment of an inspector by the advisory committee, until such time as it is found necessary, through experience, to appoint one. When the board gets under way, and it becomes necessary to take action which causes inconvenience or hardship to a settler or a householder living on the banks of the river, we can anticipate a claim for compensation.

Mr. Tonkin: You should read the Bill.

Mr. BRAND: If the Minister has made arrangements for the payment of compensation in the ordinary way he should tell us.

Mr. Tonkin: It is not necessary to compensate a man if he is denied something to which he has not a right.

Mr. Court: If you remove a boat building establishment from the side of the river, you will be denying the owner his livelihood.

Mr. BRAND: In the process of carrying out work for the preservation of the upper reaches of the river, it may be necessary to undertake major works and so upset settlers or residents along the banks. I realise that works such as dredging, draining, etc., have been removed from the responsibility of the board, and if such works are carried out and they affect the residents on the banks, then compensation would be paid in the ordinary way.

Mr. Tonkin: Compensation for what?

Mr. BRAND: For upsetting the settlers on the banks as a result of the activities by the board.

Mr. Tonkin: We are discussing Clause 44, and the subject matter of the discourse by the Leader of the Opposition has no relevance to that clause.

Mr. BRAND: As you, Mr. Chairman, permitted the hon. member for Dale to discuss this very matter, and the Minister has replied to the point raised, I felt I had the right to follow up the subject. However, I shall wait until the next clause is being considered before submitting my argument.

Mr. TONKIN: The Leader of the Opposition will have no right to discuss the matter of compensation in this or in the following clause. I would refer to the wording of Clause 44. It has nothing to do with the payment of compensation.

Mr. Wild: The following clause provides for the right of appeal.

Mr. TONKIN: In regard to riparian rights, the hon. member has been unsuccessful in all the claims he has submitted for new licences. I venture to say he will be unsuccessful in this respect for the next 50 years. The water supply is such

that, if more licences are issued, it is recognised that people already possessing rights will not get the water to which they are entitled. In order to preserve the existing rights, no further permits will be issued.

This clause is not intended to take away the rights already held by people, without the payment of compensation. The clause seeks to prevent any new tenure or occupancy or renewal without the approval of the board. So the matter must be referred to the board which will impose such conditions as it considers necessary with regard to renewal. It might absolutely deny the granting of any new licences.

Mr. Watts: You might have the board refuse to renew.

Mr. TONKIN: No; it would not refuse to renew, because licences to take water are granted in such a way that once granted it is not a question of putting them up for renewal; they are retained. When people who also possess these rights, subdivide to sell land, we do not issue rights to the purchasers of the land. That is the procedure which is followed, and there is no question of refusal to renew rights already held by people who use water. I cannot see what could be put into the Bill to achieve the desires of the Leader of the Opposition and the hon. member for Dale. If the hon. member has some proposal that would improve the Bill and safeguard the interests of these people, I am prepared to give it consideration, although I cannot see the necessity for it.

Mr. WILD: I must confess that I am a layman, but it seems to me that this new authority, which will take over from the existing authority, may override rights which are already existing. It is my intention to have a legal person look at the matter; and if the Minister feels there is justification in the argument that I have submitted, perhaps an amendment could be moved in another place.

Mr. Tonkin: I will not oppose a reasonable proposition.

Clause put and passed.

Clause 45—put and passed.

Clause 46—Power to make regulations:

Mr. CROMMELIN: As, owing to the result of an earlier amendment, I know that my amendment is not acceptable, it is not my intention to proceed with it.

Clause put and passed.

Title—put and passed.

Bill reported with amendments and the report adopted.

ADJOURNMENT—SPECIAL.

THE HON. J. T. TONKIN (Minister for Works—Melville): I move—

That the House at its rising adjourn till Tuesday, the 25th November.

House adjourned at 11.5 p.m.

Legislative Council

Tuesday, the 25th November, 1958.

CONTENTS

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

BILLS (2)—ASSENT.

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

1, Legal Practitioners Act Amendment (No. 2).

2, Totalisator Duty Act Amendment.