

BILLS (3): RECEIPT AND FIRST READING

1. Local Government Act Amendment Bill (No. 3).
2. Statute Law Revision Bill.
3. Statute Law Revision Bill (No. 2).
Bills received from the Council; and, on motions by Mr. Nalder (Minister for Agriculture), read a first time.

BILLS (6): RETURNED

1. Taxi-cars (Co-ordination and Control) Act Amendment Bill.
2. Government Railways Act Amendment Bill.
3. Jennacubbine Sports Council (Incorporated) Bill.
4. Electoral Districts Act Amendment Bill.
5. Constitution Acts Amendment Bill (No. 2).
6. State Housing Death Benefit Scheme Bill.

Bills returned from the Council without amendment.

House adjourned at 10.59 p.m.

Legislative Council

Thursday, the 28th October, 1965

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QUESTION WITHOUT NOTICE—

Crayfish Processors and Plants—Licensing :	
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The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS (9): ON NOTICE

INSTITUTE OF TECHNOLOGY

Facilities for Students

1. The Hon. J. DOLAN asked the Minister For Mines:

As adequate student facilities, including canteen services, will be an urgent need in the 1966 school year, when can it be expected that these will be provided at the Western Australian Institute of Technology?

The Hon. A. F. GRIFFITH replied:

Depending upon the Commonwealth's agreement to the plans for the next stage it is hoped that a students' amenities block will be provided towards the end of 1966 or early in 1967.

2. *This question was postponed.*

ROAD FUNDS

Commonwealth Grants to Western Australia

3. The Hon. H. C. STRICKLAND asked the Minister for Mines:
 - (1) Through the provisions of the Commonwealth Aid Roads Act (No. 39 of 1959), what moneys has Western Australia received each financial year from the 1st July, 1959, until the 30th June, 1964?
 - (2) For each of these years, what were the amounts apportioned to Western Australia by the distributing formula of—
 - (a) one third to population;
 - (b) one third to area;
 - (c) one third to motor vehicle registrations?

The Hon. A. F. GRIFFITH replied:

	£
(1) 1959-60	7,637,126
1960-61	8,090,631
1961-62	8,763,723
1962-63	9,487,266
1963-64	10,263,042
	<u>44,241,788</u>

(2)

Year	(a) Popula- tion £	(b) Area £	(c) Motor Vehicle Registra- tion £	Total £
1959-60	1,018,290	5,548,613	1,070,223	7,637,126
1960-61	1,079,748	5,873,000	1,137,283	8,090,631
1961-62	1,157,934	6,384,342	1,221,397	8,763,723
1962-63	1,250,648	6,895,088	1,341,532	9,487,266
1963-64	1,343,290	7,405,836	1,513,916	10,263,042
	<u>5,849,080</u>	<u>32,107,477</u>	<u>6,284,351</u>	<u>44,241,788</u>

4. This question was postponed.

CRAYFISH PROCESSING PLANTS

Ownership and Control

5. The Hon. R. THOMPSON asked the Minister for Fisheries and Fauna:

(1) Who are the owners of crayfish processing establishments, and to whom are they leased, let, or controlled, at—

- (a) Cervantes; and
(b) Jurien Bay?

Tropical Traders Ltd.: Agents

(2) Who are the agents for Tropical Traders Ltd. at—

- (a) Cervantes;
(b) Lancelin; and
(c) Jurien Bay?

Ross International Fisheries Pty. Ltd.: Agents

(3) Who are the agents for Ross International Fisheries Pty. Ltd. at—

- (a) Cervantes; and
(b) Jurien Bay?

The Hon. G. C. MacKINNON replied:

(1) Crayfish processing establishments are not licensed by the Department of Fisheries and Fauna, hence the department has no definite knowledge of ownership, leasing, letting, or other aspects of control, nor is it empowered to ascertain those details. However, it is common knowledge that the firms connected with crayfish processing works concerned are—

- (a) At Cervantes—
(i) Tropical Traders Ltd.
(ii) Cervantes Export Processing Co.

(b) At Jurien Bay—

- (i) Fremantle Fisherman's Co-operative Society Ltd.
(ii) Ross International Fisheries Pty. Ltd.

(2) and (3) The department has no precise knowledge in relation to these questions. When contacted, the firms concerned declined to give the information sought.

6. to 8. These questions were postponed.

CRAYFISH PROCESSORS AND PLANTS

Licensing: Tabling of Correspondence

9. The Hon. R. THOMPSON asked the Minister for Fisheries and Fauna:

Would the Minister table all correspondence regarding the requests by the Department of Fisheries and Fauna to processors and their organisation, known as the Rock Lobster-Crayfish Industry Association, and their replies, for the licensing of processors of crayfish and their establishments, referred to by the Minister in his speech on the Supply Bill on the 19th October, 1965?

The Hon. G. C. MacKINNON replied:

My approach to the processors was made verbally at a meeting held in Perth on the 2nd September. All land-based processors and representatives of the W.A. Fleet Masters' Association had been invited to attend and did, in fact, do so. I addressed the gathering and received unanimous support for my proposals.

Four days later I visited Geraldton and addressed a meeting at which upwards of 200 fishermen were present. There was no expression of dissent from my proposals.

There has been no correspondence on the subject.

QUESTION WITHOUT NOTICE

CRAYFISH PROCESSORS AND PLANTS

Licensing: Tabling of Correspondence

The Hon. R. THOMPSON: In view of the last answer, have I permission to ask a question without notice, Mr. President?

The PRESIDENT (The Hon. L. C. Diver): Is it dealing with the reply given by the Minister? The honourable member cannot debate the question.

The Hon. R. THOMPSON: No.

The PRESIDENT: You intend to ask a further question?

The Hon. R. THOMPSON: Yes.

The PRESIDENT: You may.

The Hon. R. THOMPSON: I ask the Minister for Fisheries and Fauna—

Is it not a fact that, during August, 1963, a letter requiring the licensing of crayfish processors was sent by the Rock Lobster-Crayfish Industry Association to the Minister and that he subsequently sent two replies to that organisation?

The Hon. G. C. MacKINNON replied:

No doubt a reply was sent. I have not checked the file and I am now relying on my memory. I know an approach was made at that time and it is quite likely that there was some correspondence.

The Hon. R. Thompson: That is what I wanted to see.

The Hon. G. C. MacKINNON: During the debate on the Supply Bill I understood Mr. Thompson to be referring to the comments I made on the licensing of processors on this date mentioned. He has not specifically referred to correspondence in 1963. If that is what he requires I will make a note of it and answer his question on Tuesday next. Perhaps the better approach would be for the honourable member to ask another question and I will answer it, but he should specify the year.

The Hon. R. THOMPSON: The question I asked was that all correspondence be tabled.

Point of Order

The Hon. A. F. GRIFFITH: On a point of order, Mr. President, I think you will agree that this procedure sounds highly irregular. The honourable member can ask another question on the matter.

The PRESIDENT (The Hon. L. C. Diver): I have already drawn the honourable member's attention to the fact that he cannot debate the question.

ADMINISTRATION ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced; and, on motion by The Hon. A. F. Griffith (Minister for Justice), read a first time.

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [2.45 p.m.]: I move—

That the Bill be now read a second time.

This Bill amends three sections of the Administration Act—sections 14, 15A, and 139. Section 14, as its marginal note indicates, deals with the interests of

husbands and wives in estates of either of them. Where either spouse dies, the surviving spouse is at present entitled to—

- (a) where there is surviving issue—£2,500 plus one-third of residue. The issue is entitled to the remaining two-thirds of residue;
- (b) where there is no issue but there is one or more of a parent, a brother, a sister or issue of a brother or sister—£5,000 and one-half of residue;
- (c) where there is no issue and no parent, brother, sister, etc.—the whole of the property.

In regard to (a) the amounts specified from time to time have been—

Prior to 1949, £500.

1949 to 1953, £1,000.

Subsequent to 1953, £2,500.

The 1953 Bill sought to increase the amount to £10,000, but this figure was reduced to £5,000, it being thought, at that point of time, that it would be "rather drastic" to increase the amount from the existing figure of £1,000 to £10,000. Also it seemed excessive when viewed in respect of another portion of the 1953 Bill, which was increasing a figure from £1,000 to £2,500 only.

Where there is surviving issue, care should be taken lest they either be disinherited or their share be but a very small proportion. That occurs now where the value of the estate is not in excess of £2,500; and any increase beyond £2,500 in the specific amount can have the effect of aggravating the position in some estates. It would appear that in New South Wales, Victoria, Queensland, and South Australia, the surviving issue is entitled to a more substantial portion of the estate in respect of the smaller estates.

The value of the home is an important factor in small estates. The monetary value of a home has increased substantially since 1953, and the tendency is for values to continue to increase. It would not be unreasonable for the surviving spouse to have entitlement to the family home in preference to the rights of any issue. The Bill accordingly proposes that where the net value of the property of the deceased, if the death occurs after the Bill comes into operation as an Act, does not exceed the sum of £7,500, the whole of such property shall pass to the spouse where there is no issue surviving. It is further provided that where the net value of such property, if death occurs after the Bill passes into operation as an Act, exceeds the sum of £7,500, the spouse shall be entitled to the sum of £7,500 and also to one half of the residue.

These conditions apply when a person dies leaving a husband or wife and also one or more of the following; namely, a parent, a brother, a sister, or issue of a

brother or sister, but leaves no issue, as already indicated, and the person dies intestate.

It is further provided under this Bill that, where a person dies in the circumstances previously recounted, the surviving husband or wife shall be entitled to an amount equal to five per centum on the specified sum, or as the case may require, the sum of £7,500, or that part of such sum as remains unpaid or unsatisfied, calculated from the date of the death to the date of the payment of that sum, or of the date of the effectual appropriation of that sum in accordance with the provisions of the Trustees Act, 1962.

Whichever is the earlier of those dates will be the operative date, and the amount to be paid will be payable out of the income of the estate of the deceased, or, if there is no income, or the income is insufficient for that purpose, out of the capital of the residue of the estate.

The Bill also proposes to amend the specified sum to which the surviving spouse is entitled when issue survive, from the existing amount of £2,500 to £5,000, and paragraphs (e) and (f) of clause 2 purport to give effect to this proposal.

Section 15A deals with distribution of net income. The net value of the property of a deceased person, for the purposes of sections 14 and 15 of the Act, is specified in section 15A as the net value of that property at the date of death of that person as finally assessed by the Commissioner of Probate Duties for the purpose of part V of the Act.

In view of the foregoing amendments, this section requires amending in order that it might not apply where the net value, as so finally assessed, exceeds the sum of £7,500, due to the difference between the commissioner's final assessment compared with the actual or market value of the assets, and by making these provisions subject to the provisions of the new subsection (1) (b) inserted by this Bill.

Section 139 of the Act restricts to £200 the amount of money which a bank may pay out in respect of an estate if no probate or administration is produced within three months of the death of the deceased. This sum may be paid to any person who appears, to the satisfaction of the manager of the bank, to be the husband, widow, parent, or child of such deceased person.

The Bill proposes to raise this figure to £600 or such other amount as may be, from time to time, declared by proclamation; and to permit of payment out for financial expenses, and the balance to the persons mentioned; and it also, authorises payment to such other persons or for such other purposes as may be proclaimed.

The Law Society has made representations along these lines, and the general principle of the increases proposed in the Bill meets with its approval. The question of the raising of the amount from £200 to

£600 was also dealt with when the Rural and Industries Bank Act Amendment Bill was before the House recently. I then said that in order to give proper effect to the provisions in that Bill it would be necessary to amend the Administration Act.

The Hon. F. J. S. Wise: The Minister, in making a comparison, then mentioned one or two States.

The Hon. A. F. GRIFFITH: I said the amounts applicable in some States appeared to be higher than they were in this State. I do not know the exact amounts in the other States, but I shall obtain the figures and let the honourable member know as soon as they are available.

The Hon. H. K. Watson: Is there any reason why building societies are excluded?

The Hon. A. F. GRIFFITH: The honourable member did mention this aspect to me in a conversation. I cannot see any good reason why, but I am inquiring into the matter.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

FISHERIES ACT AMENDMENT BILL (No. 2)

Introduction and First Reading

Bill introduced; and, on motion by The Hon. G. C. MacKinnon (Minister for Fisheries and Fauna), read a first time.

FACTORIES AND SHOPS ACT AMENDMENT BILL

Third Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [2.55 p.m.]: I move—

That the Bill be now read a third time.

THE HON. F. R. H. LAVERY (South Metropolitan) [2.55 p.m.]: I wish to make one or two comments before the Bill passes the third reading. I hope that no-one will consider that I am casting any reflection when I make these remarks, because I just want to put forward some facts. The Shop Assistants' Union, which is vitally interested in the Bill, thought it necessary to bring before Parliament the position of male employees between the ages of 16 years and 18 years—this is covered by sections 55 and 56 of the Act—who were left in a vacuum under the 1963 Act. They were not permitted to work overtime. The provision in clause 10 of the Bill, which was agreed to in Committee, will give coverage to male workers between the ages of 16 years and 18 years.

In effecting that amendment to the legislation the penalty on the other workers is the loss of double-time rates. It is disgraceful to bring about such a situation, especially when we realise how long

the Factories and Shops Act has embraced the double-time provision. This will not only affect the 4,000 to 5,000 workers to whom the Minister for Labour referred, but also a great number of other workers. For instance, there are many thousands of workers who do not belong to unions, because they are not within the districts or centres covered by the relevant awards. Therefore they come under the jurisdiction of the Factories and Shops Act. It means that such workers who have been enjoying double-time penalty rates will not in the future be able to receive such payments. The people who come under this Act will regret very much the position in which they will be placed.

Under the present legislation females under the age of 15 years are forbidden to work in factories, shops, and warehouses. I am perturbed that the Bill seeks to eliminate this restriction. Between now and the commencement of the next school year, girls of 14 years of age can be employed, whereas, previously, a girl under the age of 15 could not be employed; but there is a saving feature, of course, in that the Education Act provides that the school-leaving age shall be raised to 15 years at the opening of the next school year. Therefore, unless an individual can get a release from the Education Department, through family circumstances—which is provided for in the Education Act—we won't have any females under the age of 15 years working; and I agree with that.

I still raise the protest on this particular section, because not even during the very worst times of industry or economic situations in this State; not even during the depression years, has a girl ever been allowed to work in a factory, a shop, or a warehouse until after she turns 15 years. For that reason, I want it recorded that I will vote against the third reading of this Bill.

Question put and passed.

Bill read a third time and passed.

PUBLIC WORKS ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [3.2 p.m.]: I move—

That the Bill be now read a second time.

This is a Bill to modify the provisions of section 29 of the Public Works Act which deals with the disposal of land not required for the purpose for which it was resumed. Prior to 1955 section 29 authorised, quite briefly, the use of such land for other public works or sale by public auction or private contract. Then, in 1955, Parliament conferred very full rights on former owners of such resumed land to repurchase at a price not exceeding compensation price.

The Bill before the House is divided into two main parts. The first part provides that where land has been used for a period of ten years for the purpose for which it was resumed, the option provisions of the Act do not apply and the land may be disposed of as desired. This is contained in paragraph (a) of clause 4.

The second part provides that where any land compulsorily taken or resumed under the Act for a public work is not required for that work at any time after a period of ten years has elapsed, the option provisions of the Act apply but the purpose price payable by the person to whom the option is granted shall be such reasonable price as the Minister determines.

It should be noted that the reasonable price determined by the Minister must fall within certain limitations. These are that the price should not be less than the compensation price, together with the value of improvements, or more than that aggregate amount plus one-tenth of that amount for each year or part of the year since the date on which the land was resumed.

Experience has shown that retransfer of the resumed land upon repayment of compensation has placed owners in the position of being able to realise twice on the same investment at enhanced values without having to bear any service charges on the land while in possession of the resuming authority.

In addition, a further paragraph assures that if a person is aggrieved by the reasonable price determined by the Minister, then he may, within 21 days after being notified, appeal to a court. The court may be either the Supreme Court or a local court, according to the amount of purchase price specified in the option.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

TRAFFIC ACT AMENDMENT BILL (No. 2)

Further Report

Further report of Committee adopted.

Third Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [3.5 p.m.]: I move—

That the Bill be now read a third time.

Yesterday evening I undertook, at the request of Mr. Wise, to obtain a form of application for a driver's license. The purpose of the request was so that I could give the House some indication of what an application form looked like and particulars of the questions which were asked of an applicant, particularly in relation to previous convictions and disqualifications, and that sort of thing.

On examining the form, it will be seen that on the left-hand side of the first page there are some 21 questions to be answered by the applicant. It starts off with the name, address, occupation, and description of the person, etc. At question eight, it starts to tell the real story. This question reads as follows:—

Have you previously held a Driver's License? If so, when was it first issued and where?

Question nine asks—

Have you ever applied for and been refused a License anywhere?

Questions 10, 11 and 12 really count in the scheme of things. They are as follows:—

10. Have you ever been disqualified from holding or obtaining a License anywhere?

11. Has your Driver's License ever been cancelled or suspended anywhere?

12. Have you been convicted by ANY COURT of ANY OFFENCE? If so, give full particulars.

Then the form goes on with the general public health side, even to the extent of asking height, colour of eyes, etc., in order to help identify the applicant.

The reverse side of the form has nothing to do with the application; it deals with the result of the test which is made by the policeman. At the foot of the application side of the form, there is a declaration as follows:—

I, of certify that all the particulars contained in this application are true and correct and that I suffer from no physical disability which would affect my efficiency in controlling a motor

PENALTY FOR FALSE OR MISLEADING INFORMATION: £25

I think those details should satisfy the House in respect of the query which was raised.

Mr. Dolan raised the question of convictions of young people. The convictions will stand but the disqualifications will be removed. An application can be made for a driver's license on the form I have mentioned. The applicant can be examined and, if necessary, the test can be carried out and a license issued. Under section 24 of the Act, in the event of the commissioner, in his discretion, not being satisfied that the person is a fit and proper person to hold a license, the license can be withheld. If the person concerned is not satisfied, he can go to the court and appeal against the commissioner's decision not to issue, or to take away, a license. I think this machinery will ensure that the intention of the Act will be carried out in the future.

There is one final comment. I am told by my colleague, the Minister for Police, that while this is the form which is at present in use, a new form will shortly be issued by the Traffic Department which

will not be any easier to answer than this one. A few more particulars may be asked for than is the case with the form I have just been dealing with. I hope that this explanation is satisfactory.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [3.11 p.m.]: I thank the Minister for bringing to the House the details that we sought. It appears from an examination of the form of application that not only does it mean more safeguards for the person applying, in that he will receive a fair hearing, but that there will also be safeguards in regard to what might have been his behaviour when he formerly held another license, or whether he drove a vehicle when he did not have a license. I think the wiping out of the disqualification is very good provided there is a safeguard, because question 10—I think that is the number from memory, where the other records have to be stated—

The Hon. A. F. Griffith: Questions 10, 11 and 12 are the ones.

The Hon. F. J. S. WISE: Yes, 12 is the one I was thinking of. That asks questions regarding their behaviour but it has nothing to do with the driving of vehicles, and it is to be recorded then, and then only. I would think the commissioner would intervene then, if necessary, under section 24 of the Act. I think it is perfectly sound, and I am quite satisfied.

Question put and passed.

Bill read a third time.

Passing of Bill

The PRESIDENT (The Hon. L. C. Diver): The question is that the Bill do now pass.

THE HON. F. R. H. LAVERY (South Metropolitan) [3.12 p.m.]: Mr. President, I desire to correct some figures—

The PRESIDENT (The Hon. L. C. Diver): Order! This is a formal motion and no debate can take place at this stage.

The Hon. F. R. H. LAVERY: Mr. President, I made an incorrect statement which is recorded in *Hansard*. I discussed it with you previously, and you said you thought the third reading stage would be the best time for me to make a correction.

The PRESIDENT (The Hon. L. C. Diver): But the third reading has been agreed to. We are now discussing a formal motion that the Bill do now pass. The honourable member will have to do it on another occasion.

The Hon. F. R. H. LAVERY: Then can you advise me, Sir? I looked up Standing Orders and I thought I was in order in speaking at this stage. I have given some incorrect figures to the House, and I want them corrected, because I am not in the

habit of giving incorrect information. I do not want the House to think that I gave incorrect figures.

The Hon. A. F. Griffith: Unfortunately I might have prevented the honourable member from doing the other night what he now sets out to do. I think if he makes a personal explanation it will cover the position.

The PRESIDENT (The Hon. L. C. Diver): The moment we dispense with the formal motion that the Bill do now pass, the honourable member can make a personal explanation, and ask for the correction to be made. The question is that the Bill do now pass.

Question put and passed.

Bill returned to the Assembly with an amendment.

Personal Explanation

The Hon. F. R. H. LAVERY: I would like to thank all concerned for allowing me this opportunity. I want to correct some information which I gave to the House the other night. I quoted some false figures when speaking to this Bill and they are recorded at page 1617 of *Hansard* under date, the 20th October.

The Hon. A. F. Griffith: I think you should ask for leave to make a personal explanation.

The Hon. F. R. H. LAVERY: Very well. I ask leave to make a personal explanation.

Leave granted.

The Hon. F. R. H. LAVERY: On page 1617 of *Hansard* of the 20th of this month I gave some figures regarding the number of passengers carried on the metropolitan transport buses each month. Because they are so wrong and because I have always been offended when I thought wrong figures were being given by somebody else, I think I should do the right thing and make a personal explanation about them. When speaking I said that somewhere between 11,000,000 and 13,000,000 passengers—and those figures were very clear in my mind—were carried each month by the M.T.T. in the metropolitan area. Those figures, however, relate to the number of passengers carried by the Railways Department per annum. I sought advice next morning from the M.T.T. and was advised that the passengers carried per month by its buses total 4,250,000, which is 50,000,000 passengers per annum. I ask leave of the House to have the figures altered for the final printing of *Hansard*.

The PRESIDENT (The Hon. L. C. Diver): I would advise the honourable member that there is no need for a correction because the corrected figures are contained in the statement he has just made to the House.

The Hon. F. R. H. LAVERY: I thank members for giving me the opportunity to correct the figures I used.

EDUCATION ACT AMENDMENT BILL (No. 2)

In Committee, etc.

The Chairman of Committees (the Hon. N. E. Baxter) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 37AF amended—

The Hon. A. F. GRIFFITH: I have two amendments on the notice paper. I conferred with Mr. Dolan last evening in regard to them. Although he was willing to accept them other members did not know what they were, so I thought the proper thing to do was to have them placed on the notice paper. I mentioned these amendments at the second reading stage, and they are the subject of an undertaking given by my colleague, the Minister for Education, in another place. I know Mr. Dolan accepts them because we have discussed them. I move an amendment—

Page 2, line 11—Insert after the word "Department" the words "except that where the recommended applicant is not a permanent member of that teaching staff, teachers engaged in continuous full-time employment in that department may appeal in respect of that recommendation".

The Hon. J. DOLAN: The reason this amendment is sought is that there are a number of occasions when an appointment of a person from outside the service is made by the department. For example somebody may be teaching in a private school and be given an appointment. At present a member in full-time employment with the department has no right to appeal against that appointment.

That was the point that worried the Teachers' Union; because it was felt that a teacher was allowed to appeal against an appointment in normal circumstances, but in this case he could not, and it was considered to be not quite fair. The Minister for Education has approved the amendment, and we support it.

Amendment put and passed.

The Hon. A. F. GRIFFITH: I move an amendment—

Page 2, lines 18 to 21—Delete all words commencing with the word "and" down to and including the word "appeal" and substitute the following words:—

unless he satisfies the Tribunal that change of circumstances since lodging his application warrant a variation of that order of preference, and the Tribunal shall in hearing and determining the appeal have regard to such order of preference as submitted or varied, as the case may be.

The reasons for the amendment have already been given.

The Hon. J. DOLAN: The reason this amendment has become necessary is that very often there are four or five months between an appointment being made and appeals being lodged. A member may have been appointed to a position last June, and it might be this time of the year before appeals are heard. When a member of the Teachers' Union applies for a position it is necessary that he apply when applications are called.

Very often he is unaware of the conditions that apply in various towns where positions are vacant. In due course he may find out certain facts of which he was not aware when he indicated the preference he desired, and it is reasonable in the circumstances that he should have an opportunity to change his preference.

He must convince the tribunal, however, that his case is a worthy one, and if the tribunal judges he has no reason to change his order of preference, he is not allowed to do so; but if it considers he is justified, he has the right to change that order. The Teachers' Union is in accord with the amendment, and it is in line with what the Minister for Education promised.

The Hon. A. F. GRIFFITH: I am grateful to Mr. Dolan for his explanation of the position. He has explained it as well as I could have done.

The Hon. N. McNEILL: I rise to question the necessity to legislate for things of this nature. These things concern the internal workings of the Education Department, which has power to hear appeals. We now have legislation to decide and announce conditions under which these appeals may be heard, and there will be restrictions upon the appellants as to whether they can change their order of preference in a particular type of appeal.

I do not oppose the amendment, but I question the necessity for it. No other department has similar power given to it by legislation. Cannot the purpose be achieved by regulation within the department itself rather than by Parliament legislating for what is in my view a simple internal matter concerning appeals of teachers and headmasters of schools?

The Hon. A. F. GRIFFITH: The honourable member's opinion appears to be reasonable, but apparently a basis of agreement has been reached between the department and the Teachers' Union, in the interests of administration. The Minister has seen fit to bring down legislation, and that is why the Bill is here. Beyond that I cannot comment as to whether it is better to deal with the matter by regulation.

The Hon. J. DOLAN: The Teachers' Union felt that where the powers of the tribunal were laid down by Parliament, that would satisfy it. It has fought long

for this over the years, and it feels the force of law is better than the force of regulation.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported with amendments.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Assembly's Message

Message from the Assembly notifying that it insisted on its amendments to which the Council had disagreed, now considered.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

The CHAIRMAN: Amendments Nos. 1 to 5 on which the Assembly insists are as follows:—

No. 1.

Clause 2, line 6—Delete "twenty" and insert "ten" in lieu.

No. 2.

Clause 5, line 32—Delete "twenty" and insert "ten" in lieu.

No. 3.

Clause 15, line 9—Delete "twenty" and insert "ten" in lieu.

No. 4.

Clause 18, line 9—Delete "twenty" and insert "ten" in lieu.

No. 5.

Clause 18, line 15—Delete "twenty" and insert "ten" in lieu.

The Hon. L. A. LOGAN: Whilst I would like to agree that this Committee insist upon its amendments and show its rights and authority as far as amendments to legislation are concerned, I am afraid that if we disagree with the Assembly's amendments the matter could easily go to a conference. We know that at a conference one or two stubborn members can refuse to budge and if this happened it would mean the defeat of the whole Bill. I am not prepared to take that risk and will crawl down, if I may use that expression. I move—

That the amendments insisted on by the Assembly be no longer disagreed to.

The Hon. J. HEITMAN: Whilst I agree with the Minister that we would not like to see the Bill lost, the Minister, at the first meeting we had on this Bill, said that, if I could convince the Committee he would agree to my amendment to insert, 20 per cent. in lieu of 10 per cent. I have not changed my mind in regard to 20 per cent.

I have read the speech given in another place and it proves that where the required number did not go up to the 20 per cent., the decision of the council was upset by a minority of ratepayers in a particular area.

Members of local government are elected in the same manner as we were prior to the last election; and no-one in Parliament would like a pressure group or minority group to come along and upset the thinking of the people who are elected to do the job for the electors. On many occasions I have seen where a minority group in country areas will petition for a referendum on something that has been well considered by the local authority. Things are not taken lightly by local councils, and it is not fair that their decisions should be upset by a minority of 10 per cent. It is not fair to those elected by the people, nor is it fair to the majority of the people in the district.

Since this matter was last before us I rang quite a number of local authorities in the metropolitan area and was told they had decided that 10 per cent. was all right, because they thought they could not get any more. They thought the Minister would not be prepared to go beyond 10 per cent. However, they feel the same as I do, that if it were 20 per cent. these minority groups would not cause a shire to spend money on a plebiscite. If they had to get 20 per cent. of the votes at an election to upset a council's thinking, they would think twice.

I would point out that recently in Subiaco there was a vote on whether or not money should be spent on the football ground, and there was a 35 per cent. poll on that matter. So it shows that even in the metropolitan area, if a council is really keen to get something done and can get enough people interested in it, there is no trouble in getting the 20 per cent. I think we should stick to our decision and go to a conference if necessary.

The Hon. F. J. S. WISE: I would oppose the motion as moved by the Minister that we do not further insist. I think a very clear case has been made out and very satisfactory illustrations have been given; and where expenditure is involved which entails responsibilities of ratepayers to service a loan, surely 100 people voting out of 1,000 possible voters is entirely insufficient to pledge all ratepayers concerned in that district. In my view 20 per cent. is a most reasonable figure; and, as Mr. Heitman explained, the 10 per cent. put forward was agreed to by many shire council presidents because they believed that no more than 10 per cent. would be approved and agreed to. I think that is the situation.

I would not like the Bill to be defeated, but I think at this stage the Committee has no alternative but to insist on its amendments and ask for a conference on the matter.

The Hon. H. K. WATSON: Having regard to the history of this amendment since it was first moved, I am inclined to agree with the Minister's proposal. The Committee did express its views, and the Assembly expressed its disagreement; and I cannot help feeling there is quite a bit of substance in the reason for having a 10 per cent. poll rather than a 20 per cent. poll.

I do not subscribe to the view that it is a pressure group that can harass a local authority. Once a referendum has been called it is open to every elector, and it is really the duty of every elector, to record a vote. That being so it seems to me that whether it is five, 10, or 50 per cent. the result is one to which every elector has subscribed either by voting one way or the other or by refraining from voting. For those reasons, and having regard for all the circumstances, I support the Minister.

The Hon. R. THOMPSON: We have a strange set of circumstances. On the one hand we are going to allow 10 per cent. of the ratepayers to make a decision for all those concerned; but several weeks ago, when dealing with the Marketing of Onions Act Amendment Bill, we legislated for a 60 per cent. vote before a referendum or plebiscite could be carried.

The Hon. L. A. Logan: There is nothing laid down about 60 per cent.

The Hon. R. THOMPSON: My word there is. Read the Act.

The Hon. L. A. Logan: Only for the setting-up of a board.

The Hon. R. THOMPSON: And for getting rid of the board and for any plebiscite. I remember one such plebiscite being taken for the purpose of raising a loan for the construction of a grandstand. One pressure group really went to work and spent money.

The Hon. F. J. S. Wise: What was the sum involved?

The Hon. R. THOMPSON: Somewhere between £60,000 and £80,000. The pressure group went to work in opposition to the proposal.

The Hon. L. A. Logan: East Fremantle.

The Hon. R. THOMPSON: The Minister knows this one.

The Hon. L. A. Logan: And Bayswater and Subiaco.

The Hon. R. THOMPSON: The poll got to within half a dozen votes, and we finished up with two pressure groups. Actually we cannot call the council a pressure group because it was trying to do its best for the ratepayers and those who requested that the loan be raised. If the pressure group had achieved 10 per cent. of the votes, we would not have had the amenities we now have.

We all know from our dealings with local authorities that pressure groups can and do exist on certain matters. I think 20 per cent. is the lowest number that should be required before public money is spent.

The Hon. F. R. H. LAVERY: I support Mr. Heitman for the same reason Mr. Ron Thompson does. I think a very good case exists for compulsory voting in local government.

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

Ayes—10

Hon. G. E. D. Brand	Hon. N. McNeill
Hon. A. F. Griffith	Hon. T. O. Perry
Hon. C. E. Griffiths	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. H. R. Robinson

(Teller 1)

Noes—16

Hon. C. R. Abbey	Hon. F. R. H. Lavery
Hon. J. Dolan	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. R. H. C. Stubbs
Hon. J. Heitman	Hon. R. Thompson
Hon. J. G. Hislop	Hon. S. T. J. Thompson
Hon. E. C. House	Hon. J. M. Thomson
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. A. R. Jones	Hon. W. F. Willisse

(Teller 1)

Pair

Aye	No
Hon. V. J. Ferry	Hon. E. M. Heenan

Majority against—6.

Question thus negated.

Report

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

Sitting suspended from 3.48 to 4.9 p.m.

FISHERIES ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Fisheries and Fauna) [4.9 p.m.]: I move—

That the Bill be now read a second time.

The primary purpose of this Bill is to provide for the licensing of fish processors, including freezer boats but excluding retailers of fish and such eating establishments as could perhaps be regarded as engaging in some aspects of fish processing. Ancillary to this main aspect, the Bill creates a special account at the Treasury into which licensing fees are paid—such fund to be used solely on fisheries research, exploration, development, and extension.

As so often happens when a Bill commences to take shape, the need to amend other matters becomes apparent. In this connection this Bill contains two other amendments. It constitutes the Minister for Fisheries and Fauna a body corporate. It also confers power on the Minister to restrict the use of nets composed wholly or partly of synthetic fibres. I will deal with these latter two matters first.

The Lands Department will vest reserves only in bodies corporate. The Fauna Protection Advisory Committee is a body corporate, and a number of reserves for fauna protection (and some for flora protection also) have been vested in the committee. But in cases in which the purpose of reserves cannot be related to fauna protection alone—i.e., when they are multi-purpose reserves, e.g., Houtman Abrolhos—or when the purpose is concerned with fisheries, the Lands Department is disinclined to vest them in the committee, even if one of the purposes is fauna conservation. However, it is willing to vest them in the Minister, provided he is a body corporate "with perpetual succession."

Also property cannot be held by the Minister for Fisheries and Fauna in his official capacity, and it has been necessary for agreements for the purchase of boats, etc., to be signed by the Minister for Works, who is a body corporate. The new move will obviate this kind of action.

Now, with regard to nets being composed wholly or partly of synthetic fibres, up until recently all fishing nets were constructed of natural fibres—cotton, linen, hemp, etc. However, in recent years synthetics—nylon, kuralon, etc.—have largely taken over. There are two kinds of synthetic materials used for netting—multifilament and monofilament. Multifilament yarn is composed of twisted, braided or plaited fibres, while monofilament comprises a single strand of synthetic material.

Generally speaking, nets of synthetic fibre are more efficient and more durable than those made from natural fibres. This very advantage constitutes their most serious defect. All members are aware that most nets have affixed at the top a series of floats and at the bottom a series of weights. When any net breaks loose it does, for a time, continue to catch fish. If it catches enough fish, their weight will carry it to the bottom of the ocean. A natural fibre net will invariably rot and become harmless. A synthetic fibre net, however, will not rot, but when the fish it has caught decompose such nets have been known to refloat and repeat the cycle all over again.

The obvious way to avoid this problem is to ensure that all hangings, that is, the materials attaching the netting to the cork line, lead line, floats, and weights, are of natural fibre. Under these circumstances, if the net is lost, the natural fibre will rot allowing the net to fall to the bottom and cease fishing. At the present time power does not exist in the Act to enforce this remedy and the new provision rectifies the position.

I now come to the original, and what I consider to be the main, purpose of the Bill. This is the licensing of processors. The necessity to do this has been the subject of discussion over a number of

years. Indeed, several members have made worth-while speeches on this subject in this House.

A proposal along these lines was placed before a representative gathering of processors earlier this year and met with their approval. The matter has also been outlined to groups of fishermen, and general agreement along the lines of the proposals in this Bill has been received.

The proposed charges for license fees are rather steep. I am sure members will agree it is a fair mark of the concern felt by those engaged in this industry that support for this measure was so readily forthcoming. The Bill provides that the funds so raised are to be ploughed back into the industry.

The amount of the license fee is to be fixed by Order-in-Council at a rate not exceeding one per cent. of the cash value of the gross purchases, or the catch, or both, during the financial year next preceding the calendar year for which the license is taken out.

Not all processors handle only fish purchased by them. For example, freezer boats would, in some cases, purchase no fish at all and, in their case, the gross value of their catch would be the basis. Again, some persons engaged in processing also own boats. This explains the need to ensure that the gross value of fish processed, from whatever source, should form the basis.

It is expected that, at least at the outset, the rate fixed will not exceed three-quarter per cent. This should bring in some £45,000 per year. Provision is made for the refusal of licenses and for their cancellation in the event of non-compliance with prescribed conditions and restrictions. As a safeguard against the misuse of this power, there is a provision for an appeal to a court of petty sessions against the refusal of a license or the renewal of a license, or against any decision of the Minister or the Director of Fisheries and Fauna under the licensing provisions of this Bill.

It is as well for members to bear in mind that the unexpected closing, or cancellation of a license, of a processing plant could bring great hardship to fishermen. There has been some discussion on the need to cancel licenses of processors for various infringements. It must be remembered, however, that in the flush of the season it requires all the processors to handle the catch. If one establishment were suddenly closed, there is no doubt that a considerable wastage of fish would ensue.

The moneys received by way of license fees will not be paid into general revenue. The new fund, to be known as the "Fisheries Research and Development Fund," will be opened in the Treasury. All license fees will be paid into this fund. Expenditure of the fund can be made

only on the authority of the Minister and only for scientific, technical, and economic research in fisheries; investigation and development; and the provision of extension services. Moneys standing to the credit of the fund cannot, under any circumstances, be used for policing or enforcement activities.

It is with regret that I have to advise members that up to date it has not been possible to devise a scheme whereby those men engaged in the catching of fish can be compulsorily insured under a scheme similar to workers' compensation. Suffice to say, Mr. President, that investigations are still proceeding. The department feels that it may indeed be able to find a solution within the next few months. You will recall, Sir, that I promised, when speaking on the Fisheries Act Amendment Bill (No. 1), to have this matter examined. As the majority of fishermen are not workers as defined in the Act, but generally work on contract, this has proved to be a difficult matter. However, I repeat, there are investigations proceeding and when a solution can be found the matter will be pursued. It is interesting to find examinations have revealed that quite a number of skippers of fishing boats demand that their crews shall carry an insurance policy.

The Hon. R. Thompson: Quite true!

The Hon. G. C. MacKINNON: These policies are taken out and paid for by the men themselves. It would, of course, be highly desirable if this practise could extend throughout the industry. I repeat that the matter is being pursued.

As an extension of the licensing of processing plants, there was some discussion during the debate on the Supply Bill on the need to restrict the issue of processors' licenses. In this connection it was pointed out that there was some antagonism to the establishment by Ross International Fisheries of a processing plant at Dongara. It was claimed at that time that this firm had planned to establish a plant in Geraldton also. My information is that this is not correct. Whilst it has no intention of building a plant in Geraldton, it has secured a site at Dongara.

Until such time as the measure at present being submitted by me is agreed to and is in operation, no power exists for the refusal to license a processor. Even if it were in existence, it is doubtful if justification could be found for a refusal of an application to the firm which was under discussion. This firm currently has an investment in processing plants alone in this State of £90,000.

I have set out in general terms the main provision of this Bill. I have also taken the liberty of mentioning one or two matters in which members have evinced an interest and which I was unable to include in this

Bill. In the Committee stage we will have an opportunity, of course, to discuss those various sections necessitated by the general purpose outlined above—the clauses embodying the administrative detail essential to establishing a system, such as I have outlined, to license processors.

In view of the very general acceptance which this scheme has received from the industry, I present this Bill to the House with confidence in its ready acceptance.

Debate adjourned until Wednesday, the 3rd November, on motion by The Hon. R. Thompson.

FIREWORKS: SALE AND USE

Legislation to Control: Motion

Debate resumed, from the 17th August, on the following motion by The Hon. R. H. C. Stubbs:—

That as there is conclusive and ample evidence to prove that the unrestricted use of fireworks has caused serious damage to the eyes of children, and has been the cause of serious burnings to the body, and in addition has at times contributed a threat to property and crops, in the opinion of this House legislation should be introduced to control the sale and restrict the use of fireworks in Western Australia.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.21 p.m.]: In dealing with the motion by Mr. Stubbs, I say at the outset that other matters on the notice paper have precluded the House from reaching this item before now. I took the opportunity to explain to the honourable member, privately, that I was aware his motion had been moved about two months ago, and I explained to him that, in any event, it would be too late to take any action this year on the contents of the motion if it were agreed to, because the wholesalers of fireworks order their supplies early in the year—

The Hon. J. Dolan: Twelve months ahead.

The Hon. A. F. GRIFFITH:—to get ready to supply the retailers who, in turn, pass them on to the purchasers. So I could not see that anything could be gained by hastening to deal with the motion. At the same time, I am anxious that consideration should be given to any matter brought before the Chamber by any honourable member.

The purpose of the motion is to procure an expression of opinion from the Legislative Council on the suggestion that legislation should be introduced to control and restrict the use of fireworks in this State. When moving the motion Mr. Stubbs presented to the House a history of a series of unhappy events as a result of small children, mostly, being injured following

the misuse of fireworks. To use the honourable member's own words, I think he said that there must be, round about the 5th November, some cracker-madness.

In the terms of the motion a large number of these occurrences are presumably attributable, according to Mr. Stubbs, to an unrestricted use of fireworks. I do not think any member of this House would query, or desire to query, in any way the fact that statistics of accidents which result from the misuse of fireworks, which the honourable member has recounted, are correct. It is indeed evident that Mr. Stubbs made a good deal of research into his subject in order to tell us his views of the situation, and to advise members of the facts relating to the use of fireworks.

Actually, about this time of the year local authorities and individual members of the public are prompted to take special measures to protect their properties against exploding fireworks and other methods used to start fires, and governmental instrumentalities and local authorities have to take steps to make firebreaks around properties controlled by them to afford the necessary protection against fires.

I have no doubt also that at this time of the year parents who have children of an age when they like to let off fireworks issue warnings to their children about what to do and what not to do when they are lighting the fireworks. We are accustomed to hearing a few explosions in the streets and in various paddocks in the metropolitan area caused by young children who obtain a supply of fireworks but cannot hold them until the 5th November and so feel constrained to let some of them off.

The Hon. R. F. Hutchison: Not all of them are very young children, either.

The Hon. A. F. GRIFFITH: With that statement I agree. I am glad to know that the honourable member is, apparently, extremely interested in those who let off fireworks. Of course, it is well known that many adults enjoy the activities which take place on Guy Fawkes night.

Obviously the type of legislation which Mr. Stubbs has in mind is that there should be amendments made to the explosives legislation further to tighten up its provisions. I would remind the House that, not so long ago, I, as Minister for Mines, presented to this House a Bill for the revision of the Explosives and Dangerous Goods Act. That Bill brought the law up to date very substantially, because it was eventually passed by this House and by those in another place. Therefore, it is only recently that the legislation was extensively overhauled. What more can be done to amend that Act, I do not know, but as I progress I would like to give members an idea of what is done at present so that they will have a better understanding of the situation.

Mr. Stubbs seemed to indicate that the restricted use of fireworks would ensure that vandals, irresponsible adults—to whom Mrs. Hutchison, no doubt, would like me to refer—and inexperienced children would be unable to purchase fireworks. The honourable member then proceeded to inform the House that he had his own ideas on how this could be achieved; that is, by banning them altogether. This is the only way I can see that would gain this objective. Then Mr. Stubbs hastened to say that this was not his idea, and that, in fact, he did not have any intention of making such a suggestion in this House. That is my interpretation of the remarks made by the honourable member.

The only conclusion I can draw from what he said on his approach to this problem is that it is the desire of Mr. Stubbs for somebody to introduce amending legislation to control and restrict the sale of fireworks. As I have said, the desire expressed by the honourable member could only be brought about effectively by banning the sale of fireworks altogether. He submitted to the House that he had made out a case for the introduction of restrictive legislation to cover three points; namely, the sale of fireworks on Guy Fawkes Day only; the sale of fireworks on that day to adults only; and the sale of fireworks at any time to an organisation that could control them—an organisation with adults in charge.

He also suggested some insurance coverage should be provided. We should examine the three proposals, because they are the fundamental points in the motion.

If fireworks are to be permitted to be sold it will not be practicable for retailers to handle them in the way proposed. Were this to be attempted it would assuredly create trouble, confusion, and overcrowding. Just imagine trying to sell the entire stock of fireworks on one day! I suggest it would be most surprising if every person, interested in the sale of fireworks found it convenient to set aside a particular day for purchases to be made. The setting aside of one day might further restrict sales.

The Hon. R. H. C. Stubbs: I think it would.

The Hon. A. F. GRIFFITH: I think experience would prove to us that confusion would follow. Personally I would not favour legislation of this nature, under which retailers are only permitted to sell fireworks on a particular day. The mover of the motion might have overlooked the fact that the 5th of November sometimes falls on a Sunday. If that happened the position would be almost impossible.

The Hon. R. Thompson: That would make the position much better!

The Hon. A. F. GRIFFITH: I am talking about the sale of fireworks, not their effect. It would be impossible to sell them on a Sunday. If members examine the

second suggestion closely they will find that it is not a very practical one. The proposal is to restrict the sale of crackers on Guy Fawkes Day to adults only. We should bear in mind that crackers will only be sold on the one day if the first suggestion is adopted. Members who followed Mr. Stubbs' introductory remarks when he moved the motion will recall that his prediction was that a tightening of the Act would restrict the use of fireworks, and would ensure that vandals and irresponsible adults would not be able to purchase them.

On this premise the second suggestion made by Mr. Stubbs seems to be impracticable, for in what manner or by what means will a shop assistant distinguish between responsible adults and irresponsible adults?

The Hon. R. F. Hutchison: He would need to be a psychologist.

The Hon. A. F. GRIFFITH: Indeed he would. A shop assistant would have to distinguish between responsible adults and irresponsible adults as they approached the counter.

The third point that has been put forward by the honourable member is to permit the sale of crackers at any time to an organisation which can control them, so long as adults are in charge. I presume this refers to responsible adults. The suggestion is that some insurance coverage be provided. I think this would prove to be a difficulty. Such organisations would need more than crackers if they desired to put on a fireworks display. I shall give the reason for saying so as I proceed. I think the third suggestion is a little out of line in relation to the substance of the motion. It would be very unusual for an organisation, such as the ones the honourable member has in mind, to procure its requirements retail. I think it would try to procure its requirements wholesale, because it would use fireworks on a wholesale scale.

The Hon. F. J. S. Wise: Then there are professional displays.

The Hon. A. F. GRIFFITH: Yes. In many countries of the world we can see professional displays of fireworks. Because of the effective operation of the regulations which the Government has promulgated it would be quite impossible for such an organisation to obtain the types of fireworks it required over the retail counter. These types of fireworks are not available, because of the manner in which the sale of fireworks has been restricted in recent years, particularly since Parliament passed the Explosives and Dangerous Goods Bill which was introduced not so long ago.

I am pleased to advise members that with the tightening of the regulations made under the Explosives and Dangerous Goods Act the incidence of damage has

been reduced greatly. It has been reduced almost to a minimum. If an examination is undertaken into the incidence of damage, it will reveal that now there is much less injury caused to children from exploding fireworks, than injury caused by other types of accidents.

We often read in the Press reports of children being injured by accidents of one kind or another. The tightening of control includes a restriction on the size of crackers and the chemical composition of crackers. This refers to the amount of explosive which can be placed in a cracker, and is designed to limit the explosive force.

The Hon. F. R. H. Lavery: These crackers can still blow up letterboxes.

The Hon. A. F. GRIFFITH: Mrs. Hutchison has not had such an experience recently. She did have such an experience some time ago when someone put a 2s. cracker in her letterbox.

The Hon. R. F. Hutchison: I have tried to discover whether you had crackers.

The Hon. A. F. GRIFFITH: I know the honourable member gave me credit for the incident, but I assure her I was not responsible. The amount of explosive permitted to be placed in crackers is limited, and the insistence on safe and proper construction is enforced. The Chief Inspector of Explosives does more than ensure the amount of explosive is permissible; he also examines samples of crackers and rejects the ones which he regards as undesirable or unsuitable. He prohibits their sale, and consequently the most dangerous types are removed from the market.

The requirements of the regulations are confirmed by testing crackers at the Woodman's Point explosives reserve, which is a section of the Mines Department.

The Hon. R. Thompson: We were hoping you would remove that.

The Hon. A. F. GRIFFITH: What would you want in its place?

The Hon. R. Thompson: Open space.

The Hon. A. F. GRIFFITH: We cannot remove it at present, because it serves a very useful purpose. To do so would be a costly proposition. At the Woodman's Point reserve various testing procedures are followed before any fireworks are allowed on the market. There is very close co-operation between the department, the manufacturers, and the importers. Over the past five years the consumption of fireworks in Western Australia has fallen by half, although during this year there has been a slight increase in sales compared with the previous year.

I have noticed there is a tendency to promote sporting and outdoor functions where fireworks displays are put on. The

incidence of such functions is irrelevant to the motion before us, and I only mention this aspect in passing.

Mr. Stubbs referred to the position in other States and other countries. As far as I can ascertain all the States in Australia celebrate Guy Fawkes Day, whether it be held on the 5th November or on some other day. I am not suggesting that because all the other States celebrate the occasion Western Australia should continue to do so. Furthermore, in many countries of the world there is a practice of putting on fireworks displays for one reason or another. On one occasion in Singapore during the Chinese New Year Festival I saw the people let off a lot of fireworks.

The Hon. F. J. S. Wise: They nearly drove you crackers?

The Hon. A. F. GRIFFITH: They did not. It is a fact that in many countries of the world fireworks displays are put on as a form of public entertainment. Guy Fawkes Day celebrations are not always held on the 5th November, and in some cases I understand they are held in May because of the fire risk.

The Hon. J. Heitman: That applies in New South Wales.

The Hon. A. F. GRIFFITH: That is so. The reason is that probably the fire risk is less in May. If the basic idea is to celebrate Guy Fawkes Day, then some other appropriate means should be found for holding it in November. The transference of the celebration to some day in May is desired by a small section of the community that likes to enjoy a bonfire night.

New Zealand also celebrates this occasion. At the last interstate conference in February held in New Zealand—these conferences are held every 2½ years or so—a pretty general standard practice, concerning fireworks, their explosive force, and the methods of construction, was adopted by all States of the Commonwealth and by New Zealand. It was desired to set down some standard for the States to follow.

It will be appreciated that the Government officers who control these matters and who are qualified to hold their positions give a great deal of attention to the suitable types of fireworks which could or could not be made available for retail sales. During my time as a Minister I have endeavoured to issue instructions that, to the greatest extent possible, the sale of fireworks be restricted to those which do the least possible damage. Mr. Stubbs told us about an accident which occurred through the use of a sparkler—a particular cracker.

Some people would like to see the abolition of fireworks, but the motion does not ask for that, and I think Mr. Stubbs made a wise move. The types of fireworks which are now available for purchase over

the counter receive very close examination, and the examination is conducted in a common-sense way, with the object of producing the right effect. How often has it been said in this House that it is impossible to legislate to protect a fool from his folly.

The Hon. R. F. Hutchison: It is not always to protect a fool.

The Hon. A. F. GRIFFITH: This is merely a figure of speech, and the honourable member should not misinterpret my remarks. Members will appreciate it is not my intention to support the motion. I cannot support it, because it does not call for the banning of fireworks. In fact, it calls for a stricter and greater control of fireworks, and for the introduction of legislation to put this into effect.

I contend that legislation, in a very marked way, is in existence now. Regulations for the control of fireworks are in existence and they have done a great deal to bring about improvements. I also think that if some parents accepted a little more responsibility the danger would again be lessened. I would like members to know that they have my assurance that the position will be watched very closely.

Each year I endeavour, as Guy Fawkes Day comes around, to get the Press to issue a warning to the public to watch the youngsters with respect to crackers which might do some harm. However, as I said earlier, we cannot protect everyone from their own folly. We are controlling this matter from the source, and if the answer is to further tighten the regulations to give effect to the first two points raised by Mr. Stubbs, this can be done. Mr. Stubbs also raised the point that the fireworks manufacturers and distributors could be approached for the setting up of suitable public displays.

If members are interested in speaking to this subject, we will examine the motion and see what it asks for, having regard for the explanation I have given. I think members will appreciate that there would be little value in passing this particular motion. I am aware of all the difficulties and I am aware of the troubles that can arise, but I repeat that the trouble associated with the use of fireworks is just one factor in the daily risk which every man, woman, and child takes as he or she goes through life.

Unless the sale of fireworks is completely banned within the State, a motion of this nature will not do any more good than is already being done by the department and its officers at the present time. I am obliged to oppose the motion.

THE HON. J. DOLAN (South-East Metropolitan) [4.48 p.m.]: I will be fairly brief in my remarks. In the last week or so I supported unreservedly legislation to try to minimise the road toll, and for very similar reasons I support the motion moved

by Mr. Stubbs. I feel that Mr. Stubbs should be commended for giving members the opportunity to express their views on this particular subject.

The 5th November is a historical occasion in one sense, but long ago it outlived its usefulness. I think that even poor old Guy Fawkes would laugh today if he knew people were still celebrating this particular incident. The real superior, or chief plotter, on this occasion was a man named Catesby, and Guy Fawkes was called in because he had had experience in the army in tunnelling and in the handling of explosives. He was used as a tool to carry out the details of the plot. That incident occurred in 1605, which will be 360 years ago on the 5th November. People who have forgotten other things are still remembering this occasion. Surely after a stretch of 360 years we are not going to keep on dragging up the fact that for some reason or other someone wanted to blow up the Houses of Parliament. I think there are probably a lot of people who would like to do the same thing today.

The Hon. A. F. Griffith: I thought I heard a knocking a little while ago.

The Hon. J. DOLAN: I can agree with many of the remarks which have been made by Mr. Stubbs. One will find that in places such as Singapore, Hong Kong, and parts of China and Japan fireworks displays are associated with historical and religious occasions and certain types of festivals. I think that those people have had more experience in handling fireworks than the people in this country.

I would commend the police for a statement made some time ago, that it was intended to take very strong action—against louts in particular—when fireworks were exploded in the streets. I have had experience of seeing bombs being thrown from passing cars into groups of people. I remember an incident which occurred at a dance hall many years ago. I was a young fellow at the time and my wife's dress burst into flames through someone throwing a cracker. It was promptly put out and no serious damage was done, but there was the danger that she could have sustained an injury to carry through her life.

It is amazing how well-intentioned people—people whom one thinks are pretty sound in judgment—love cracker displays. I know there has been considerable opposition for the last two years to the annual exhibition of fireworks at the Royal Show. The ringmaster is very hostile towards it. I think it was last year that a number of the stock were panic-stricken and a very valuable animal had to be destroyed because it became terrified and knocked itself about in its stall. That is just one example to show what can happen.

I want to be serious and just draw a comparison between two great events. The Americans had the War of Independence and on the 4th July each year they celebrate the winning of that independence. The Americans often refer to the sacrifices made in founding their great nation. That war, fought at a cost of 4,435 lives, and at a cost, also, of 6,188 limbs, was fought by that nation to win its independence. From 1900 to 1930, 4,290 Americans died from injuries received through fireworks, and 96,000 suffered loss of vision or fingers or hands. For what purpose? I can understand people laying down their lives and even risking mutilation and injury to found a nation; but I feel that the price being paid by that nation just to let off crackers has been too great. It will continue to be paid as long as we perpetuate this sort of thing.

America has model State fireworks laws. In 20 of the States the legislation is effectively controlled, and in seven States it is partly controlled. That makes 27 States altogether and the injuries from fireworks in those 27 States amount to .05 per 100,000 persons. In the other States, which are not controlled, the injuries amount to 7 per cent. per 100,000 persons. I think those figures will indicate the seriousness of the problem in America.

If we want to know what the young people think about this problem, I will refer members to the *Daily News* of Friday, the 20th August last. I think the matter of fireworks had just been raised in the House by Mr. Stubbs. I place a lot of faith in the judgment of young people.

The Hon. G. C. MacKinnon: Would you place a lot of faith in that particular poll?

The Hon. J. DOLAN: No; I place faith in the judgment of the young people. The poll I refer to, appeared under the heading, "Under 25," and gives the opinion of six young people. We find that the six young people expressed a unanimous view; and we must reach the conclusion that if we picked out any other six in the community, we would get somewhere near the same result. I will state the view of the youngest first; she is 18, and, a machinist. She said,—

The selling of fireworks definitely should be restricted to the one day and the night and should be in the control of adults.

That is completely in accord with the motion moved by Mr. Stubbs.

The Hon. A. F. Griffith: I wonder what she would have said if reference had been made to the 5th November falling on a Sunday.

The Hon. J. DOLAN: Regulations could easily be made for the sale of the fireworks on the preceding Saturday. The next young person comes from Victoria Park, and he is a salesman. He said—

Where young children are concerned it should be controlled by adults. Two weeks before November 5 is sufficient time to get your crackers.

The next one, whose age is 22 years, said—

They should abolish the idea of fireworks on November 5 altogether. It is only a tradition which is foolish and outdated.

The next one—

Parents should restrict their children to a small number of fireworks and should supervise the night. One week is plenty of time to obtain what fireworks are needed for the night.

The next one—

Fireworks night should be banned completely. It is just a waste of time and money and is dangerous to all those using them.

The opinion of those young people is that we should either cease celebrating Guy Fawkes Day or, as was suggested by Mr. Stubbs, restrict the sale of fireworks to the day preceding Guy Fawkes Day. I have other cuttings here stressing the danger of fireworks. One cutting gives details of a young lad who almost lost his sight, as many have. Another cutting is headed "A Man who hates fireworks." That man's 12-year old lad had an artery severed when he put a penny bomb inside a bottle and exploded the bomb. The bottle was shattered and the boy received a cut artery.

I joined in this debate so that I might express some views. I think there are some occasions when a fireworks display can be put on to celebrate some outstanding event or some occasion. We should not associate fireworks with certain traditions.

The Hon. E. C. House: What about the horses at the Royal Show?

The Hon. J. DOLAN: The ringmaster tried to press a case on their behalf, but was unsuccessful. If I had been a member of the show committee I would have voted against the fireworks.

Each year at Fremantle we have the blessing of the fishing fleet. The event takes place in most fishing nations of the world. It is traditional for the event to be followed by a fireworks display. Whether it is because of the high spirits, or just to frighten away the spirits which might bring bad luck to the fishermen, I do not know. I believe it has some religious significance. The display is handled by adults, but even so I can recall that at least two fires caused considerable damage in Fremantle because of rockets which landed amongst buildings.

I think I have said enough; but to go over the motion again, it reads as follows:—

That as there is conclusive and ample evidence to prove that the unrestricted use of fireworks has caused serious damage to the eyes of children, and has been the cause of serious burnings to the body, and in addition has at times contributed a threat to property, and crops, in the opinion of this House, legislation should be introduced to control the sale and restrict the use of fireworks in Western Australia.

The Minister has outlined difficulties which may be associated with the motion. When nations like America can introduce legislation to control the problem, surely the difficulties are not so real! I feel we can get from that country all the information we require on how to introduce this type of legislation and how to implement it.

I take the opportunity to thank Mr. Stubbs, the same as I would thank any other member, irrespective of his party, for bringing this motion to the notice of the House. It gives members an opportunity to express their views.

THE HON. R. F. HUTCHISON (North-East Metropolitan) [5 p.m.]: I shall be very brief in supporting the motion. However, I do not think it goes quite far enough, because I would ban the sale of fireworks altogether. During my lifetime I have seen two children, one on the Murchison and one in the metropolitan area, completely blinded by fireworks. I also saw a little boy, who was sitting down, maimed for life when one of these bombs was thrown at him. He is a young adolescent now and during the whole of his life he will suffer from the effects of that bomb.

I commend Mr. Stubbs for introducing this motion, because it may mean legislation being introduced to ban fireworks completely. Letting off crackers is a stupid way of celebrating anything. There are many other ways in which to celebrate particular occasions; and I agree with Mr. Dolan that the name of Guy Fawkes should have been allowed to die and be forgotten many years ago. It represents an event in history that has no place in our way of life, because it has no significance for us.

The Hon. F. J. S. Wise: I thought at times you favoured blowing up a House of Parliament.

The Hon. R. F. HUTCHISON: That is different.

The Hon. G. C. MacKinnon: Only this end of the building.

The Hon. R. F. HUTCHISON: I was referring to the Legislative Council, and not the Houses of Parliament. I did not say I would blow it up, either; I said I would abolish it, which is a peaceful way—

The Hon. A. F. Griffith: Of blowing it up.

The Hon. R. F. HUTCHISON: —of doing something which would be of benefit to this State. However, to get back to the question of fireworks, I think it is time we educated our children, and grew up ourselves and banned the use of fireworks. Surely folk dancing and that sort of thing such as other countries have, could be used as a means of celebration. We are so stodgy in Australia that we do not have garden festivals or things like that. We have many wonderful areas where these festivals, with bands playing, could be held. We could mix with our new friends who are coming from overseas to live here. We should have a national Australia day, or a national day of some kind, and we could celebrate it in that way without letting off crackers to celebrate a particular occasion. Let the use of crackers die a natural death.

We do not want to be like China and Japan. They make a lot of profit out of fireworks, and that is the only reason why they are made—to provide a profit. I commend Mr. Stubbs for introducing the motion but I wish it had gone further and recommended banning fireworks. I would support a Bill which had that as its purpose.

THE HON. A. R. JONES (West) [5.4 p.m.]: I oppose the motion mainly on the grounds that if it is passed it will only mean a restriction on the sale of fireworks. I would ask the Government to bring down legislation to ban the sale of fireworks completely. I well recall during my childhood, and when I was in my teens, when we lived in the country, we never handled fireworks because of the severe fire hazards. We did not have the opportunity of playing with them, apart altogether from the fact that we did not have the money to buy them, which was a deterrent in itself. Nevertheless it was always drummed into us by our people, and by other responsible citizens, and our school teachers, that it was dangerous to play with fireworks. The only occasions I can recall seeing a fireworks display was when one was held in the middle of the town oval when there was no possibility of the fireworks causing any damage by starting fires.

As other members have said, letting off crackers is a useless sort of pastime, and I suppose the only reason it has continued is because of the commercial interest in it and the fact that people make a lot of money out of making and selling fireworks. In Japan and China big occasions are celebrated by fireworks displays, and the noise is so great that one almost feels a war is in progress. When I was in Singapore about 12 months or so ago we struck the same sort of thing. My friend and I left the night of the risings, and on the

preceding night there had been a big cracker display. We thought there was a war on!

But in this country, where there is a severe fire hazard, particularly at this time of the year, both in the country and in the suburban areas, why have crackers at all? We know that many accidents have been caused through fireworks, and the fire brigade is called out to fight hundreds of fires around Guy Fawkes night. So why continue the practice?

I commend Mr. Stubbs for bringing this matter to the notice of the House because at least we are discussing the question and what should be done about it. If the Government is not prepared to introduce legislation, I hope some private member will introduce a Bill next year to try to abolish altogether the sale of fireworks.

Debate adjourned, on motion by The Hon. R. Thompson.

WORKERS' COMPENSATION ACT AMENDMENT BILL

In Committee, etc.

Resumed from the 20th October. The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 2: Section 7 amended—

The DEPUTY CHAIRMAN: Progress was reported on the clause after The Hon. H. K. Watson had moved the following amendment:—

Page 2, line 4—Delete the words "any place" and substitute the words "a place".

The Hon. H. K. WATSON: Consideration of the clause was postponed to give the Minister and any other member sufficiently interested in the question an opportunity to see where we were going, or where we thought we were going, in regard to it. I have further considered the question and I feel the views I then expressed, subject to one point and one point only, are correct, and all the amendments I have on the notice paper, except one, I believe are desirable and ought to be included to make it quite clear that while the clause does apply to the pickups at which it is intended to apply it is not likely, through some curious interpretation, to apply to cases where it was never intended to apply.

I do not intend to move an amendment to insert the words "by roster" because if it were passed it would probably exclude some Co-operative Bulk Handling workers who are engaged in and about the wharf at Fremantle. Apart from that the clause will include all those engaged in and about the wharves at Fremantle or any other port.

The Hon. L. A. LOGAN: My investigations lead me to believe that had the words which were included in last year's amendment as regards "pickup" been operable

they would have included waterside workers, tally clerks, ships' painters and dockers, ships' watchmen and shipwrights, and, in a modified form, C.B.H. workers. The inclusion of the word "pickup" in last year's amendment was intended to apply to all those workers.

The Hon. R. Thompson: And S.E.C. workers according to the Minister for Labour.

The Hon. L. A. LOGAN: They do not come into it at the moment.

The Hon. H. K. Watson: They are covered.

The Hon. R. Thompson: Not all of them.

The Hon. L. A. LOGAN: I have endeavoured to find out the situation with regard to the other workers mentioned by Mr. Ron Thompson. I mentioned the C.B.H. workers because they are not in quite the same category as the others. These men do not get any attendance money, like the waterside workers do, but they do get annual leave, long service leave, and sick pay; and, with the exclusion of the words which Mr. Watson had intended to ask to be inserted, they will qualify for the journeying provision.

There are 120 workers employed at the wool stores. They are hired on a weekly basis and they are already covered under the journeying clause. There are another 120 who are hired on a daily basis but who get four or five months' continuous work, and my information is that they are covered under the journeying clause.

The Hon. R. Thompson: Let's get that one straight. Are they covered?

The Hon. L. A. LOGAN: My information is that they are covered. There is another group of temporary employees who drift around from job to job who are not covered.

The Hon. R. Thompson: If we include the words relating to a port or harbour, and so on, I would say that those persons hired on a daily basis would be excluded, and that is the basis of my argument.

The Hon. L. A. LOGAN: That is not my information. My information is that only the really casual type of labour—the men who drift from job to job—are not covered; and it was never intended to cover them in any case.

The Hon. R. Thompson: I agree.

The Hon. L. A. LOGAN: My information is that the others will be covered under the journeying clause as long as Mr. Watson does not move the amendment which he said he does not intend to move.

Mr. Ron Thompson mentioned S.E.C. employees. My information in regard to S.E.C. workers is that the S.E.C. does not apply the pickup system for any of its workers. They are all permanent employees, apart from a small number of casuals engaged in pulling conduits. So they do not come into the picture.

The Hon. R. Thompson: I obtained my information from an ex-Minister for Labour.

The Hon. L. A. LOGAN: I have discussed this matter with the Crown Law Department, and it seems that the words proposed to be inserted by Mr. Watson will convey the intention of the Government, and will cover the workers I have mentioned. Those that will be excluded are casual workers who drift from place to place seeking employment.

The Hon. R. THOMPSON: I still object to the amendment. I feel sure that the people who are employed from day to day at wool stores will be excluded, because Mr. Watson's amendment will exclude them. Although the C.B.H. premises are on or near the harbour trust property they are not actually on the confines of the wharf; and although the towers that convey the grain to the ship's side are situated on harbour trust property, they are not actually so situated, because the regulations insist on a gap of two inches around the pylons holding the structure. That is how tight the regulations are. Irrespective of that, all the people employed in the towers above the loading gantries are waterside workers when ships are being unloaded. Some of them could be members of the foremen's association.

The confines of C.B.H. are several hundred yards away, and we could say that they are in the same category as the oil stores, because they are next door to them. Some oil stores would be closer to the wharf than would C.B.H. I would again refer the Committee to page 1916 of *Hansard*, 1964, which I quoted the other night when pointing out that Mr. Hegney asked the Minister for Labour in another place whether he understood what a place of pickup was. Mr. Wild replied he did. I would refer members to Mr. Wild's further comments on that page.

In my view the clause does not go far enough. It is not comparable with anything in Queensland, New South Wales, or Victoria. I do not know the position in South Australia at the moment. This is a most restrictive clause, and the further amendments will restrict it to those in or about a harbour. Mr. Watson must know what that will mean. It will have to be tested in a court of law, and rejected in a court of law.

The Minister says the members of the wool store will be covered, but I say they will not, because they would not be in or about the harbour. To illustrate this I would point out that Dalgetys propose to transfer their wool store operations from Queen Victoria Street, Fremantle, to Jandakot. All their workers who work on a day-to-day basis will not be covered, because they will be nowhere near the wharf or pickup. It would be foolish to accept these amendments, because these

people are a valuable and essential work force. Although I was a waterside worker myself, I still want to see the same privileges given to workers performing the same type of essential work as waterside workers.

When the Minister introduced similar legislation last year his opening remarks on the to-and-from clause were, "Every effort has been made to protect all interested groups." We accepted that at the time as a principle being incorporated for the first time. Yet we now find that principle is to be abolished to a degree, because essential people in other industries will not be covered.

I do not think the Minister can convince the Committee that the people employed at Wesfarmers wool store at Robb Jetty, or at Dalgetys at Jandakot, will be entitled to the same compensation as waterside workers and C.B.H. employees.

The Hon. H. K. WATSON: Mr. Ron Thompson referred to a statement made by Mr. Wild during the Committee stage of a previous Bill, when Mr. Wild said that he understood the S.E.C. pickup was the same as the Fremantle pickup. There is no doubt that Mr. Wild made a mistake, and I suggest that Mr. Thompson is making the same mistake in perpetuating the argument; because there is no such thing as a pickup.

It might be used in a different sense altogether. The Fremantle men are told to assemble at a certain place to be taken somewhere; but that is not a pickup of casual labour. Those wool store employees who are covered by the Act are so covered, but those who are not covered were never intended to be covered. I suggest the C.B.H. employees will be definitely covered under my amendment.

My next amendment, if I might refer to it, is in relation to port or harbour operations; not operations on the port or harbour, but any employment in relation to those operations. The words, "in relation to" are pretty wide, and completely cover the points raised by Mr. Thompson.

The Hon. L. A. LOGAN: Wool store workers, whether they are at Jandakot or on the wharf, are already covered by the journeying clause.

The Hon. R. Thompson: These are people employed from day to day.

The Hon. L. A. LOGAN: I know the honourable member objects to this clause and says it is restrictive, and the worst in Australia. But I am here to put the Government's policy into effect, and I do not intend to go outside that policy. The people I have mentioned are already covered under the Act.

The Hon. J. DOLAN: Following the reporting of progress I sought legal advice on this clause, and I asked a question of

a man very experienced in workers compensation. I asked whether waterside workers and those associated with the waterfront were covered under the clause as it stands at present. He replied they were. Accordingly I see no necessity for this amendment, and I do not propose to proceed with the one I have on the notice paper.

Amendment put and passed.

The Hon. H. K. WATSON: I move an amendment—

Page 2, line 5—Insert after the word "employment" the words "in relation to port or harbour operations at each port or harbour."

The Hon. R. THOMPSON: To my way of thinking this is not in the interests of the workers of Western Australia. Country members know what happens in country districts where people are picked up from day to day at some of the larger bulk-handling establishments.

The position in relation to munitions has just come to my mind. The method of unloading is to take the munitions from the ship to railway trucks which are pulled by horses to the various magazines. Casual labour is used for this purpose. In order to get the gunpowder and gelignite quickly out of the hot sun, the employers go around Spearwood and enlist the aid of market gardeners, who are told to report back the next day; but with the preference to unionists clause, these people are picked up on a daily basis, and anything from three to six days' work might be involved. These people would not be covered, although they are ordered back to do a most essential job.

Can this position be answered in the same way? That this is port or harbour work? The wharf work is finished as the cargo has been transported away from the actual place of unloading into an enclosed compound. I doubt whether these people would be covered.

I know the various State Acts, and possibly the best was introduced this year by the Bolte Government in Victoria, under which the ambit of the section dealing with journeying to and from work is the whole State. We do not hope to achieve that in Western Australia. However, we did achieve something, and we now find that it is going to be restricted. I oppose the amendment.

The Hon. L. A. LOGAN: I do not want the Committee to get the idea that we are taking something away.

The Hon. R. THOMPSON: You are.

The Hon. L. A. LOGAN: We are not taking anything away from anybody; we are making sure that some workers are getting something to which they are entitled, despite the fact that the legal

opinion obtained by Mr. Dolan said they had it. If that was so, why bring this measure before Parliament?

The Hon. J. Dolan: I said in this Bill.

The Hon. L. A. LOGAN: The legal advice I had is that it could have referred to a lot of others to whom it was not intended.

The Hon. R. THOMPSON: That is where you are taking something away.

The Hon. L. A. LOGAN: We are not taking anything away from those to whom it was intended to apply. I am sure that all the points that have been mentioned will be looked at by the Minister for Labour to see what are the ramifications of these amendments and to see whether any section of the community is unfairly dealt with. If so, I am sure he will act to rectify the position.

The Hon. R. THOMPSON: It will not cost the employer of labour a penny if this benefit is granted to all workers, because the field under which they can claim is so limited. The figure for Queensland is 2.8 per cent., and New South Wales 5.6 per cent.; and we must remember that at least 1,000,000 people use public transport in New South Wales. In Queensland the position is much the same as it is here where we use our own private transport. The waterside workers, the tally clerks, the ship's painters, or the dockers, would have a claim after they parked their cars on the wharf and walked to the ship's side. That would apply to 95 per cent. of the waterside workers. In most cases their claims would be against the Motor Vehicle Insurance Trust, as very few waterside workers walk to work, although a few do ride bicycles.

If we restrict this in accordance with the amendment, I guarantee that not one employer will get a rebate from the insurance company. I can give figures where the rates of insurance for each £100 paid by employers for compensation insurance has fallen considerably in Western Australia over a long period of years and is still falling. The claims for compensation in Western Australia are very good indeed in relation to the rest of Australia; yet the Minister says he does not want to take anything away from anyone. He does not want to give anybody anything.

The Hon. L. A. Logan: At the moment, that is a different matter.

The Hon. R. THOMPSON: That is for sure. The Minister wants to take away from the few persons—50 to 150—who go round the wool stores, and from those who do a valuable job for the farmers in the bulk-handling establishments in the country. I intend to vote against this amendment.

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

Ayes—15

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. N. E. Baxter	Hon. N. McNeill
Hon. A. F. Griffith	Hon. S. T. J. Thompson
Hon. C. E. Griffiths	Hon. J. M. Thomson
Hon. J. Heltman	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. F. D. Willmott
Hon. E. C. House	Hon. H. R. Robinson
Hon. L. A. Logan	(Teller)

Noes—8

Hon. J. J. Garrigan	Hon. R. Thompson
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. H. C. Strickland	Hon. F. J. S. Wise
Hon. R. H. C. Stubbs	Hon. J. Dolan
	(Teller)

Pairs

Ayes

Noes

Hon. V. J. Ferry	Hon. E. M. Heenan
Hon. G. E. D. Brand	Hon. F. R. H. Lavery

Majority for—7.

Amendment thus passed.

The Hon. H. K. WATSON: I move an amendment—

Page 2, line 8—Insert after the word “employers” the words “of port or harbour labour at each port or harbour.”

Amendment put and passed.

The Hon. L. A. LOGAN: I move an amendment—

Page 4, lines 11 to 26—Delete new subsection (13) and substitute the following:—

(13) (a) Where a judgment for damages has been given in favour of a worker, independently of this Act, in respect of an injury by accident and the worker receives payment of the whole amount of the judgment, he shall not commence or continue proceedings for, or in relation to, compensation under this Act in respect of the same injury.

(b) Any amount paid to a worker under a judgment for damages in respect of an injury by accident shall be deducted from the sum recoverable by the worker from the employer, by way of compensation under this Act, in respect of the same injury.

(c) Any amount received by the worker from the employer by way of compensation under this Act in respect of an injury by accident shall be deducted from the amount recoverable by or payable to a worker from or by the employer, under a judgment for damages in respect of the same injury.

The Hon. L. A. LOGAN: The new subsection to be substituted does not alter the meaning or the context at all, but is merely better paragraphed, three paragraphs replacing the original two.

The Hon. R. THOMPSON: I agree with the Minister that this amendment is better worded; but I do not agree with the principle. In all the other States in Australia when common law actions are taken, compensation payments already paid are not recoverable. In this State we have had to learn to live with the provision in our legislation. I do not want members to think for one moment that this is everything that is desired. We have had to learn to live with it, but we do not approve of it. We have no way at present of altering it so that all moneys received remain with the injured person or his dependants.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 3 and 4 put and passed.

Title put and passed.

Bill reported with amendments.

House adjourned at 5.53 p.m.

Legislative Assembly

Thursday, the 28th October, 1965

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