

Point of Order

The Hon. F. J. S. WISE: Before moving the adjournment of the debate, I would like some information from the Minister. Would he object, since members have listened intently to his speech, and would have no chance of reading it till this day next week at the earliest, to having copies of his speech roneoed and issued to members between now and Monday? It would assist them in their consideration of the Bill.

My next question to the Minister is: Would he mind the debate being adjourned until Wednesday? I would then know how to move.

The Hon. A. F. GRIFFITH: In answering Mr. Wise's first question, I would point out that the Clerk has advised me that additional pulls of my speech could be made available to members by Monday. In regard to his second question, I would express the personal opinion, and I would ask members to reflect upon it, that it might be more desirable if the debate on the Bill could be continued on Tuesday. I would hope that that will be possible.

I do not want to unduly rush the situation, nor do I want to make any profound statement in this regard, but, on reflection, if members could see their way clear to continuing the debate on Tuesday, it might be an advantage.

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

ELECTORAL DISTRICTS ACT AMENDMENT BILL

Correction of Error

THE HON. A. F. GRIFFITH (Suburban—Minister for Justice) [5.26 p.m.]: Mr. Deputy President I wish to make a personal explanation. It has been pointed out to me that this Bill contains two clauses numbered 6, which is obviously a printer's error. If members will alter the second clause 6 to read clause 7, then their Bill will be correct.

House adjourned at 5.27 p.m.

Legislative Assembly

Thursday, the 21st November, 1963

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The **SPEAKER** (Mr. Hearman) took the Chair at 2.15 p.m., and read prayers.

HANSARD STAFF

Method of Approach by Members

THE SPEAKER (Mr. Hearman): Before I proceed further, I wish to make one or two observations about imputations which were at least inferred last night so far as the *Hansard* staff was concerned.

Firstly, I think I should point out to members that the proper channel of approach to the *Hansard* staff is through the Chief *Hansard* Reporter and not direct to any individual reporter. Clearly, the Chief *Hansard* Reporter must be responsible for the contents of the *Hansard* report, and if there is any point in dispute he must adjudicate, in which case, of course, it becomes impossible for him to adjudicate unless he is present when the discussion takes place.

Imputations of Misrepresentation

The Chief *Hansard* Reporter has advised me that at no time have *Hansard* doors been locked; and it was suggested last night that they were locked. The suggestion that *Hansard* lent themselves to a quite improper misrepresentation of the position is one which is not fair on our

Hansard staff. I do not think that a consideration of the report will indicate that was the case.

Again I must emphasise that the proper channel of approach to the *Hansard* staff is through the Chief *Hansard* Reporter.

Mr. Graham: You had better tell the Speaker that, too! He ruled against *Hansard*.

CONVICTED INEBRIATES' REHABILITATION BILL

Introduction and First Reading

Bill introduced, on motion by Mr. Ross Hutchinson (Chief Secretary), and read a first time.

QUESTIONS ON NOTICE TIMBER: MALLET

Use for Tool Handles and Meat Skewers

1. Mr. W. A. MANNING asked the Minister for Forests:

- (1) Is he aware that mallet timber has been proved a very valuable wood for use in tool handles and meat skewers and is regarded as at least equal to imported hickory?
- (2) Is he also aware that an industry making a wide range of handles has been established with the whole output being disposed of as produced, and in addition that there are outstanding orders, including one for Singapore?

Delivery from Dryandra Forest

- (3) As the delivery of logs from the Dryandra Forest, Narrogin, is not keeping pace with the demand, will he make arrangements for improved planning?

Mr. BOVELL replied:

- (1) to (3) Yes. Mallet timber has proved a valuable wood for use in tool handles, etc., and its use in relation in value to imported hickory is being considered.

It is proposed that the Forests Department establish liaison with the Department of Industrial Development in this matter. However, because of the silvicultural requirements of the Dryandra mallet forest only a limited number of logs are produced annually and then only at a time when the bark from thinnings is being stripped. The stripping period is confined to the months of May to October when the bark can be readily removed. It would be quite uneconomic to fell mallet trees for the production of sawn logs only. The value of the bark per tree is three times that of the wood. Twenty-five per cent. of the annual bark production comes from State forests and Crown

land. The remaining 75 per cent. is produced from timber on private property.

DREDGE "PARMELIA"

Removal from Fremantle Fishing Craft Harbour

2. Mr. FLETCHER asked the Minister for Works:

- (1) Is he aware of discontent arising among professional and amateur fishing craft owners as a consequence of—
 - (a) the dredge *Parmelia* occupying area within the Fremantle fishing craft harbour;
 - (b) the consequent reduction of anchorage area;
 - (c) the reduced manoeuvring area?

- (2) As the craft mentioned has recently been sold by the Government for scrap metal, will he have the new owner remove the craft up river to Careening Bay or other area for demolition or disposal, with a view to relieving the congestion and other inconvenience caused?

Mr. WILD replied:

- (1) and (2) A condition of the contract of sale for the dredge *Parmelia* is that the vessel is to lay alongside the uncompleted berth inside the breakwater. It is therefore not occupying any of the mooring area within the harbour. This berth is still incomplete and therefore not available for commercial use.

The owner is required to dismantle and remove the vessel by the 17th January, 1964.

BALCATT PRIMARY SCHOOL

Commencement and Completion Dates

3. Mr. GRAHAM asked the Minister for Education:

- (1) When is construction likely to commence on the proposed new Balcatta Primary School?
- (2) What is the anticipated date of completion?

Mr. LEWIS replied:

- (1) I am advised that construction has already commenced.
- (2) The 1st February, 1964.

POLICE STATION AT NOLLAMARA

Opening, and Number of Staff

4. Mr. GRAHAM asked the Minister for Police:

- (1) When will the police station at Nollamara be opened?
- (2) What staff will be employed?

Mr. CRAIG replied:

- (1) The building is scheduled for completion on the 21st February, 1964, and the contractor expects to keep to schedule.
- (2) One sergeant and one constable.

BENTLEY HOSPITAL

Construction Plans

5. Mr. JAMIESON asked the Minister for Health:

- (1) When can some activity be anticipated on the site of the new Bentley Hospital?
- (2) Has the proposed schedule of construction been altered?

Mr. ROSS HUTCHINSON replied:

- (1) May, 1964.
- (2) No.

CIVIL SERVICE ASSOCIATION

Claim for Increase on Current Margins

6. Mr. TONKIN asked the Treasurer:

What is the present position concerning the claim of the Civil Service Association for a 10 per cent. increase on current margins being paid to civil servants?

Mr. BRAND replied:

In the light of substantial increases in margins already granted, the Public Service Commissioner has refused the claim for a further 10 per cent. increase on current margins. Subject to formalities he has reached agreement with the association on a new salary scale covering certain sections of the service, and consideration of the remaining sections is proceeding.

Mr. Graham: Does that also apply to members of Parliament?

Mr. BRAND: It certainly does not.

GOVERNMENT RAILWAYS ACT

Case of C. W. Bridgeman

7. Mr. H. MAY asked the Minister for Railways:

- (1) Is he aware—
 - (a) of the case of C. W. Bridgeman *versus* the W.A. Government Railways concerning an incident at the Loch Street railway station during March, 1961, when a train entering the station overran the platform. Mr. Bridgeman, when alighting from the train, slipped, and as a consequence received a broken leg;
 - (b) that after refusal of compensation from the Railways Department, Mr. Bridgeman

caused a writ to be issued against the Railways Department;

- (c) that the case was finally decided by Mr. Justice Jackson in the Supreme Court on the 1st October, 1963, when he said: "Section 40 (1) of the Railways Act provides in such circumstances the Commissioner is not liable"?

Amending Legislation

- (2) Will he give consideration to the question of amending the Act in consequence of the Bridgeman case, which has highlighted how unjust and unfair the Act is in such circumstances?

Mr. COURT replied:

- (1) and (2) I am aware of the Bridgeman case.

In considering whether section 40 (1) is unfair and in need of amendment, regard must be had for the overall reasons for the existing law in the operation of the railways. No good case appears to have been made out for amendment, but I will discuss the matter further with the commissioner on his return from the commissioners' conference.

IRON ORE

Rail Cartage from Koolyanobbing to Kwinana

8. Mr. KELLY asked the Minister for Railways:

- (1) At what rate per ton has his department agreed to land iron ore to B.H.P. from Koolyanobbing to Kwinana?
- (2) What will be the total mileage?
- (3) Will his department have to construct a standard gauge rail especially to serve B.H.P.?
- (4) Will the three feet six inch gauge now serving B.H.P. be then discontinued?

Mr. COURT replied:

- (1) This is covered by clause 13 (8) (b) of the agreement ratified by Act No. 67 of 1960 where the information requested is set out. I am having calculations made showing examples of one million, two million and three million tons per annum for the information of the honourable member.
- (2) Approximately 313 miles.
- (3) No.
- (4) No.

RAILWAY SYSTEMS IN W.A.

Future Utilisation of Narrow Gauge Lines

9. Mr. KELLY asked the Minister for Railways:

- (1) What is the Government's policy in regard to the future of all 3 ft. 6 in. gauge railway lines throughout the State?

Standard Gauge Connections: Albany, Bunbury, and Geraldton

- (2) Does the Government intend to connect such towns as Albany, Bunbury, and Geraldton with the standard gauge rail service; if so, when?

Narrow Gauge Line: Perth-Kalgoorlie

- (3) Is it the intention to continue the 3 ft. 6 in. gauge system on all lines other than between Perth and Kalgoorlie; and at what points will transshipment depots be established?
- (4) At what point of time is it anticipated that the 3 ft. 6 in. gauge between Perth and Kalgoorlie will be discontinued either in part or whole?

Mr. COURT replied:

- (1) and (2) It should be the objective ultimately to have standard gauge throughout, but it is something that could only be achieved over very many years.

However, in current planning the ultimate objective is being kept in mind and progress has been made in assessing how best the next stage after the Kalgoorlie-Fremantle sector should be undertaken when circumstances permit.

Any overall scheme would, of necessity, have to be undertaken in a number of regional stages.

- (3) (a) Yes.
(b) The transshipment points will be:—

Kalgoorlie.
Merredin.
Northam.
Midland.
Kewdale.

(This is contingent on a final decision in respect of Coolgardie.)

- (4) Not before completion of the standard gauge project, the revised target date for which is the end of 1967.

STANDARD GAUGE RAILWAY: GOLDFIELDS SECTIONS

Extension to Goldfields Area: Surveys, etc.

10. Mr. KELLY asked the Minister for Railways:

- (1) How many standard gauge railway surveys have been made between—
 - (a) Merredin and Southern Cross;
 - (b) Southern Cross and Coolgardie;
 - (c) Coolgardie and Kalgoorlie;
 - (d) Kalgoorlie, Koolyanobbing and Southern Cross;
 - (e) Merredin and Kellerberrin?
- (2) Were any or all of these surveys completed?
- (3) Are any other surveys contemplated in any of the above sections?
- (4) What was the cost in each separate section?
- (5) Who carried out each of the surveys?
- (6) Has any firm decision yet been reached as to the final location of the standard gauge in any section?

Mr. COURT replied:

- (1) Since work on the standard gauge project commenced, surveys have been made as follows:—
 - (a) Merredin - Southern Cross: Aerial photogrammetric survey by Lands and Surveys Department with establishment of ground control levels by the Railways Department.
 - (b) Southern Cross-Coolgardie: Aerial photography by the Lands and Surveys Department.
 - (c) Coolgardie-Kalgoorlie: Aerial photography by the Lands and Surveys Department.
 - (d) Kalgoorlie - Koolyanobbing - Southern Cross: Aerial photography by the Lands and Surveys Department and ground reconnaissance by the Railways Department.
 - (e) Merredin-Kellerberrin: Aerial photogrammetric survey by the Lands and Surveys Department, with establishment of ground control levels and pegging of traverse by the Railways Department.
- (2) All surveys completed to the stage required.
- (3) No.
- (4) Separate costs are not kept.
- (5) Answered in question No. (1) above.

- (6) Northam-Merredin: With the exception of a few miles west of Merredin, the location is finalised. Merredin-Southern Cross: Investigation is still proceeding to finalise the location. Southern Cross-Koolyanobbing: General alignment is defined, but is subject to minor adjustment as field pegging proceeds. Southern Cross-Kalgoorlie: Investigations into final alignment not yet complete.

Kalgoorlie-Southern Cross: Total Mileage and Subsidiary Services

11. Mr. KELLY asked the Minister for Railways:

- (1) If the Government finally decides to construct the standard gauge railway from Kalgoorlie to Southern Cross *via* Koolyanobbing, what will be the total mileage of this route?
- (2) Will the Government have to install a railway telephone system adjacent to the railway line?
- (3) How is a water system to be provided?
- (4) Will provision be made for any siding *en route* other than at Koolyanobbing?
- (5) What system will be used for the safe working of trains which will have to pass *en route*?
- (6) What is the distance from Kalgoorlie to Southern Cross by the present railway system?
- (7) Will a permanent way gang be necessary on the standard gauge between Kalgoorlie and Southern Cross?

Mr. COURT replied:

- (1) 158 miles.
- (2) Yes.
- (3) Water is not required for operation of trains. Any staff between Koolyanobbing and Kalgoorlie would be supplied from travelling water tanks, if suitable water is not available from local supplies.
- (4) Yes, as required at points where sufficient traffic would justify construction.
- (5) Automatic colour light signalling with crossing loops.
- (6) 139 miles. However, to obtain the required grading for standard gauge on this route, many deviations would be necessary and length then would be about 174 miles. If this route was followed an additional 34 miles of spur line Southern Cross to Koolyanobbing would be needed.
- (7) The system of permanent way maintenance has not yet been decided.

Pyrites: Point of Transshipment and Cost

12. Mr. KELLY asked the Minister for Railways:

- (1) When the standard gauge railway is in operation from Kalgoorlie to Perth, at what point will pyrites from Norseman be transhipped?
- (2) Will it be necessary to build special facilities for the purpose of transferring the ore from one gauge to another?
- (3) Has the department an estimated cost of providing this equipment?
- (4) Will transshipment and the extra 50 odd miles added to the present mileage covered, increase the landed cost of pyrites at destination?

Mr. COURT replied:

- (1) to (4) The whole question of the handling of pyrites after standardisation is under review to assess the most economical method. It will be appreciated that the actual physical problem of handling the pyrites does not arise until the standard gauge line is completed, but the department has already made considerable progress in its research as a prerequisite to determining the best and most economic methods.

13 and 14. *These questions were postponed.*

BELLEVUE-KOONGAMIA-BOYA RAILWAY

Operation Cost Subsequent to Standard Gauge Railway

15. Mr. BRADY asked the Minister for Railways:

- (1) What costs to the railways would be involved in keeping the Bellevue - Koongamia - Boya railway open for traffic subsequent to the standard gauge railway being laid down?
- (2) How is the figure of between £75,000 and £100,000 mentioned in his reply on the Darlington line debate arrived at?

Mr. COURT replied:

- (1) and (2) Whilst it would not be physically impossible to retain the connection to Koongamia when the standard gauge line is completed, it would be a most costly and uneconomic proposition. Although detailed plans and estimates have not been made, a current appraisal shows that costs involved would be to the order of approximately £85,000. In view of the limited traffic

from this section of line this expenditure is not warranted and could not be justified.

The work involved would be:

Alterations to level and alignment of dual gauge lines. (It should be noted the standard gauge railway will be more than 7 ft. above the existing rails). Provision of special dual gauge 3 ft. 6 in. diamond crossings. Regrading of Mundaring branch line both sides of dual gauge tracks at Bellevue. Relaying of Mundaring branch line with necessary connections at reggraded level.

Automatic signal control.

"HILLSTON" AND "RIVERBANK" INSTITUTIONS

Holding Capacity

16. Mr. CRAIG: Yesterday I asked whether answers to the following questions asked by the member for Fremantle could be postponed until Tuesday next:—

- (1) What is the holding capacity of each of the Child Welfare Department's institutions at Stoneville and Caversham?

Employees

- (2) How many persons, including teachers, are employed at each centre?
- (3) How many "inmate weeks" were boys in detention in each establishment during the past financial year?

Financial Details

- (4) What was the total expenditure, excluding capital expenditure, on each establishment during the past financial year?
- (5) Do these figures include any charge for head office administration?
- (6) What was the weekly cost of detaining each inmate during the year at—
(a) Stoneville;
(b) Riverbank?
- (7) What was the approximate weekly amount recovered by way of maintenance for each child in the institutions?

I have received from the Minister for Child Welfare the answers to the questions asked; and, with your permission, Mr. Speaker, I shall read them. They are as follows:—

- (1) "Hillston" 60; "Riverbank" 33.
- (2) "Hillston" 33; "Riverbank" 37.

- (3) "Hillston" 2,559; "Riverbank" 1,574.
 (4) "Hillston" £58,399; "Riverbank" £68,394.
 (5) No.
 (6) "Hillston" £22 16s. 5d.; "Riverbank" £43 9s.
 (7) "Hillston" 9s. 8d.; "Riverbank" 14s. 4d.

QUESTIONS WITHOUT NOTICE

HOME OF PEACE

Retention of Increased Pensions

1. **Mr. HEAL:** The Minister for Health indicated to me yesterday that he would have inquiries made from the Home of Peace regarding the proposal of the board of management to retain a certain portion of the increase that pensioners recently received. Has the Minister had time to make the necessary inquiries today?

Mr. ROSS HUTCHINSON replied:

I regret that I have not had an opportunity to get the information for the honourable member; but I will try to do so at the earliest opportunity.

WORKERS' COMPENSATION ACT

Amending Legislation

2. **Mr. W. HEGNEY** asked the Minister for Labour:

Can he indicate to the House when he is likely to introduce a Workers' Compensation Act Amendment Bill?

Mr. WILD replied:

Due to the extreme pressure under which the officers of the department and I have been during the past fortnight, I have not been able to talk to them or to devote myself to the Act. I shall look at the matter next week to see what I can do.

NATIVE WELFARE BILL

Second Reading

MR. LEWIS (Moore—Minister for Native Welfare) [2.34 p.m.]: I move—

That the Bill be now read a second time.

The first legislation "to provide for the better protection and management of the aboriginal natives of Western Australia" was passed in 1886, since when many amendments have been initiated by Governments of all political beliefs. These amendments have been based on the progressive needs and advancement of these people towards assimilation.

This goal of assimilation was defined at the conference of the appropriate Minister from each State and the Commonwealth, held at Darwin last July. This policy of assimilation was held to mean that all natives and part natives will attain the same manner of living as other Australians and live as members of a single Australian community enjoying the same rights and privileges, accepting the same responsibilities, observing the same customs, and influenced by the same beliefs, hopes and loyalties as other Australians.

Any special measures taken for natives and part natives are regarded as temporary measures, not based on race, but intended to meet their need for special care and assistance to protect them from any ill-effects of sudden change, and to assist them to make the transition from one stage to another in such a way as will be favourable to their social, economic, and political advancement. In making this statement, I should draw attention to the rather loose use of the term "citizenship" in reference to natives.

Australian aborigines are Australian citizens by virtue of the Commonwealth Nationality and Citizenship Act, 1948-1960. In this and other States there is specific legislation designed to promote their welfare and afford them special assistance, but such Statutes can in no sense derogate from their citizenship in the sense of their status as Australian citizens.

Until the end of the last war the progress of the native population was slow, but in the last 15 years successive Governments have given greater attention to their needs. More attention has been given to their education, both academically and socially, and steps have been taken to improve their employment prospects. In recent years the tempo of this training has increased, and I believe that the population generally has become more aware of and more sympathetic towards their cause.

During the 20 months I have had the honour to be the Minister for Native Welfare I have spent a great deal of time in becoming conversant with the problems of these people, and have travelled the length and breadth of the State examining at first hand and the conditions under which they live and the factors which are obstacles in the way of their becoming fully assimilated.

Many of these people are now reasonably well educated and are living decent respectable lives. Most of those of school age attend school and receive the same instruction as other children. The latest figures indicate that there are at present 3,814 children attending primary schools, and 333 enrolled at secondary schools. The department is pressing ahead with its programme of instruction in proper maintenance of the home, infant care, adequate diet, hygiene, etc.

With the development being achieved by these people it is becoming increasingly evident that many of the restrictions at present imposed upon them by legislation are becoming irksome, and are a cause of much discontent. Throughout all of the States there is a steady trend towards the repeal of this type of legislation, which can be described as retarding to the progress of the natives, and to speed up the progress towards assimilation.

In furtherance of this policy this Bill proposes to repeal and re-enact the Native Welfare Act, 1905-60, which itself contains references to other Acts affecting natives. In this Bill many of these references are excluded and will be dealt with by several Bills being introduced as complementary to this measure, and which are designed to amend the licensing and other Acts.

Although it is expected that the native population will ultimately be completely assimilated into the community, at this stage of their progress it is still very necessary to provide some assistance as an aid to their development, and this Bill contains some measures which will give effect to this requirement.

One of the more important measures in this category is that providing for the granting of financial assistance. The present Act authorises the department to lend money to natives in need of funds to develop their properties. However, at present, before this finance can be made available, the title in the property must be transferred to the Minister. In the past this has caused delays resulting in considerable concern as to whether the funds could be made available before it was too late for them to be of use.

In any case it is an unwieldy and unsatisfactory way of doing business, and is accepted with marked reluctance by the borrower. It is also discriminating against natives in so far as this transfer of title is not required of Europeans. It is proposed, therefore, to do away with this procedure and provide the Minister with the power to lend money on mortgage to natives for the purposes of developing, improving, or enlarging their properties.

The Bill also provides the Minister with the power to set up a trading fund which it is intended will act as an inducement to natives and assist the department to develop small business ventures by providing, on loan, finance for the purchase of plant, etc., necessary for the success of the venture. One of the most difficult problems facing the native is finding satisfactory and permanent employment. This applies particularly to those living away from the settled areas.

It has been found that this problem can be partly solved by encouraging and assisting the development of small domestic industries—the production and sale of artifacts, mining ventures, brickmaking, and

certain contract work; as, for example, root picking in the Esperance area. In the past, lack of capital has hindered these activities and this proposal is intended to overcome this obstacle. Guidance in existing industries and the promotion of new ones will be undertaken by project officers recently appointed for this purpose.

These privileges are available only to those defined as "natives" and it is proposed to retain the existing definition. However, in the past, there have been instances where deserving cases have been excluded from the benevolent provisions of the Act because of this definition.

A clause has therefore been inserted in the Bill which will give the Minister discretionary power to extend the benefits and privileges conferred on natives by the Act to any person who has any degree of native blood, but who is not a native within the meaning of the Act. It was thought better to make provision for such people in this way rather than to extend the definition.

As a precaution against the spread of leprosy, a 1941 amendment insisted that all natives travelling from north to south of latitude 20 were required to be provided with a permit. This provision is considered, nowadays, as an unnecessary restriction on the liberty of these people. With modern transport it is virtually impossible to police. The Commissioner of Public Health considers the restriction to be no longer necessary. Only a comparatively few people are affected by Hansen's disease—which, as most members know, is another name for leprosy—which, under modern treatment, can be cured. There is no evidence of the disease spreading.

Many natives are obliged to visit Perth for medical reasons, employment interviews, and for other purposes; and it is considered that the formality of applying for and being issued with travel permits should be abolished; and this provision has been excluded. The Commissioner of Native Welfare is at present the legal guardian of all native children under 21, other than those who are committed as wards under the Child Welfare Act. This concept is considered to be outmoded, and it is proposed to delete the provisions from the Act. Appropriate cases can then be dealt with under the ordinary provisions of the Child Welfare Act.

Another section of the present Act which has not been included in the Bill now under consideration is that dealing with cohabitation. It would no longer be an offence, under the new provisions, for a non-native to cohabit with a native unless one of the ordinary laws of the community was thereby infringed. The rights of native women and girls are adequately covered by the Police Act and the Criminal Code, and ample safeguards now exist to prevent their exploitation.

Current legislation provides for the Commissioner of Native Welfare to undertake the general care, protection, and management of the property of any native, with or without his consent, if he is a minor, or, in the case of an adult, in so far as it may be necessary to provide for the preservation of his property. However, in accordance with the general tenor of this legislation, it is proposed to lift this somewhat paternal restriction and give all adult natives full discretion as to whether the department should administer their property.

It is proposed to amend those sections dealing with the estates of deceased natives. At present the property of any native who dies intestate vests in the Commissioner of Native Welfare, whose responsibility it is to distribute the estate to the beneficiaries. It is considered that this could more appropriately be handled by the Public Trustee, who has both the organisation and the staff for it. This Bill seeks to remove this responsibility from the Native Welfare Commissioner and provide the Public Trustee with the authority to deal with these estates.

The Natives (Citizenship Rights) Act provides for the granting of full citizenship rights to natives under certain conditions. There is also a provision in the Native Welfare Act which, although not conferring the same measure of benefits on natives as does the citizenship rights Act, does empower the Minister to issue a certificate exempting a native from the provisions of the Native Welfare Act.

These powers have not been used for some years, and since the Natives (Citizenship Rights) Act is to remain in force there seems to be little point in retaining powers of exemption. Consequently they have been omitted from this Bill. There are other alterations incorporated in the Bill, but I think I have dealt with the matters of major importance. I strongly commend the Bill to the House.

Debate adjourned, on motion by Mr. Brady.

NATIVE WELFARE BILL

Message: Appropriation

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

LICENSING ACT AMENDMENT

BILL (No. 4)

Second Reading

MR. LEWIS (Moore—Minister for Native Welfare) [2.48 p.m.]: I move—

That the Bill be now read a second time.

This is the first of the complementary Bills to which I referred when moving the Native Welfare Bill. The liquor restrictions on natives in this State were enacted originally in the Aborigines Act,

1905. At that time it was made an offence to supply liquor to a native, and it was not until the Act was amended in 1911 that it became an offence on the part of the native to receive liquor. In that same year the Licensing Act was passed by Parliament, and the sections now under consideration, although amended from time to time, are in essence those contained in the original Act.

It is now considered that in conformity with current trends, and in view of the standards being achieved by most natives, it is time to give them some relief from these restrictions. It is not intended that this should be done immediately, but rather after an intensive educational programme has been conducted by officers of the Department of Native Welfare. At the conclusion of this programme a survey will be made and, when this amending legislation is proclaimed, certain areas will be proclaimed where the right of access to liquor will be withheld.

The period for which this right will be withheld will be determined progressively by the standards achieved by the natives resident in the locality. Meanwhile, the Natives (Citizenship Rights) Act will remain in force so that no native resident in the proclaimed areas now enjoying citizenship rights will be deprived of those rights.

For a number of years the police have obtained the co-operation of many licensees who have refused to supply bulk liquor to natives who have legal access to liquor. The experience of this bottle ban has been that where it is operated it reduces the consumption of liquor and drunkenness of natives with a consequent reduction in offences against the law. Most licensees who have accepted the principle of the bottle ban administer it rigidly, but others, mainly in the north-west, allow natives legally entitled to liquor to purchase one or perhaps two bottles. It is intended to retain and extend the bottle ban, with or without local modifications, wherever possible, as it is believed that by encouraging the native to drink at the bar, many of the objectionable features now associated with his drinking will be removed.

Restrictions on access to liquor were lifted in New South Wales in February of this year; and information obtained in April and confirmed yesterday shows that despite previously widely held fears to the contrary, there has been no increase in the number of charges against aborigines for drunkenness or associated offences and that the Minister, the Aborigines Board—

Mr. Bickerton: Have they a bottle ban there?

Mr. LEWIS: Not as far as I am aware. As I was saying, the Minister, the Aborigines Board, the police, and the general public are satisfied that the change has been for the good.

As from the 1st August, 1963, liquor restrictions have been lifted in the metropolitan area of Adelaide. It is intended there to review the position at the end of six months with a view to gradually extending the proclaimed free area. There has been some pressure from white residents in the Murray River area to have the restrictions lifted in that locality. It is believed in South Australia that ultimately only reserves and institutions will remain in the prohibited zone.

In the Northern Territory, liquor restrictions on persons having any degree at all of aboriginal blood, other than full-bloods, were lifted some 10 years ago. There was a short period of adjustment, but these people are now regarded as being ordinary members of the community. The lifting of restrictions on full-bloods is under consideration at the moment.

A committee has been formed in Queensland to examine existing legislation, including that pertaining to the supply of liquor to natives, and its report is expected shortly. Members may have read the article in the *Daily News* a few nights ago—I think last Friday—when an indication was given of the legislation under consideration there. There are no restrictions existent either in Victoria or Tasmania.

Careful and long consideration has been given to this proposal and it has only been submitted as the result of consultation with representatives of local governing authorities, pastoralists' associations, welfare committees, and others; and while misgivings are held in some quarters, I am confident that the granting of this long-desired right to natives will do much to promote their awareness of obtaining the same social opportunities and privileges as Europeans. While it is expected that a few of them will, like whites, be unable to handle this new-found privilege, they will soon follow the same social patterns, either for better or worse, as the general community of which they are essentially a part.

I would point out that hotelkeepers will have the same right, and for the same reasons, to refuse liquor to natives as to the rest of the community. At the same time, missions and others will have the same right of refusing to allow liquor to be brought on to their properties as now obtains.

Debate adjourned, on motion by Mr. Brady.

EVIDENCE ACT AMENDMENT BILL

Second Reading

MR. LEWIS (Moore—Minister for Native Welfare) [2.56 p.m.]: I move—

That the Bill be now read a second time.

This legislation is consistent with the Native Welfare Bill. The Evidence Act, 1906-62, makes special provision for the aboriginal natives of this State in regard to the administering of the oath. This legislation dates back to the times when most natives had little or no contact with our white civilisation and were quite unable to comprehend the nature of an oath.

Provisions were therefore inserted in the Evidence Act to make acceptable as evidence in a court of law written or verbal statements made by a native subsequent to his affirmation or declaration that he would tell the truth.

Since virtually all natives now have contact with our civilisation and our laws and are for the most part literate, this legislation is considered to be redundant; and, in conformity with other legislation introduced recently, it is proposed to repeal it and subject natives to the ordinary laws of evidence contained in the Evidence Act.

Debate adjourned, on motion by Mr. Brady.

CRIMINAL CODE AMENDMENT BILL (No. 2)

Second Reading

MR. LEWIS (Moore—Minister for Native Welfare) [2.58 p.m.]: I move—

That the Bill be now read a second time.

This is another short Bill which is designed to lift a discriminatory measure against natives. It is one of those consequential amendments to which I referred in my second reading speech on the Native Welfare Bill. It is an amendment to the Criminal Code, 1913-62, deleting special references to natives with regard to the punishment of whipping.

These provisions are a reflection of the old days when natives were discriminated against by our laws. It is believed that these discriminatory measures should now be removed and that natives should be subject to the same penalties as other members of the community for similar offences and that these outmoded provisions, which have very properly fallen into disuse over the years, should be deleted from the Statute book.

Debate adjourned, on motion by Mr. Brady.

MINING ACT AMENDMENT BILL (No. 2)

Second Reading

MR. LEWIS (Moore—Minister for Native Welfare) [3.1 p.m.]: I move—

That the Bill be now read a second time.

During the early part of the century native labour, which was then of a standard far below that of other members of the community, could be hired for virtually

nothing. It was feared by the legislators of the day that some mine owners might take advantages of this fact to defeat the spirit, if not the letter, of the law by engaging natives to fulfil the labour conditions imposed by the Act.

A section was therefore included in the Mining Act, 1905, which excluded the labour of any native being accounted as *bona fide* work in fulfilment of the labour conditions on any mining tenement unless the permission of the warden was first obtained.

In the view of the Department of Native Welfare and the Mines Department this restriction is no longer necessary and it is proposed, under this Bill, to delete the relevant section.

Debate adjourned, on motion by Mr. Moir.

FIREARMS AND GUNS ACT AMENDMENT BILL (No. 2)

Second Reading

MR. LEWIS (Moore—Minister for Native Welfare) [3.3 p.m.]: I move—

That the Bill be now read a second time.

This is a simple amendment designed in common with other amendments presented this session to lift restrictions which are now considered unnecessary against natives.

At present the restrictions on the possession and licensing of firearms under the Firearms and Guns Act, 1931-1962, apply to every native throughout the whole State.

This Bill proposes to do away with this discrimination and to give them the same rights, which, of course, will carry the same responsibilities, as the European section of the community.

Debate adjourned, on motion by Mr. Bickerton.

FRUIT CASES ACT AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [3.6 p.m.]: I move—

That the Bill be now read a second time.

The action proposed under the amendment to the Agricultural Products Act, to extend the activities of the Apple Sales Advisory Committee for a further two years, necessitates the amending of the Fruit Cases Act also.

The section of this Act amended in 1962 defined a direct buyer of apples, and provided for his registration. This enables information to be obtained of the wholesalers and retailers who buy direct, to ensure that the grades of apples prescribed under the Agricultural Products Act can

be effectively checked. This avoids growers selling through normal channels being placed at a disadvantage, if grade standards are not enforced at places where apples are bought direct.

In view of the Western Australian Fruit Growers' Association's wish that this legislation should be continued for another two years, until the 31st December, 1965, I am commending this amendment to the Fruit Cases Act accordingly.

Debate adjourned, on motion by Mr. Kelly.

BEEF CATTLE INDUSTRY COMPENSATION BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [3.9 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes that a compensation fund be established for the purpose of paying compensation to the owners of diseased beef cattle. Under this Bill, the inspection and testing of beef cattle for diseases such as tuberculosis, actinomycosis (lumpy jaw), and any other diseases of cattle declared by the Governor by proclamation, are provided for.

As in other sections of primary industry, such as dairy cattle and pigs, and whole milk, compensation is paid to owners of stock that have been ordered to be destroyed, or of carcasses condemned, and this Bill enables this to be done in the case of beef cattle.

An account will be established in the Treasury and called the Beef Cattle Industry Compensation Fund. Into this fund will go contributions by beef cattle owners, an equal payment by the Treasury, plus money raised as a result of returns from the sale of condemned animals. This fund, in addition to providing compensation to beef cattle owners, also meets the cost of administering the scheme. Provision is included in the Bill for the Treasury to make advances to the fund should it be deemed inadequate, and these advances will be a charge on that fund. That could possibly happen in the early stages of the working of the Act because a payment greater than the income from the scheme could be made. So it might be necessary for the Treasury to make advances. They would be repaid, of course.

There is a provision in the Bill for it to apply to the South-West Division of this State, as defined by the Land Act, and such other parts of the State as the Governor may declare by proclamation.

At present there is T.B. testing of dairy cattle in the south-west region and testing of beef cattle as far as Royal Show exhibits and export beef cattle are concerned, but no general testing of beef

cattle. There has been an increase in the production of beef cattle in the south-west area, and as T.B. has been virtually eradicated from whole milk and butter-fat cattle under the Dairy Cattle Compensation Scheme, it is a logical step to extend a similar T.B. testing plan to beef cattle.

There are beef and dairy herds on adjoining properties, or even on the same property, with the opportunity for close contact. This Bill can control the spread in this way of the diseases mentioned. It would also eliminate a source of wastage in the beef herds and remove a public health hazard, where meat inspection services are non-existent or inadequate. The Beef Cattle Breeders' Association and the Pastoralists and Graziers' Association have been impressed with the progress made in the eradication of T.B. from dairy herds, and for this reason are in support of this measure applied to the beef cattle industry. Recently the Farmers' Union, which was previously opposed to the measure, signified that it is able to support it.

Observers at the metropolitan and country abattoirs provided abundant proof of the presence of T.B. in beef cattle. With the extension of T.B. testing to beef herds, it is expected that eradication of T.B. from agricultural areas could be effected within a few years. Contributions to the compensation fund will be in the form of a levy of one penny in the pound on the sale price of beasts with a limit of 5s. per head and for this purpose a small amendment will be made to the Stamp Act.

As has happened with other contribution schemes, the amount of levy will be progressively decreased as the incidence of the disease is reduced. In a few years it is hoped it will fall to a level where its impact will be scarcely felt by beef cattle owners. It is estimated that the producers will contribute £30,000 and the Government, on a pound-for-pound basis, a similar amount. To this sum may be added the salvage value of carcasses, estimated at £14,000. This makes a total fund of £74,000 in the first 12 months. These figures are based on an estimate of a cattle sales figure of 240,000 for a period of 12 months.

Out of this fund it is estimated that expenditure in the way of compensation payments, testing costs, and freight could amount to approximately £34,000—leaving a balance in the compensation fund of £40,000. This, of course, is only a rough estimate to indicate the position during the first year of operations.

The Bill proposes that the maximum amount of compensation payable in respect of diseased beef cattle shall be that recommended by the Minister at least once annually and approved by the Governor.

This proposal is similar to that contained in the dairy cattle legislation. It is planned that the Act shall come into force on a date to be proclaimed. This will enable the necessary staffing and financial arrangements to be made. In putting forward this legislation, I feel that this measure will not only benefit the beef cattle industry but also the community generally.

Debate adjourned, on motion by Mr. Kelly.

STAMP ACT AMENDMENT BILL

(No. 4)

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [3.17 p.m.]: I move—

That the Bill be now read a second time.

As I mentioned when speaking on the previous Bill, this is a complementary measure to the Beef Cattle Industry Compensation Bill. To provide for the contributions to that fund by the producers, it is necessary to amend the Stamp Act to make provision for a payment of one penny for every £1 or part of £1 of the sale price of each animal or carcass sold. There is a limit of 5s. expressed in the amendment.

Also, this Bill makes it possible for the Governor to declare by proclamation from time to time any lesser amount of stamp duty than one penny. This will enable a reduction to be made to the producer's contribution, which it is anticipated will be in the near future.

The payment and collection of stamp duty will be made at the point of sale through the stock agent. This arrangement has worked quite well in the matter of compensation for pigs. It should also be satisfactory for the compensation fund for beef cattle. The reason for collection of the levy in this way is to ensure that it may not be declared an excise and so contravene the Commonwealth Constitution.

Provision is made in the Bill, as in the Beef Cattle Industry Compensation Bill, for it to come into force on a date to be proclaimed. This will enable the two Acts to come into operation on the same date.

Debate adjourned, on motion by Mr. Kelly.

WHEAT INDUSTRY STABILISATION BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [3.20 p.m.]: I move—

That the Bill be now read a second time.

This Bill is complementary to the Commonwealth Wheat Stabilisation Act of 1963, which has just been passed by the Federal Parliament, and which enables

the operations of the wheat stabilisation scheme to continue for a further five years. As far as is possible, the scheme has been successful in the stabilisation of what is considered to be an industry faced with uncertainties of season, and the vagaries of sales on the world's markets. The scheme has been operating for the past 15 years and the stabilisation of the wheat industry is becoming more firmly established each year. It has the full support of the wheatgrowers of this State.

This Bill is substantially the same as the Wheat Stabilisation Act that has been in force in Western Australia for five years from 1958. The main aspects of the plan that have necessitated differences in this Bill compared with previous legislation are—

1. The cost of production price which previously was 15s. 10d. per bushel f.o.r. export ports is now fixed at 14s. 5d. per bushel based on the results of an economic survey of the industry made by the Bureau of Agricultural Economics.

2. The cost of production price—namely, 14s. 5d. per bushel—becomes the price payable to growers for the amount of wheat used for local consumption, and for a quantity of wheat exported overseas.

3. The quantity of wheat exported overseas, for which the price of 14s. 5d. per bushel will be paid, has been increased from 100,000,000 bushels to 150,000,000 bushels in the present Act.

4. Previously, an extra 3d. per bushel was paid to growers in Western Australia because of the savings in freight from Western Australia to overseas ports. Because of changing circumstances—namely, the amount of wheat being sent to Japan and China—the allowance has been reduced to the actual savings incurred. The maximum amount allowable under this arrangement shall not exceed 3d. per bushel.

That was an agreement made by the Agricultural Council when this matter was being considered, and after fixing a maximum of 3d. per bushel, which will be payable by the Western Australian wheatgrowers during the period of the wheat stabilisation scheme. The other aspect of the plan is—

5. A consequence of the new Act will be a lower home consumption price for wheat.

This Bill is to apply to wheat harvested in the season that commenced on the 1st October, 1963, and will continue for the next four succeeding seasons. This is necessary, as the Wheat Stabilisation Act, 1958, ceased to have effect on wheat harvested after the 30th September, 1963. It is most satisfying that all States, and the Commonwealth, have again agreed on a

five-year stabilisation plan for a major industry in Australia, and most particularly in Western Australia. At this point I do not think it is necessary for me to underline the importance of this great industry in Western Australia. Although this year, apparently, we are not going to receive as much wheat as was expected, because of the effect of rust upon crops in some parts of the State, it is still accepted that this is one of the vagaries of the season that we have, and when it is realised that last season we had a record harvest, I think it can be predicted with a fair amount of confidence that the wheatgrowers of this State are going to play an increasingly important part in the growth and development of Western Australia.

The wheat industry is second only to wool as a source of export income throughout Australia. For this reason, and also because of the very nature of the industry itself, there must be stability in its marketing, and this Bill will provide that necessary stability.

Debate adjourned, on motion by Mr. Kelly.

BILLS (2): MESSAGES

Appropriation

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

1. Beef Cattle Industry Compensation Bill.
2. Wheat Industry Stabilisation Bill.

VETERINARY MEDICINES ACT AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [3.27 p.m.]: I move—

That the Bill be now read a second time.

The Veterinary Medicines Act, 1953, provides for the appointment of a veterinary medicines advisory committee consisting of four persons occupying various official positions. As some of these positions and offices have become obsolete, it is necessary to amend the Act to bring it up to date.

At the time of the original legislation it was considered that the person who would occupy the office of Deputy Government Analyst would be the most suitable to give guidance on the chemical aspects of veterinary medicines registration. Because the title of that position has now been altered to that of Divisional Chief, Food, Drugs, and Toxicological Division, it is considered that an alteration to the Act is desirable to provide the necessary legal backing for this amended title.

Also, the Act provides for a member of this committee to be the principal, for the time being, of the animal health and nutrition laboratories. As the Chief

Veterinary Pathologist is the present member, and the animal health and nutrition laboratories do not officially exist, the present amendment alters the description of that member of the veterinary medicines advisory committee to "the person for the time being occupying the office of Chief Veterinary Pathologist of the Department of Agriculture of the State."

Should a similar position occur in the future and titles are changed, a subsection has been added to provide for the appointment by the Governor of the occupants of the substituted offices. As the Governor appoints committee members in the first instance, it is provided that the Governor shall appoint any substitute considered necessary.

In addition to these amendments, the opportunity has been taken of making minor alterations of a consequential nature to the definitions of "analyst" and "veterinary surgeon."

Debate adjourned, on motion by Mr. Kelly.

LICENSING ACT AMENDMENT

BILL (No. 2)

Second Reading

Debate resumed, from the 12th November, on the following motion by Mr. Court (Minister for Industrial Development):—

That the Bill be now read a second time.

MR. OLDFIELD (Maylands) [3.30 p.m.]: The Minister for Industrial Development, when introducing this measure, did not make any comment as to whether it should be regarded as a party, or a non-party issue; therefore I have assumed, as is the case with all other Bills dealing with the Licensing Act, that it shall be regarded as a non-party matter. I would like the Minister at this stage, if possible, to give some indication.

Mr. Court: As usual.

MR. OLDFIELD: I thank the Minister. There is not a great deal in the Bill with which I am at variance. The vast majority of the proposals in it can only meet with the approbation not only of members of this Chamber, but of people connected with the trade and the general public at large. Some of the objections which I shall raise are quite valid, and I trust when we reach the Committee stage members will give consideration to effecting slight amendments, or to the deletion of certain clauses.

This Bill sets out to overcome an anomalous position under which it is now possible for a member of a licensed club in the metropolitan area, or for any person in an agricultural district, to attend one of the Sunday sessions and to obtain legally a can of beer, because the existing Act specifically provides liquor

shall be supplied, as long as it is not in a bottle. As a can is not a bottle, there is a legal loophole which allows beer to be supplied in cans if the contents are consumed between the hours at which the registered club or hotel is legally open on Sundays. We know that for some time this loophole has been exploited by cricket and football clubs in the country. At 5 p.m. those people attend the local club or hotel, purchase a keg of beer, take it to the sports ground, and consume the contents there between 5 p.m. and 6 p.m. That is quite legal.

In an attempt to clarify the anomalous position which exists regarding the purchase of beer in cans—not in bottles—the draftsman has fallen into a trap, because in this Bill it is stated—

"bottle" includes a can or other container having a capacity not exceeding one reputed quart;

That will worsen the position which has existed up to the present time, because a flagon of liquor can be regarded as being a bottle, as it is made of glass. Under the proposal in the Bill any container not exceeding one reputed quart can be supplied legally on Sundays during the hours in which the registered club or hotel is open as long as the contents are consumed between those hours. It will now be possible, under the provision in this Bill, for club members or patrons of hotels to take away not only kegs, but also flagons.

Mr. Brand: Do you say that kegs are available on Sunday?

MR. OLDFIELD: That was not intended under the Act, but the position is being exploited.

Mr. Brand: Certainly not to my knowledge.

MR. OLDFIELD: It was an oversight. In this Bill an attempt is being made to clean up the position regarding cans. At present a can may be purchased in the same way as a keg. However, it is now intended to limit the definition of a bottle or can to a capacity not exceeding one reputed quart or 26 oz. This overlooks flagons, which are nowadays popular in the wine trade.

I do not propose during this parliamentary session to seek an amendment of that clause of the Bill, but I trust the Minister will ask his department to consider the matter, and give the necessary time and thought to the drafting of a suitable amendment; in other words, to plug up this loophole which is being exploited.

Another provision in the Bill to which I object is that which seeks to extend an Australian wine and beer license, to include Australian spirits. There is only one such license remaining in Western Australia, and I understand it is held by the Alhambra Bars. An argument might well be raised that any person who patronised the Alhambra Bars in the company of a

friend who did not desire wine or beer, but spirits of some kind, should be able to obtain such spirits at that establishment. That might be a valid argument; but once these premises are permitted to dispense Australian spirits—not only whisky, but rum, gin, brandy, and liqueur—they will not be sold by the glass only, but by the bottle.

I understand the Alhambra Bars has a bottle department which is very conveniently situated—and very profitably situated if this measure is passed—in Barrack Street, at ground level, at a main bus stop. Further on in the Bill provision is made for enforcing licensees to improve their accommodation, so much so that the Chairman of the Tourist Development Authority can be given the right to make application to the Licensing Court for an order to be issued demanding the improvement to the accommodation of wayside licensed premises. The holder of an Australian beer and wine license must, under the Act, provide two bedrooms.

I understand in this instance they are on the 4th or the 5th floor of the building and are rather inaccessible, and possibly have not been let in the last 10 years. If any person booked this accommodation he would be unable to obtain a meal in the morning. This licensee, who is not called upon to supply breakfast, is to be permitted to extend his business considerably, at the expense of neighbouring hotels which are required to supply first-class accommodation and meals, including breakfast.

The Alhambra Bars is situated in a part of the city in which two hotels recently relinquished their licenses. When this Bill reaches the Committee stage members should give a great deal of consideration to whether concessions should be granted, or the franchise enlarged, in the case of one licensee, at the expense of many others, when the first licensee does not have to provide anywhere near the amenities or accommodation the other licensees have to provide. He is therefore saved a lot of expense, compared with his competitors who are compelled to provide accommodation and amenities.

Referring to the provisions outlined by the Minister, when introducing the Bill, one must agree with the provision which seeks to prevent credit from being given to *bona fide* travellers. The existing provision is archaic, and has been in the Act, no doubt, ever since there was a licensing Act.

The provision affecting the membership of licensing clubs, when honorary membership is automatically conferred on certain persons, provided they are on the premises at the express invitation of the club, is a move in the right direction. The persons referred to relate to the Governor-General, State Governors, Chief Justices, Members of Parliament—both Commonwealth and State—and members of local authorities.

I think it is a provision that is well and truly overdue. It could possibly be extended sometime to include the Diplomatic Corps.

In the past certain clubs have conferred honorary membership on their local member of Parliament, or they have invited dignitaries—at times, say, the Chairman of the Licensing Court—to attend a function; and the person concerned, having lived within the 15 miles radius, technically breached the provisions of the Licensing Act because he was not eligible to have honorary membership conferred on him. This Bill will right that position.

It will enable clubs, without breaching the Act, to invite dignitaries—or, say, the Chairman of the Licensing Court—to attend a function, and everything will be in order. I can well recall the opening of East Perth Football Club's licensed premises. In attendance was Mr. Wauhop who was then Chairman of the Licensing Court. Technically, under the Act, the Chairman of the Licensing Court, as a guest, had to be entertained in the visitors' room and then leave at 9 p.m., but the commonsense thing to do was to entertain the guest of honour in the main hall of the club, so that he could join with the president and members in the festivities up till, say, 11 p.m.

Another provision which is, I think, commendable, is the reallocation of licensing districts in conformity with the electoral boundaries as they apply at the present time. The licensing district boundaries were last amended in 1921; and there is no need to remind members what changes have been made to the electoral boundaries since then.

No argument could be found against the provision to prohibit a license being granted to a person under 21 years of age, or to prohibit a person from holding two liquor licenses. I am not aware of any instance of a person simultaneously holding two liquor licenses in respect of two separate premises. Likewise, I am also unaware that any person under the age of 21 years has ever been granted a license.

Mr. Guthrie: There used to be two cases in the north-west. I think there is one now. A woman held a gallon license and a hotel license, and they were two separate premises.

Mr. OLDFIELD: I was unaware of any instance, but it might have occurred.

Mr. Brand: It was at Nullagine.

Mr. Guthrie: Yes.

Mr. OLDFIELD: I think it is a good provision at this stage. The Bill clarifies the position regarding children in hotels, and ensures that they are not allowed to frequent the bars. No doubt licensees will be pleased to see the archaic provision regarding inquests removed from the Act.

Under the Bill the Minister for Agriculture will be given the power to approve the granting of a special temporary license in respect of stock sales in certain areas. Licenses are granted in respect of stock sales in some of the Eastern States, if not all of them. I am unaware of whether they are granted by the Licensing Court or by the Minister for Agriculture; but the method of doing so matters little. It is possibly something which will be of benefit and an amenity to those people engaged in the stock trade. Quite often sales are held at out-of-the-way places, places which are far removed from any licensed premises. Sometimes these sales are held on extremely hot days, when refreshments would be most welcome to those people attending the stock sales.

Mr. Nalder: They are granted mainly in those places where stud stock sales are held.

Mr. OLDFIELD: If we are going to provide for temporary licenses to be granted for show grounds and certain gatherings in rural areas, no doubt the provision should also apply to stock sales. Canteen licenses will be granted even when a canteen is situated within 20 miles of a hotel. *Sitting suspended from 3.45 to 4.9 p.m.*

Mr. OLDFIELD: Just before afternoon tea I had reached that portion of the Bill where I was dealing with an amendment to section 44D, under which it is proposed to grant canteen licenses to premises situated within 20 miles of a hotel license. There is no great objection to this proposal, but I would like to issue a note of warning. A provision such as this, when it is implemented, will bear close scrutiny, and will need to be closely watched by the authorities, and by Parliament, because it could lead to an upsurge of applications for such licenses, and a spate of licenses being granted at some time in the future. This could be detrimental to hotel premises in remote areas whose licensees are already finding the going tough enough, economically, and who also are required to provide reasonable accommodation and board and lodging.

The provision dealing with section 51A, which will make it possible for the Chairman of the Tourist Development Authority to make application to the court for improved facilities to be provided by way-side licenses, is quite commendable in some regards, and will be perfectly all right so long as the Tourist Development Authority does not try to overdo it. I trust the chairman of the day, whoever it may be in the future, will have due regard to his responsibilities, and will exercise his powers only when they are absolutely necessary and in respect of hotels in areas which could be considered as having a definite tourist potential.

No doubt one could enumerate many hotels in certain areas throughout Western Australia where the Chairman of the

T.D.A. would be quite justified in demanding that the facilities be improved, because they are hotels which are enjoying a lucrative trade and are doing nothing in return, and do not want to do anything for the travelling or holidaying public. That sort of person is not interested in improving his premises and is quite content to go on his merry way until such time as the court does demand that he improve his facilities to bring them to a standard which will attract tourists from the metropolitan area and other parts of the State, and also from other States.

Dealing with clubs, I mentioned earlier that the amendment in the Bill is quite a good one because it will clarify the position regarding visiting dignitaries who are invited to clubs. I fully appreciate what has occurred in certain registered clubs, especially those of a sporting nature which have subcommittees. At times, and with certain clubs, there are people who are not actually full or ordinary members of the club concerned but who have certain powers within the club because they are members of a committee or subcommittee.

Therefore I think it is time the provision in the Act was tightened up and only club members were permitted to serve on committees; because quite often members of these committees have some say in the expenditure of club funds in certain directions, and also in recommendations to the management committee, and therefore in decisions which are made and which have an effect upon all members of the club concerned.

Regarding canteens in remote areas, the Bill proposes to remove any restrictions on the issue of canteen licenses to persons or companies exploring for oil. I think possibly this provision could be extended a lot further. We are reaching the stage in Western Australia, particularly in the remote areas, where large gangs of men will be employed from time to time not only in the exploration of oil, but also in the exploration and initial development of mineral resources generally; and also on other aspects. As this work would be carried on in areas which are far removed from the normal amenities of civilisation, and from any registered or licensed premises, I think the issue of a canteen license in those circumstances would be well and truly justified.

There is also a provision in the Bill dealing with the situation which has arisen at the North West Cape, and I think this is quite a commendable one because it will mean the removal of an anomalous situation. Finally I would like to outline the objection I have to certain provisions in the Bill. I mentioned at the outset that I hoped the Government would at some later stage—if it is too late this session—give consideration to closing the loophole regarding the Sunday sale of kegs and flagons, and in regard to the so-called sacred hours on Sundays.

I am also opposed to the sale of spirits being extended to holders of Australian wine and beer licenses. I have two further objections, the first of which is to the provisions aimed at depriving registered clubs throughout Western Australia of the right to open on Christmas Day. This is a provision, and a privilege, which has been enjoyed by clubs throughout Western Australia for many years. I understand it could possibly date back from the first Licensing Act within Western Australia. I recall that, in 1951, an attempt was made in an amendment brought forward to take away this right from registered clubs, but the Parliament of the day rejected the amendment, and left the clubs as they were in respect of Christmas Day.

Last year a Bill was brought down along similar lines and was lost—it also attempted to remove this provision from the Licensing Act. From time to time there are persons who occupy positions in which they can make recommendations, or have provisions inserted in Bills that come before Parliament, and who try to exert their own personal will, ideas, or desires upon the remaining people of Western Australia. I often feel that when we start dealing with an Act like the Licensing Act it is possible for us to tinker with it too much, particularly when things have been going along all right, and when there have been no complaints from the police, the club members, or the public concerned. None of them are worried; so why not leave matters as they are?

I feel, in this instance, if we left matters as they are and these privileges were abused, it would then be time for us to take the necessary action, and take from the registered clubs the privilege in question. For the time being we should permit registered clubs to open on Christmas Day.

By virtue of my position in public life I am a member of five clubs, and not one of those clubs to which I belong actually opens for the full time on Christmas Day; in fact, some do not open at all. I made some inquiries throughout the metropolitan area from kindred clubs—and I refer to social clubs and sporting clubs—to which I belong; and I find that while some do not open at all, some open for a few hours in the morning, others for a few hours in the afternoon, and others again for a few hours in the evening. It is generally left to the discretion of the club committee to remain open to meet the wishes and desires of its members.

In most cases the staff problem does not arise on Christmas Day, because the onus of operating the bar generally falls upon volunteers from the committee, or from among the club members, who have no objection whatever to attending for a couple of hours on Christmas Day, and opening up the club in the afternoon for the benefit of those members who wish to use it on that day.

After all is said and done, Christmas Day is a day of festivity, and this is becoming more marked as the years go by. There are occasions on which Christmas night can be very flat indeed. Some members do enjoy going to their clubs on Christmas night and meeting their fellow club members there. I have known bowling clubs to open up their greens on the afternoon of Christmas Day.

I feel at this stage we may be a little premature in taking away a privilege which people have enjoyed for many years, when there is no real need to do so, particularly when no concern has been expressed either by the court, the police, or the public at large.

My other objection is the taking away from *bona fide* travellers on the railway road bus service, and from railway passengers, of the right to obtain hard refreshments on Christmas Day, Good Friday, and the morning of Anzac Day. For many years railway passengers, and subsequently railway road bus service passengers, have had this privilege. A bus might pull into a railway station where there is a refreshment room; or a train might stop for about 10 or 15 minutes, and the passengers have been able to avail themselves of refreshments at the refreshment room, whether it be coffee, tea, a sandwich, a beer, whisky, or whatever they might desire.

Christmas Day is generally a very hot day, and it is quite amazing how many people find it necessary to travel either on Christmas Day, Good Friday, or Anzac Day. Some of them might be arriving at Kalgoorlie from the Eastern States; while others might be leaving Perth *en route* to the Eastern States. There might be others who are travelling to country areas, because the railway services still operate on those days. If this Bill becomes law in its present form it will mean that on the three days in question people will not, in future, be able to obtain refreshments.

I cannot understand why the provision is included in the Bill. As I have said, it is not a staff problem; it cannot possibly be a staff problem, because the refreshment rooms will still remain open on those days for the people who buy sandwiches, cups of tea, and soft drinks. The only section that might not open is the bar. Other amenities, however, will still be provided for the public.

We find that people travelling by motor vehicle on Christmas Day, Good Friday, or Anzac Day, while they might be able to take care of themselves by providing a few cans or bottles of beer in an Esky, or some other icebox, are still permitted, as *bona fide* travellers, to enter any licensed premises after travelling the necessary distance and obtain refreshments. That is taken care of in sections 125, 126, and 127 of the present Act.

Those who travel by private motor vehicle on Christmas Day, Good Friday, or the morning of Anzac Day—and for

the most part Christmas Day and Good Friday are holiday periods; while on occasions Anzac Day clashes with the weekend—will be able to enjoy the privilege of *bona fide* travellers and will be able to enter hotels; while those hundreds who are travelling under much more difficult conditions by railway road bus services, and the like, will be unable to enjoy refreshments for the few minutes that the road bus may stop at a railway refreshment room.

Mr. Court: Which particular clause is that?

Mr. OLDFIELD: The provision to which I object is paragraph (g) of clause 21. Before I sit down I might also draw the Minister's attention, now that he has interjected, to the provision which relates to Christmas Day and registered clubs.

Mr. Court: I have that one.

Mr. OLDFIELD: With the exception of the two or three objections I have raised, I have no hesitation in commending the Bill to the House.

MR. COURT (Nedlands—Minister for Industrial Development) [4.26 p.m.]: I thank the honourable member for his comments on this Bill. As was made clear early this afternoon in response to his question, this Bill, like most licensing measures that are introduced into this House, is one on which members are free to vote as they feel they should; and not as for a strict party measure.

It is intended to take this Bill into Committee if the House is agreeable, and then to report progress to enable the several points the honourable member has mentioned to be examined, particularly the one relating to the definition of a bottle. The honourable member raised the point that in trying to overcome one anomaly the draftsman might have created another. In the short time at my disposal I have not been able to make up my mind whether or not that is the case. It may be as well to report progress so that the matter can be examined by the legal people while the Bill is before us.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Court (Minister for Industrial Development) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Commencement—

Mr. OLDFIELD: It would appear that the draftsman while trying to correct one anomaly in the Act has created another. I suggest that progress be reported to give the draftsman an opportunity to look at the definition of "bottle".

Progress

Progress reported and leave given to sit again, on motion by Mr. Crommelin.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed, from the 12th November, on the following motion by Mr. Nalder (Minister for Agriculture):—

That the Bill be now read a second time.

MR. TOMS (Bayswater) [4.30 p.m.]: When the Minister introduced this Bill he did not indicate that the Minister for Local Government was having prepared a graph showing the workings of a particular system with reference to voting. I have now been informed that these graphs are in the hands of the Clerks; so, with your concurrence, Mr. Speaker, I would like the Clerks to distribute them before I proceed, as this would be preferable to breaking in half-way through my speech.

THE SPEAKER (Mr. Hearman): The graphs may be distributed.

Mr. TOMS: When this measure was introduced in another place and in this Chamber, both Ministers concerned said this was the third time the Local Government Act had been amended since it became law as an amalgamation of the Road Districts Act and the Municipal Corporations Act in 1960. It may be pertinent to indicate that in 1961 there were 33 amendments to the parent Act; in 1962 there were 28; and this year we now have a further 33 in this measure. I think this has to be expected when one considers the size of the principal Act. It contains over 650 sections and possibly each year, for some years to come until the Act settles down and various points of differences are ironed out, this House will have before it various amendments to the principal Act.

The first amendment in this measure is a machinery one to section 3 of the Act. This amendment is necessary because the Bill later on deals with a particular clause that has been added; and this necessitates the changing of the numbers. The second amendment deals with the power of a council or the authority of a council to retain the method of electing a mayor, councillors, or president, as the case may be, where a district or a municipality may change its status. A new subsection is added to section 61; and it will make lawful something which I feel has been practised by all local governing bodies for some time with regard to councillors of a particular council receiving, free of charge, a copy of the district roll or the ward roll, whichever may be his particular province. This amendment makes it possible for local authorities to grant free a

copy of the roll, not only to councillors, but to candidates who may be considering entering local government.

Section 113 is the next to be amended, and it deals with those people who are authorised to witness. At the present time, in section 113 of the Act there are paragraphs (a) to (j), which set out the categories of people who are qualified to witness postal or absentee voting applications. This amending legislation proposes to delete certain words from paragraph (j), which reads as follows:—

- (j) enrolled as an elector for the Legislative Assembly who, at the time of witnessing an absent vote in application or vote, is, whether temporarily or permanently, in a district that is situated wholly or partly north of the twenty-sixth parallel of south latitude, . . .

The paragraph as amended will read, "enrolled as an elector for the Legislative Assembly." The purpose of the amendment is to open up the field of those who might witness an absent vote.

However, I feel this particular section could have been simplified by eliminating paragraphs (a) to (i) and by leaving paragraph (j) as amended with the words "entitled to be" in front of the word "enrolled." If that were done, it would include all the categories mentioned in paragraphs (a) to (i), and would mean that anyone over the age of 21 who was a natural born or naturalised British subject would be able to act as a witness for this purpose. I think the Minister will see my point, because the categories mentioned in paragraphs (a) to (i), such as a justice of the peace, a commissioner of declarations, a legally qualified medical practitioner, and so on, would all be persons normally entitled to be on the Legislative Assembly roll. Therefore, with the amendment that is proposed to paragraph (j), I feel the other paragraphs could have been repealed.

The next clause is relative to the graphs that have been circulated to members. I do not intend to read the wording that was given to this Chamber when the Minister explained this particular system of voting, because I think by the time the Minister had finished mixing three with five, and two with one, members were quite confused. I would inform members that the system of voting on the graphs is known in our union ballots as the A.C.T.U. system. It is not new to members on this side of the House.

I have served on a local authority for some time and I favour the straightout method of voting, but unfortunately the amendment now before the House arises out of some elections which took place last year in the Perth City Council. These elections necessitated an early move to overcome what the Government possibly considers to be a problem. The member

for Fremantle has indicated to me that he has correspondence from the Fremantle City Council and, no doubt, at the appropriate time he will seek to put before the Minister the suggestions of that body.

I do not know whether members have had time to study the sheets in regard to the voting, but if they have they will see it is not a very difficult method of assessing preferential voting. This method has been tested in Western Australia in elections for various union positions, and it has been found that the decisions do not vary until there are possibly over 27 or 28 candidates. Even then, the movement is very slight. Possibly No. 30 would become No. 29; but the method has proved itself as a full preferential system.

The next amendment deals with those who may appeal against dismissal from a council. At the present time the Act specifically mentions the shire or town clerk, engineer, treasurer, or building surveyor, as having a right of appeal. I believe the member for Warren will be pleased with this amendment, because it is now proposed to include traffic inspectors. Traffic inspectors are probably the most maligned officers in a district and it is understandable that they may be wrongfully dismissed because somebody has conjured up a story, and at present the traffic inspector concerned would have no right of appeal. I believe the proposed amendment is a good move. As I have said before, the traffic inspector is one who is a target for all in his particular area, and he should have an opportunity of appealing against his dismissal.

The following three amendments could very well be taken together, because they deal with the appointment, powers, and functions of a committee as set out in sections 179, 180, and 181 of the principal Act. The amendments make provision for deputy or proxy members—if one likes to call them that—and details the rights and privileges of their various positions. It indicates that where a member cannot be in attendance at the various committees, his deputy can act and exercise all rights of voting. However, if a deputy as well as a member is present, the member is the only one who has a right to vote. There can be no disagreement with that amendment.

The next amendment corrects a drafting error. In section 266 of the Act, the word "subsection" will be deleted and the word "section" inserted. The next amendment affects section 281 of the Act which provides that compensation is payable to a person when a shire council enters upon his land for the purpose of removing gravel etc., to be used for the construction of a road, provided the road is not an abutment to that property. I feel that compensation should be payable even though the road does abut the property, because

the road may not even serve him. I believe the amendment to be just. I think members can appreciate how they would feel if they were placed in this position.

The next amendment deals with the declaration of public streets. It has been the practice for quite a while that once a piece of land has been used by the public for a period of seven years, it can be declared a public street. In this Bill an amendment is made to provide that once a road has been opened for a period of 10 years, it can be declared a public street.

Another provision amends section 295. This places the obligation on a new owner of subdivided land to be responsible for road work which would have been carried out by the previous owner. It is possible, of course, that some people may get land subdivided and not put in the required road works, a condition of the subdivision. If that party sells to a new owner, this amendment will provide that the new owner will be responsible for the road works in lieu of the person who made the original subdivision.

The next amendment merely corrects a misspelt word, and we are not going to spend any time on that.

The following amendment deals with section 306, and the power of a council to direct in any particular street or thoroughfare the planting of trees, shrubs, etc., and the provision of kerbing to protect them, and so on. It is felt that it does not give the council enough protection in connection with a claim for payment of damages, and this amendment is designed to give that protection.

Another amendment gives the shire the right to prescribe a new building line for a street or part of a street, and provides the right to compensation for the removal of buildings. This does not occur until the council concerned issues an order on the owner for the demolition of such buildings. It is felt that although the Governor has implied power to issue the order, a more specific power is necessary and so two additional subsections will be added. I think those who have local authority knowledge know that in the event of a new building line being declared, compensation is not payable until the local authority issues an order for demolition; but in the event of an owner wanting to do any work in front of that building line, he cannot proceed until the building line is established, and that would relieve the local authority of compensation.

I think that most owners are pretty wary when new building lines are declared, because they make provision so that local authorities cannot prosecute for infringement.

I am trying to deal with the various clauses as briefly as possible because there is nothing of much moment in any of them.

The next amendment is made to section 374 and prescribes a limit to the time a council may delay the passing of plans and specifications of buildings. Apparently there has been trouble in some local authorities and builders have had difficulty in getting their plans and specifications passed. Some local authorities have, no doubt, felt they have had good reason for the delay; but much inconvenience has been caused by delays to those wishing to proceed with their building.

The amendment in this Bill provides that a council must issue a permit within 35 days; and if it does not do so, the person making application for the permit may request the council to provide the permit within 14 days from then. In the event of the permit then not being issued, it shall be deemed to have been refused, and the aggrieved party will have the right of appeal to the Minister. Previously, because there has been no time limit, builders have been unduly inconvenienced by delays. Therefore I believe this provision is a very good one.

Although we know that in some districts the work of the building surveyor is particularly heavy, I still think it will be possible for this provision to be complied with, because ample time will be available for the local authority to consider the plans and give its approval or otherwise.

In the amendment to section 400 it is intended to set out what is not to be considered as an encroachment. A building that has thereon string courses, cornices, copings, eaves, or window sills that project not more than nine inches on or over a street way or public place in a district, shall be held not to encroach on or over the street way or public place by reason of that fact only.

The amendments to section 403, 408, and 409, follow. These deal with the powers of councils to issue orders in regard to dangerous buildings, removal of neglected buildings, and renovations to dilapidated buildings. The amendments are mainly designed to alter the procedure in order to simplify matters for the council and make it less expensive. The council will merely have to advertise in the *Government Gazette* and in one paper distributed in the district. This obviates the involved procedure which has hitherto had to be followed. I believe that local authorities will be happy about this amendment.

Section 433 of the principal Act is to be amended in order to give a definite and specific power in the making of by-laws, limiting the number of buildings, etc. that may be erected on a certain prescribed area. The member for South Perth would possibly be interested in this provision, because it could apply to flats and such buildings. It will give local authorities the power to make certain plot ratios. However, it is necessary that the shire councils shall take such action before it is too late.

It is of no use a council not making use of its power to make by-laws, and then protesting when it is too late. That often does happen. A council, with all the necessary power to make by-laws, fails to foresee what might occur, and is powerless to do anything about it when it does.

The next amendment—which is to section 513—will, I feel, most benefit the country shires. This amendment gives the shires or municipalities the right to subsidise certain housing projects in their areas by guaranteeing the rent. It has been felt that the State Housing Commission and other builders feel rather dubious about undertaking building projects in country areas. However, if local authorities feel that such projects are justified, then they may subsidise the builders concerned by paying any difference between the anticipated rent and the actual rent received. Any local authority would, of necessity, have to ensure that such a project was worth while, because it would not be sensible to undertake anything which would be a drain on its resources. This provision was requested by the country shire councils, and I believe it will be availed of to great advantage.

Members may recall that when I opened my remarks on this legislation I stated that section 3 was being amended. That amendment was necessary because of a new section which is to be added before section 532. It will be known as section 531A and deals with the definition of "occupied".

The amendment to section 538 is merely to correct an error in drafting. The subsection designation "(3)" in the Act will now become "(2)".

The next amendment could affect quite a number of people. It relates to pensioners. Section 561 exempts pensioners from the necessity to pay local authority rates on the due date, and allows these charges to accumulate and become a first charge upon each pensioner's estate. The amendment proposes to insert the word "actual" in section 561 (1) (a) so that the section will provide that a pensioner "may claim to be exempt from liability for the payment of rates or charges under this Act in respect of land of which he is in actual occupation as owner."

The Minister said there had been many instances of pensioners owning land in towns or districts, and living in residence elsewhere in the same area and claiming exemption for all their properties. It is felt that a person living in a property should not be exempt from rates on other land which may have very little value, because the accumulation of rates over the years could mean that at the end of the time they would amount to a greater sum than the value of the land itself. I believe the Minister did say there would be many people who would be affected. Fortunately the majority of pensioners own their own homes and pay rates on only one block of land. I cannot believe

there will be many who will be affected by this provision. But there will be a few; so it is necessary and I support it.

Section 604 deals with the power of councils to borrow by sale of debentures. Provision already exists for this to be done, and also for the use of a single debenture; but no authority to date has been given for the prescribing of a particular type of form. Whilst the amendment in the Bill may not be earthmoving, the reason for it is to include the words "or a form prescribed for the purpose." That means the debentures will be on a form prescribed for the purpose.

Mr. Brady: Who is to supply them; the local government or the Government?

Mr. TOMS: The type of form will probably be brought out by the Local Government Department in order to make it uniform throughout the various districts.

The next clause seeks to amend section 626. This amendment will empower local authorities with an accumulation of trust funds—some have very small amounts of such funds, but others hold quite large amounts—to invest them in either short or long-term loans. This is something that could be of advantage to quite a number of local authorities because, in effect, the money is tied money, and one finds that quite often small authorities have a few thousand pounds lying idle because of trust funds which come in year by year by way of builders' deposits, which remain with the council until the builders complete the respective buildings. That money could be used, and it is felt that provision should be made for the local authorities to be able to invest it. The investment of the money will be subject, of course, to the provisions of the Trustees Act; so there would be no opportunity of anything being done which was not proper, in accordance with that Act.

The Local Government Act is to be further amended in section 660 to bring it into conformity with the Limitations Act by permitting a judge to allow an action against a council, even though the notice may not have been given, or action commenced, within the prescribed time, if the judge is satisfied there is good excuse for the failure to give notice or to commence proceedings; but so that, in any case, the council is not prejudiced by the failure. I think this is a necessary provision. In fact, all the amendments are necessary; and we will, from time to time, continue to get amendments to the Act.

The second last amendment makes it quite definite that where a person drives a vehicle on a street which is closed for repairs, or where he in any way causes damage to the surface of any street, he commits an offence for which a prosecution may take place. The clause inserts a new paragraph into the Act to define this particular action.

Mr. Rowberry: It is under the Traffic Act.

Mr. TOMS: Maybe it is under the Traffic Act. The amendment is to give the local authority power.

Mr. Rowberry: It is in the Traffic Act.

Mr. TOMS: That may be so, but we can have a duplication of these provisions, and this amendment is included so that it will be in the appropriate Act. As a result, anyone interested will not have to turn from one Act to another to find out where the authority is.

Finally it is proposed to amend the twelfth schedule which deals with the form of absent voting paper. It is proposed to amend the schedule by inserting on the bottom of the declaration to be made by the person that he or she is a natural born or naturalised British subject. While, of course, it has been the practice for the local shire clerk, or whoever might be the returning officer, to ask the voter that question, it is now intended to include those words on the form.

I cannot say that I altogether agree with the sentiments expressed by the Minister when he spoke on this amendment. He said—

The final amendment is to ensure that persons applying for absent votes specifically declare that they are natural born or naturalised British subjects. The existing forms omitted this provision, and experience has shown that it is necessary to ensure that persons not entitled to vote are not enabled to obtain an absent vote.

It must be remembered that under section 45 of the principal Act, only those persons who are natural born or naturalised British subjects are entitled to be enrolled—

I doubt whether the next part could be put into operation. The Minister continued—

—and the clerk of the council should endeavour, when preparing any roll, to leave off the names of any persons whom he considers to be unnaturalised.

That may be all right in a little country town of 1,000 people, but in the metropolitan area I would say it would be most difficult for a shire clerk to know who was naturalised and who was not. The member for Cockburn—he is not present at the moment—and the member for Fremantle, who have districts that are developing, would appreciate the position. In my own district there are quite a number of new Australians and I would not know who was naturalised and who was not, even though we are supplied from time to time with documents indicating which of these people are naturalised.

I still feel that, in regard to the twelfth schedule, a more simple method could be devised for a person to have an absent vote. The old system under which the road boards operated was that the sheets were made out in triplicate, and the voter filled in the end strip first and that was torn off, and the voting strip was in the middle. The section retained by the council was filled in, and it was similar to the counterfoil. The voter then voted and the counterfoil was put in with the vote after the vote had been placed in a separate envelope. I think that is a simpler method than the one proposed. Because of the number of questions asked, there is not much room left on the twelfth schedule form for the voter to record his answer, and the whole arrangement is a very complicated one.

I hope the Minister will convey these sentiments to the Minister in another place, because I desire—and I believe it is the desire of the House—to make it as simple as possible for people to obtain an absent or postal vote. We do not want to make this a difficult matter; we should simplify it as far as possible.

In conclusion I would like to say that we will possibly continue to get these types of Bills for many years. In the last three years we have had 94 amendments to the Local Government Act. I thought the idea of the amalgamation of the Road Districts Act and the Municipal Corporations Act was to get uniformity as far as possible. As things are, however, we might reach the position where we will have both those Acts written back into the Local Government Act. I would not like to see that position come about, because I believe there should be uniformity. As the years go by, because of the amendments that will be made, we will need to have the Local Government Act reprinted. I hope that uniformity will be the goal and the watchword wherever possible.

MR. W. A. MANNING (Narrogin) [5.14 p.m.]: I support the Bill, but there is one part of it to which I wish to refer. The member for Bayswater has mentioned that the voting provisions of the Act are not satisfactory so far as the Perth City Council is concerned where there are multiple vacancies and nominations. This affects not only the Perth City Council, but many town councils where there is more than one vacancy in a ward, and, in particular, town councils that have no wards at all. In the case of councils with no wards, every 12 months there are at least three vacancies; and under the present Act, although there are three vacancies to be filled, the electors have voted for only one candidate, which really disfranchises the elector in regard to the other two candidates.

It was a most futile arrangement. It was unforeseen at the time because it worked quite well when there was only one

vacancy, but the situation became impossible when there was more than one vacancy. Therefore I commend this attempt to alter the present arrangement, and the steps that have been taken to bring it about.

I did think that the preferential system, similar to that which we know, would have been satisfactory; but this new method, in the end result, would appear to be quite effective. It will mean that value is placed on each vote which varies according to the position of the candidate on the ballot paper. It could be argued, for example, that the No. 1 vote could be quite different to the No. 2 vote, but we have assessed that the difference is the figure "1" in relation to each vote.

Looking at it overall it is as satisfactory a method as one could possibly have. Therefore I feel the Bill is worthy of support, particularly that clause dealing with the voting provisions. It is a satisfactory way of voting when there are multiple vacancies. I support the measure.

MR. JAMIESON (Beeloo) [5.17 p.m.]: Dealing with the question of voting first, and being one who has had considerable experience as a returning officer, I quite agree with what the member for Narrogin has said, but he will find that the system will only last for one election, after which it will be discarded. Whilst the new method may work satisfactorily in smaller areas where not such a large number of votes would be recorded, in an area such as that under the jurisdiction of the City of Perth there would be almost chaos because the amount of paper work would be fantastic.

Having had practical experience of dealing with ballot papers for about 27 candidates, all being set out on a master sheet, one can realise the amount of work involved under this proposed method. In any election where the votes run into thousands, a returning officer will be engaged for a considerable time with adding machines and other equipment because all votes have to be cross tallied.

Mr. W. A. Manning: There is no recount.

Mr. JAMIESON: No. But if he started now it would be Wednesday of next week before he would get a result. If the points of the tally are checked with the number of votes on each ballot paper it is a perfect system so far as the tally goes, but one has to be very careful that the system does run out. One man has to supervise it constantly. He would need to be a chartered accountant. Possibly, arrangements could be made to engage the services of Hendry, Rae, and Court to count the votes cast at an election. But there would be no way of getting the result the same night because, in the first place, the votes would have to be counted out to see whether they were formal and then all

the ballot papers would have to be numbered to get them into proper sequence and the votes allocated to each candidate across the page. So it is not as easy as it would appear.

Admittedly, it is one way of throwing the question into the ring, but I do not think it is the correct way. This question would never have arisen, I think, had it not been for the City of Perth introducing a redistribution of boundaries. After the redistribution, Councillor Harris screamed to high Heaven in apprehension as to what was going to happen. I knew, two years before, that as soon as a redistribution occurred in the City of Perth boundaries, there would be no possibility of a Labor candidate being defeated in the Perth Council elections, especially in the outside wards. Admittedly, he would not be so easily elected in the central wards. Because of this a great scream arose.

The Boulder Council and the Kalgoorlie Council have managed quite well with the present system for a long time. I do not think anything heinous has occurred in regard to voting. If there were any suggestion of another system being adopted it might be advisable for such councils to revert to the system which prevailed under the Road Districts Act, where the candidate who obtained the greatest number of votes was elected.

Under the present system all the returning officer worries about is the elimination of candidates from the bottom, instead of electing one candidate and then redistributing all his preference votes. He would be eliminated from the bottom and the top votes would not be dealt with. It was pointed out that, under the system which prevailed previously, during an election where five vacancies are to be filled, the person voting would only be eligible for one vote. As I have said, I am not too sure that that is desirable, but this House, in its wisdom—despite the fact it was told this position prevailed—went ahead and introduced the system.

We now propose to introduce a system which will give some of these people a very severe headache. So far as the people in the country areas are concerned I think that one of the best methods of voting in municipal elections is the one which elects the candidate who is first past the post, especially when a large number of votes are cast. In the Perth City Council area, if it is a question of all the councillors retiring at one time, the present system of voting is not so bad; because over three years, even assuming some undesirable individual is elected—even if the Communists nominated a candidate for one particular area and he was successful in being elected to the Perth City Council—at the end of the three-year period he would lose his position. Also, a redistribution of boundaries in the Perth City Council area does not occur very often.

Mr. Toms: Such a person would be well and truly in the minority, during that period, too.

Mr. JAMIESON: That is quite so. A period of 40 years elapsed before the Perth City Council took action to have a redistribution of boundaries, so this aspect is not of great concern. It represented merely a figment of the imagination on the part of a few individuals that someone might be elected to the Perth City Council who would voice the opinion of Labor. That is all they are worrying about. Not all Labor members can become members of a shire council in an area such as the member for Boulder-Eyre represents. There is a chance of a Liberal Party man being appointed. That would be pretty bad, of course, but the chance is offering. This gives an opportunity for a degree of cross-representation instead of representation from one particular section. There is nothing wrong with the present system which is not eventually corrected.

If a man were elected under the present system he would only have a one-year term if he were elected to the last position, so there is no particular worry about that. The position is that, in effect, his head would be cut off at the next election. The situation to which I have referred would only occur on a redistribution of boundaries, and therefore it does not deserve a great deal of consideration.

If investigations are made into the proposed system it will be found that it will be a perfect system for electing candidates; but as with all perfect systems there is a tremendous amount of work associated with it which is not evident on the surface, and it is with this work, and with the practical aspects of the scheme that local authorities will be thrown into a complete uproar. I feel sure that on adopting this system for one election only, the members of the Local Government Association will be clamouring to get rid of it.

Mr. Toms: They will want the "first-past-the-post system" again.

Mr. JAMIESON: Yes, as the member for Bayswater has suggested, they will be seeking to revert to the system which elects that candidate who is first past the post. Before the Government proceeds too far with this proposition it should give further consideration to it. It does not matter to me one iota. Local government elections are so wishy-washy in the political sphere that it does not matter very much at this juncture.

I have always advocated that mode of local government politics which works in Great Britain quite effectively. Under that system recognised parties can do something to keep the ruling section of the council in some sort of order, and not allow lazy habits to develop and a club

atmosphere to be created, because there is a tendency for this to occur in local government. I am not imputing that tendency to all local government members, because there are men in local government in some areas who do a good job; and my remarks apply to councillors, too. However, when the position is examined thoroughly, it will be found that there are many who think they are working in a club atmosphere and they need a shaking up now and again.

If it had not been for the inclusion of the Labor Party candidates in the field of the Perth City Council elections, with the exception of the other candidates who had to be elected to increase the number of councillors from 23 to 27, the other three candidates would have been returned, because there is very little interest in the Perth City Council elections. It was only after considerable urging that the candidates were available; and after they became available those who were inclined to enjoy the club atmosphere cancelled their nominations. If that is the sort of representation people are seeking for their principal municipality, it is pretty cheap representation, and does not warrant much interest.

Another matter which has been raised is in respect of election of the president or mayor. I favour, and my party favours—and it has done so for many years—the election of the mayor by all the voters in the area; not the option being given to half one way and half the other. My party and I favour this method for a particular reason. The mayor or president is the principal person in local government, and he is becoming more important as time goes on. His duties and tasks have been increased by those which have been conferred upon him by the Commonwealth Government for the purpose of officiating at naturalisation ceremonies and other similar functions. He is an important person in the community and should represent all the voters and not just one section.

We would not be inclined to favour the Perth City Council electing its own lord mayor, because that is not done in any capital city. Therefore, if this method is good enough for the top bracket of local government, surely it is good enough for those in the lower brackets.

Mr. Ross Hutchinson: They do it in Melbourne.

Mr. JAMIESON: I do not think so. Melbourne could be the exception because in that capital city the lord mayor is an alderman, and the same applies to other States. However, I would be very surprised if Melbourne did adopt that system because the Australian style of local government seems to stem from Melbourne, although Victoria has the worst Local Government Act in the Commonwealth.

It is a strange sort of set-up. The election of the principal dignitary in the district deserves the confidence of the people,

and it should not be subject to the whims and desires of the shire council. Where four or five members vote one way, and five or six vote the other in such elections—the number is generally fairly evenly divided—he does not represent any clique on the council. I know you, Mr. Acting Speaker [*Mr. Crommelin*] will agree that sections and cliques are evident on shire councils. Certain groups get together to vote for a person in one year, but if he treads on someone's corns, then no matter how good a job he has done as the principal, he will be deposed in the following year; and someone else will be appointed in his place. That is not fair or just. If this person does a good job for the people in the district he should remain in his position. That would make him a true representative of the people concerned. If we were to allow an option we would reach the stage where cliques were formed, to keep the voting in the hands of five or six members in respect of the election of a mayor or shire president. We should not be asked to support such a proposition.

In regard to the voting powers of the mayor, if option were taken away from the mode of election, there would be no problem. It is true that if he is appointed from among the councillors of the district then, under the present Act, his ward loses a vote; but it should not lose that vote. If we correct the one instance, by making it mandatory to elect him—as it should be—then we would not have to correct the other instance, because he would only have a casting vote when there was an equality of votes. That is a reasonable position.

Earlier in the year I asked a question of the Minister representing the Minister for Local Government relating to the twelfth schedule. I am pleased to see this schedule is being amended, but I hope it will be amended to a greater degree than is listed here. I want to comment rather critically on the reply given by the Minister.

The circumstances surrounding my asking the question were these: When I voted in absence in the shire of Mandurah election, the form which I had to fill in did not contain a space for inserting the name and address. On comparing the form with the schedule in the Act I found that it was identical with the provision set out in this schedule. Being a reasonable citizen I was entitled to ask if the Minister was aware that no space had been left for the insertion of the name and address. I understood that over ten thousand of these forms had been printed by the Government Printer. My question was—

Is he aware that the twelfth schedule of the Local Government Act, 1960, does not provide a space for name, address, and occupation although this is required?

This was the reply which I got, and it is typical of the smallmindedness of the Minister for Local Government—

The Minister is aware that, to the purist, there may be a slight defect in the twelfth schedule, form No. 1.

There is no space to insert the name and address, yet the Minister gives a reply in that manner. That is typical of the Minister—a little man, and a small type! That is typical of the sort of reply one gets from him. The question was asked in good faith, but the answer was given in ridicule. It is not good enough that such an attitude should prevail.

This is not a singular instance of insular remarks and insults from that Minister, and I shall deal further with him when we get to the Estimates. He has been getting away with that sort of thing for far too long. When questions are asked in a reasonable strain, they should be answered in a reasonable strain also.

In another question I asked of him, I drew attention to the fact that there was no provision in the twelfth schedule to show that an elector was the subject of the Queen, when he voted in absence. He indicated that an amendment was to be inserted in the twelfth schedule in that regard.

If anyone cares to read though the series of questions I asked and the answers given, he will see that I set out the position clearly and that the questions were relevant. Several people in a Government Department rang me up on this matter, because they thought a mistake had been made; but the Government Printing Office had to adhere to the form in the twelfth schedule to the Act. All I did was to point out the position to the Minister, but he went out of his way to be insulting. I do not think that Ministers of the Crown should act in that way.

As indicated by the member for Bayswater, many of the amendments in the Bill are quite desirable, and my opposition is against the several which I have mentioned. I would be bound to vote against those at the Committee stage. I do not think the Government would improve the position by the amendment proposed in respect of the style of voting, in giving an option in the election of the mayor of a municipality. It should be a clear statement, because it has been shown how a councillor was to be elected, even though the mode was doubtful. An endeavour is made to give a clear statement on how a councillor shall be elected; so there should be a clear statement given on the method of electing a mayor by the residents within a shire or municipal district. With those reservations I support the second reading.

MR. ROWBERRY (Warren) [5.44 p.m.]: In his opening remarks in this debate the member for Bayswater said that the Local Government Act had been

in operation for only a few years; yet quite a number of amendments had been necessary. I would remind the House that amendments were shown to be necessary, even before the initial Bill became an Act. As a matter of fact, when we were originally dealing with this legislation, we were asked to hold our hands on numerous amendments necessary.

I believe this Act is based on local government legislation in the Eastern States. It is one of those instances where we in the West are making unnecessary servile obsequence to things which originate in the Eastern States. We had an example of that recently, if I may intrude a jarring note on the almost soporific atmosphere which exists this afternoon. It is time we learned to stand on our own feet and legislate to suit our own circumstances and environment, instead of being so obsequious to the Eastern States.

Mr. Graham: This Government is like the Japanese were before the war—copyists and imitators in everything—with no original ideas.

Mr. ROWBERRY: Could be.

Mr. Graham: It is!

Mr. Nalder: That is an interesting statement by the member for Balcatta.

Mr. Graham: You stick to your Alsatians!

Mr. Kelly: That is the first time for a fortnight that you've spoken!

Mr. ROWBERRY: There are one or two remarks I would like to make on the provision in the Bill which gives protection to traffic inspectors. This is something about which I can talk, if not in authority, at least from experience. However, before I go any further, I want to know why we cannot give this sort of protection to all executive officers employed by local government authorities. Why not extend it to all the officers? It could be that every one of them needs protection from his master. The Minister, when explaining this part of the Bill, said—

Traffic inspectors, by reason of the type of their duties, must at times come into conflict with members of the councils, or their relations; and unfortunately cases do occur where, perhaps because of the lack of tact on the part of the traffic inspector . . .

I wonder if the Minister could explain what he means by "lack of tact on the part of the traffic inspector." The traffic inspector has a job to do, and that is to police the Traffic Act in the district in which he is appointed. Is the Minister implying that it is lack of tact to take action against members of the council, or their relations? Is that tactlessness? Or would he call it lack of diplomacy? I wonder whether he could explain this when he replies to the second reading.

Mr. Nalder: I think the honourable member could explain to the House the experiences he himself has had, because they could perhaps help the House considerably.

Mr. ROWBERRY: I was just about to do that. It was one of the chief reasons I rose to speak. My experience with local government authorities is that it is not lack of tact or lack of diplomacy which gets one into trouble, because I am most accomplished in both these spheres; it is being too efficient which causes the trouble. I sincerely thought, in my unwisdom, that I had been appointed to police the Traffic Act, and unfortunately fell foul of the authority because of that.

I say now that the fact that the Minister and the other powers that be have recognised that traffic inspectors should be protected, is a tacit admission that under the present system the supervision of traffic in country areas is not what it should be. If it were, this amendment would not be necessary. Neither would it be necessary if the supervision of traffic in the country were under a central authority the same as the traffic in the metropolitan area. I sincerely believe this from my experience, which I will now relate to the House.

Mr. Nalder: Local authorities do not consider that.

Mr. ROWBERRY: Local authorities are not so much concerned with the administration of traffic as they are with collecting license fees, or portion thereof. That is what they are most concerned about because they need these funds to establish roads and to maintain those already established. I have said before, and repeat now, that if a formula could be provided whereby the supervision of traffic was taken out of the hands of local authorities and vested in a central authority, and a certain proportion of the revenue from license fees were allocated to local government authorities, the difficulty would be practically overcome.

I remember that when I was first appointed as a traffic inspector for a local government authority, I was called before the board and welcomed by the chairman, who told me of my appointment. I told the board then that I was in a very invidious position, and that it might be necessary in the future for me to take action against my employer. But I assured the chairman and the board that if such an occasion arose I would not hesitate, because I believed I was being appointed to apply the provisions of the Traffic Act and the regulations made under it. I was to do this impartially without any consideration of tact or diplomacy—or so I thought.

What happened was that I had cause to take action and issue a summons against a certain person in the community. I suffered a lot of indignity and abuse from that person, and a week later

I received a visit from certain of the city fathers who asked me to withdraw the summons. I said that I would not and that I had no intention of doing so. Next it was brought up to the local governing authority which, not as a board but as individuals, asked me then to withdraw the summons. Again I said I would not, because once it got abroad in the community that certain summonses could be withdrawn upon representation being made to the local government authority or the traffic inspector, the authority of the traffic inspector would be undermined and he would have no respect in the community.

So I refused to withdraw it. Continual pressure was brought to bear upon me for weeks on this subject, and eventually I told the chairman of the board that if he would give me a copy of a minute passed by the board ordering me to withdraw the summons, in order that I might put it on my file and make it public if necessary, I would withdraw the summons. That minute was not forthcoming, and so the summons stood.

The outcome of the situation was that a certain member of the board moved a motion that the traffic inspector be placed on half time. It could not give me the sack because the question of victimisation would arise. It could have done so under the Arbitration Act, but that did not occur to them. So it was moved that the traffic inspector be placed on half time.

Now, at the time, this board had one of the biggest incomes in the State so far as vehicle licenses were concerned. It had over 2,000. There are nearly 3,000 vehicle licenses in the district. Something like £35,000 was collected in vehicle licenses; yet it wanted to place one traffic inspector on half time. If that is not an argument for taking control of traffic away from local government authorities, then I do not know what is. That was duly passed.

The honourable member had some knowledge of the Industrial Arbitration Act and some knowledge of the procedure applying to arbitration courts, and I knew there was no provision in the award to allow anybody to work on half time. One would have to make application to the court and get an amendment to the award to allow individuals to work on half time. This was not done, so the traffic inspector remained at his job.

I place these facts before the House and before the Minister simply to emphasise my viewpoint that traffic control should be placed under a central authority; and my views are based upon experience and upon facts. I will leave the matter with the Minister.

I know that the Minister is from a country district, and the matter would be dynamite from the point of view of country shire councils and municipal councils, but I think that in the long

run—and for the benefit of the public generally—it would be better if control of traffic were taken out of the hands of local authorities, the moneys allocated from a central fund—the same as we do now on a pound for pound contributory basis—and administration placed in the hands of people who are qualified and trained in that type of work.

A policeman or traffic patrol officer knows that if he brings a charge against a certain person, then the persons dealing with the charge are qualified and know all about a certain regulation or section of the Traffic Act that may have been breached; and they know that there is good cause for bringing that charge. But in the case of local government authorities, immediately someone who is influential in the district is charged with a traffic offence, he approaches his friends on the shire council or local government authority, and if he cannot get the charge withdrawn he brings action against the traffic inspector. That is one of the chief reasons why so many traffic inspectors are throwing up their jobs in the country areas at the present time. If the whole thing were not so serious, it would be ridiculous.

Although I have every regard for the work that these gentlemen on shire councils, and suchlike, are doing, even they themselves are not immune from pressure. They are put there by popular vote, the same as we are, and a person could say to them, "If you can't get this charge withdrawn, I will not vote for you at the next election and you will be out; and I will get all my friends to do likewise." Can we not see the stupidity of having control under a set-up like that?

That state of affairs does not obtain in the Police Department. The Police Department, from top to bottom, due to the efficiency of the present Minister—

Mr. Craig: Thank you.

Mr. ROWBERRY: —is well trained in the knowledge and the administration of the Traffic Act and traffic regulations. Sometimes it happens that members of a shire council ask a traffic inspector to do certain things which, if he did those things, would render him liable to prosecution under the Act.

I feel strongly about this matter, because I have had the experience which I have related to the House. I could relate further experiences but they would not be to the point.

In the matter of election of shire presidents and mayors, I differ from the member for Beeloo in regard to the method to be used for the election of those officers. A successful president or chairman of a body must have the approbation of that body. He must work with the body. You know that, Mr. Acting Speaker [Mr. Crommelin]; it has been demonstrated enough within the last three or four days that for a chairman to work efficiently he must

have the respect and co-operation of those people on whose behalf he occupies the chair; and where a chairman is elected by the board, sitting as a board, he is more likely to work successfully with that board than if he were elected by the electors as a whole. That has been my experience in local government affairs. The method of electing the chairman by a board or by a local authority, sitting in solemn conclave, is all to the good. He has the confidence of his councillors; he is one of them, and having been appointed by them, he has confidence in them and they in him.

So I would be in favour of leaving the situation as it is, where the people could decide whether the chairman, president, or mayor should be elected by popular vote of the whole of the ratepayers or should be elected by the shire councils and local authorities. Of the two I favour the latter method.

I might be told that I am undemocratic; but if someone is going to do an expert job—and it is an expert's job to be a shire president; it requires many qualities of character, eloquence, and among other things—

Mr. Bovell: Understanding.

Mr. ROWBERRY—knowledge of local affairs; and knowledge of rules which govern the control of meetings—it is better that he should be appointed by an expert committee than by the populace. We do not elect our experts by popular vote; thank goodness! We only elect our members of Parliament, and others who represent us, by popular vote; and whether or not they are experts remains to be seen. If we can go by some of the letters which have appeared in the Press concerning politicians, I do not think we are very expert; and I would not call the Government expert in its recent action in assessing public opinion.

Mr. Nalder: Keep to the subject!

MR. DAVIES (Victoria Park) [5.58 p.m.]: I merely wanted to say I am not very impressed by the new method of electing councillors. I have had quite a considerable amount of experience with this system, and although I agree that it is accurate, it does involve a great amount of work. From the example that has been given to us this evening, members can appreciate the method under which the system operates; but they would be hard-pressed to appreciate the vast amount of work that would be involved in an actual count.

On the example that has been shown to us there are only 12 ballot papers given, and the tally sheet shows there would be an actual tally of 180 votes when there are five candidates. It is interesting to have a look at what would actually happen. For this purpose I shall quote the figures for the last Perth City Council election.

In the central ward there were five candidates and 1,512 votes were cast. The number of five candidates falls into line with the example that has been shown to members, and it means that on each ballot paper there is a tally of 15 points. If we multiply the 1,512 ballot papers by 15 points, we get a total of 22,680 points in the actual count. That, of course, is much more overwhelming and I think much more impressive than the example that we have been given, although the example serves the purpose.

If we take the ward of Victoria Park we find there were 1,815 votes cast in the election, and there were six candidates. If we add up the figures from one to six we find that on each ballot paper 21 points are recorded, and multiplying the 1,815 ballot papers by 21 points we get the grand total of 38,115 points in the actual ballot. That, in itself, I think is impressive, and shows the great need for care in tallying.

Let us have a look at what has to be done. First of all, each ballot paper must be checked to see that the figures from one to six are there. This is nothing new to the normal process of counting, and I do not know what provision would be made if, as many electors do, they leave off the final figure. If there are six candidates many electors will write in the numbers one to five and leave the last one blank. Obviously it is meant to be six. I do not know whether the returning officer would have power to put the six in, because he would, of course, be interfering with the ballot paper.

After each ballot paper has been checked to see if it is formal the papers must be called over and entered on a tally sheet. This job requires two men. First of all the ballot papers must be numbered; and, using the example of the Perth City Council elections, in the Victoria Park ward, in 1963, the formal ballot papers would have been numbered from one to 1,815; and the papers must remain in that order ever after. Then each of those 1,815 ballot papers must be transposed on to the tally sheets. This involves one person calling to another who writes it down.

In the example I am using the tally sheets would make provision for six columns and there would need to be sufficient sheets for 1,815 lines. After the papers have all been transposed to the tally sheet the figures are added and the total of each of the six columns, as can be seen from the example which was so kindly given to us this afternoon, must balance with the grand total of the numbers of points cast. If the numbers do not balance—and I have had this happen despite the great care that is taken—every one of the ballot papers must be called over again until, eventually, the missing point or points is found.

Mr. Dunn: What is wrong with tallying each 100 on the sheets?

Mr. DAVIES: There must still be a final tally, whether the tally sheets provide for 30, 100, or 10. I am illustrating what work has to be done, and when the figures do not balance it all has to be cross-checked. It would possibly save some time in checking if, instead of going over them all again, one could find the mistake in the groups that have been tallied.

Having done that, of course, one looks at the totals to find out which candidates have the least number of points; and they, of course, are the ones who are elected. I do not know what would happen in the case of a tie. It could easily happen that two candidates would have the same number of points, but I should imagine in that case the returning officer would have the casting vote. That may be an item that requires some attention.

Members can see that the process, although accurate, is very involved, and would take several people quite a considerable time to do. I have no doubt they would use adding machines to assist in the tallying; but, by the same token, when calling over figures, it is often very easy to mistake a five for a three, or one figure for some other figure, as members well know. Therefore I do not think that the method, although considered to be fairly accurate, is one that justifies being put into the Local Government Act where so many votes are being cast.

In his second reading speech the Minister representing the Minister for Local Government pointed out that the system is used in friendly society elections, lodge elections, and in various other places; but in most of these institutions and associations there would only be 200 or 300 votes cast at the most. However, when one is dealing with thousands of votes a good deal of work is involved; and, as the member for Beeloo has said, one would be lucky to have the result by the time the first council meeting was due to take place.

I do not think there were any record figures established at the last Perth City Council elections. I know the figures were about average for the district I represent, and this would appear to be an average return. There may have been more candidates than usual; but one cannot always judge how many candidates will be available in the future. So, taking everything into consideration, the Government would be well advised to give further thought to whether this method is worth putting into the Act.

All those members on this side of the House know the reason why this new method is being introduced, but I would point out that we do not want to be amending this Act every time an election takes place. We agree that certain elements do not like the present system; so they endeavour, if they can, to have it altered. However, after one election with the proposed system being put into

effect, are they going to come back and say, "This is no good, let us have another crack at it"?

I believe that although it is not a new method of counting, it is a new method as far as local government is concerned, or for that matter it is a new method in any election system where there are a large number of votes handled. So I repeat that the Government would be well advised to ensure that it is not making a mistake in trying to introduce this system. It is certainly not infallible. There are many theoretical aspects that have been submitted which would point to the fact that very often the man who records the most primary votes under the old system is not necessarily elected.

I know that, theoretically, they are correct, but I have studied them at length; and although this system is convenient in certain circumstances where a large number of candidates are to be elected, I do not believe it is the method of counting that could be applied under the provisions of the Local Government Act.

The other matter on which there appears to be some divergence of opinion among members on this side of the House is the method of electing a mayor. I understand, according to the provisions in the Bill, that where a certain system is adopted, where conditions change, and the Local Government set-up changes, they can have the option of retaining the present system or adopting some other one. I wholeheartedly believe that the election of a mayor should be left to the people whom he represents. Whilst I would agree with the member for Warren that a man holding the administrative position of mayor—and I should imagine that in many cases it would be a most onerous position—should possess certain qualifications, and have a certain capacity and ability, I think the decision on his election should be left to the electors. I do not think that one can fool all of the electors all of the time.

If a man is not capable it becomes apparent very quickly, and certainly when he is presiding over a council of men who are marching out through the community and spreading the word of how he is reacting at council meetings and what they think of him generally. I agree, once again, with the member for Warren that they must have respect for the man with whom they work, and I believe that a council, as a body, would elect a man who would command respect. If he is a man who would command the respect of the electors, surely he would be a man who would command the respect of the councillors.

When the appointment of a mayor is left to the council, there is a danger inasmuch as there may be certain cliques within that group. Perhaps within the council there are 15 or 20 men who are prepared to elect a stooge to act

for them. They would consider that with a man at the head of their local government body whom they had elected themselves, he would do their bidding and be completely under their control. Therefore, I think we must leave it to the intelligence of the electors as a whole to express who they want as their mayor. If the man holding such a position does not measure up to what they expect, surely at the next election he could kiss his job good-bye.

As I have said, another danger is that a stooge could be elected—I do not like using that word—and there is certainly much more chance of men forming themselves into a clique where numbers are limited, than there would be if the election of mayor was spread over the whole of the population. I realise, of course, that there have been instances where men of limited capacity have been elected to these high administrative positions. However, I feel that the terms of such positions have been extremely limited; because, as I said before, whilst one can fool some of the people some of the time, one cannot fool all the people all the time. That is one of the differences of opinion I have with the member for Warren. I am in complete agreement with the member for Beeloo.

Sitting suspended from 6.15 to 7.30 p.m.

MR. I. W. MANNING (Wellington) [7.30 p.m.]: I desire to make some comments on this measure. The Bill contains quite a number of amendments to the Local Government Act, but I only wish to briefly touch on the several points in the amendments about which I feel strongly.

The first point to which I wish to refer is that dealing with the method of election of the shire president. I am very pleased to see that the Bill gives a local authority, when the status of a shire is changed, the right to select the method by which it will elect the mayor or shire president. This is working very satisfactorily as it is now, and the people concerned in local government find it a very satisfactory procedure and are very keen about the matter. Accordingly I am pleased to see it is provided for in the Bill.

With reference to the method of voting at shire elections, I was interested in the remarks of the member for Victoria Park, who offered some criticism of the proposal. To my mind the proposal is an excellent one, particularly in dealing with a certain situation. It certainly appeals to me. I refer particularly to a situation where there are two or more vacancies for the one ward, and there are more candidates than there are vacancies.

This occurred recently in the shire of Harvey and the local ratepayers who voted were not satisfied that, under the old method, they obtained the candidates

most of them desired. After having had a close look at this method I am satisfied it will achieve the desired result. There was a situation in one ward with two vacancies, where under the old method the ratepayers found they could only vote for one candidate; and of course they were partly disfranchised from voting for one of the others.

But this method would provide that a ratepayer would be able to have full use of his full number of votes. So I strongly commend that provision to the House and I hope it will remain in the Bill. There is another amendment in which I am particularly interested. It refers to a matter which I have mentioned over the years in this Chamber, where a land-holder was required to permit the local authority to come on to his property and take gravel for road-making purposes where the road abuts his land.

I have always felt that considerable damage was done to a few properties, where many have gained from that particular person having to supply the material in question. We also find that on most of these properties good land is not required to be upset in any way by a situation like this; whereas the man whose country contains a good deal of gravel is under some difficulty; and quite apart from the difficulties of the land in question, he has on it good roadmaking material which is required by the local authority for certain roadmaking purposes.

Mr. Fletcher: He is paid for it.

Mr. I. W. MANNING: The Bill requires the local authority to pay for the gravel; but previously the person in question was not compensated in any way if the road happened to abut his land. Accordingly I am very pleased to see that provision in the Bill. In these days of trace elements, and with modern farming methods, there is no bad country so far as the growing of grass is concerned. So the farmer who has been giving gravel has done so reluctantly, because he feels he has been losing good pasture land by doing so.

Mr. Brand: He should spare some gravel.

Mr. I. W. MANNING: However, I am very pleased to note that the local authority will pay the farmer for the gravel it takes. I strongly support that provision in the Bill.

There is a further provision in the measure in which I am interested, and that refers to declaring a private street a public street. I have seen a number of instances where, as a neighbourly gesture, a person has permitted someone to pass through his land over the years. It is now intended that where the person has had uninterrupted use for a period of not less than ten years the council may press to declare such route a public street, and the Governor may do so. I think a good deal

of care should be exercised in this sort of situation. We should judge these matters on their merits, and ensure that no hardship is created on the person whose land has been taken for a public street.

Mr. Toms: That is why it says "may".

Mr. I. W. MANNING: I realise that, but I did want to sound a note of caution when dealing with the situation, because I have seen cases where some difficulty has been created.

The next amendment in the Bill in which I am interested will permit a local authority to guarantee the rent of houses built by the State Housing Commission in its district. This amendment had been suggested for some time by some local authorities, and I think it is well worthy of support. It would apply to some smaller country towns, more than anywhere else.

The provision of houses by the State Housing Commission is determined very largely by the number of applicants in that particular town or area. As far as I can see some priority is given when there is urgent need for housing; but in a small centre a couple of applicants, urgently requiring houses, might be disregarded.

The local authority concerned would be on the job and would be aware of the circumstances. In a small town, when the tenant leaves a house there might be difficulty in arranging for a new tenant; but if the local authority is prepared to guarantee the rent then the difficulty will be overcome when there is a shortage of housing in a small way.

Another amendment in the Bill deals with land belonging to pensioners. I refer to what the Minister said on this provision when he introduced the Bill. On pages 2677 and 2678 of *Hansard* he is recorded as having said—

Cases often occur, however, where a pensioner resides on one piece of land and has other allotments in the town or district which he does not physically occupy, and it is considered unreasonable that this land should be held out of public use and rates allowed to accumulate, particularly as, in the case of vacant land, the rates could amount to more than the land was worth if they were permitted to accumulate for a long time.

I would advise caution in this respect. From a reading of the Minister's speech it is evident this provision should not apply to the land on which a pensioner resides. It is to apply to land owned by a pensioner, some distance away from his residence. I can quote many cases of pensioners who own two adjoining blocks of land on which a dwelling has been built, with the house on one block, and a garden on the other. I would not like to see any problem created through the pensioner being compelled to dispose of half of that land.

Mr. Toms: You mean two small blocks of land on which there is one house?

Mr. I. W. MANNING: Yes.

Mr. Toms: They could be put on one title.

Mr. I. W. MANNING: Very often they are.

Mr. Toms: They could not take away a part of the land which covers half the house.

Mr. I. W. MANNING: I do not mean that. The cases I refer to concern two adjoining blocks where the dwelling is built on one block. I can think of many pensioners who own adjoining blocks with a house on one, and a garden on the other. I understand from the remarks of the Minister that this provision in the Bill will not apply to such a situation. It is only to apply where a pensioner lives on one block of land, and owns some other land elsewhere. This provision would have harsh application if the pensioner was compelled to sell half of the adjoining blocks on which he resides.

Those are the only comments I want to make on the Bill, and it has my full support. All the amendments contained in it are very desirable, and I commend them to the House.

MR. FLETCHER (Fremantle) [7.45 p.m.]: I was under the impression that the Minister in this House representing the appropriate Minister in another place was going to seek an adjournment of the debate on this Bill, so as to obtain some information.

Mr. Brand: Let it go to the Committee stage.

Mr. FLETCHER: I have certain amendments which I intend to move at the Committee stage in the hope that the Minister will make the necessary investigation relevant to the points I make.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Brand (Premier) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 113 amended—

Mr. FLETCHER: I have been requested by the Fremantle City Council to seek amendments in certain respects. To make the issue more concise I shall read the correspondence I have received. I only received it today, and as a consequence have not had time to place amendments on the notice paper. I would have done so gladly if I had been able to, in order

that the Minister might be given an opportunity to study them. This was the letter I received from the Fremantle City Council dated the 20th November, 1963—

Mr. H. A. Fletcher, M.L.A.
28 Minilya Avenue,
Hilton Park.

Dear Sir,

I wish to thank you for having made a copy of the Bill for an Act to amend the Local Government Act, available for examination by Members of this Council.

It is considered that the amendments, with one exception, are reasonable. The exception referred to is the amendment listed in the Bill as Clause 5, which intends to expand the schedule of authorised witnesses for the purpose of voting in absence, by qualifying any person who is an Elector on the Legislative Assembly Roll.

Council is of the opinion that the existing section 113 of the Act makes reasonable provision for witnesses. If it is desired to expand the number of persons qualified to act, then it is considered that the Act should be amended by providing additional clauses, authorising:—

- (A) A person eligible to be on a Legislative Assembly Roll,
- (B) A Member of a Local Authority, and
- (C) An employee of a Local Authority authorised to act as a witness by the Returning Officer for the election.

Such an amendment would make a considerable number of additional persons available and thereby assist those who wish to vote in absence.

All of those persons referred to in this suggestion would have subscribed, either as Members of a Local Authority or as Electoral Officers, to a declaration of good faith.

It is contended that the proposal submitted in the Bill could lead to votes being witnessed by irresponsible people and there would certainly be considerable difficulty experienced in checking the qualification of the witnesses.

Council will be pleased if you will endeavour to amend the Bill, in accordance with the views herein expressed.

That is the nature of the correspondence; and those who were listening carefully will have noted that there are two extra categories of people who should be eligible to witness absentee votes—a member and an employee of a local authority.

I explained the position to the appropriate Minister in this Chamber who said he would make inquiries, but unfortunately he is absent. Section 113 of the Act

sets out who can witness absent voting applications and absent votes; and after that section is amended by this Bill, the qualification will be "a person enrolled as an elector for the Legislative Assembly." It is my intention to move an amendment as suggested by the Fremantle City Council by adding the words, "a member of a local authority, and an employee of a local authority authorised to act as a witness by the returning officer for an election."

Even though provision is being made for everybody who is eligible to be enrolled for the Legislative Assembly to witness absent voting applications and absent votes, I feel the special qualifications such as a justice of the peace, a commissioner for declarations or affidavits, and a legally qualified medical practitioner, should remain. I propose to move accordingly.

The CHAIRMAN (Mr. I. W. Manning): I would point out to the member for Fremantle that it would be difficult to include the proposals mentioned by him in the clause without an appropriate amendment being drafted. I understand it is the Government's intention to report progress. Therefore, if the member for Fremantle is agreeable, we will have a look at his proposal.

Mr. FLETCHER: Yes, Mr. Chairman, I am prepared to move my amendments at a later stage.

Progress

Progress reported and leave given to sit again, on motion by Mr. Williams.

RESERVES BILL (No. 2)

Second Reading

MR. BOVELL (Vasse—Minister for Lands) [7.52 p.m.]: I move—

That the Bill be now read a second time.

It is necessary, from time to time, to amend "A"-class reserves, and Parliament is the only authority which can approve of the reduction of "A"-class reserves for purposes other than the reservation. It has been customary in years past to give Parliament full details of the proposals in the second reading speech. However, last year I reduced the information in the second reading speech although the full details on the file were made available. A copy is handed to the leader of the Opposition for perusal by members of the Opposition, and my own file is made available to members on the Government side of the House so that they can be fully apprised of the details which have led to the introduction of this measure.

Clause 2 provides for excision from Class "A" Reserve No. 1454 at Boyup Brook of 1 rood 4.2 perches which has been isolated from the main portion of the reserve by a road deviation.

Clause 3 provides for excision of Bruce Rock Lots 44 and 45 from Class "A" Reserve No. 21380 for the purpose of creating a separate reserve for recreation and kindergarten site.

Clause 4 provides for excision of 8 acres 1 rood 11 perches from Class "A" Reserve No. 8485 at Busselton for a new road along the waterfront and for the extension of existing roads to connect with the new road.

Clause 5 provides for excision of 1 acre 3 roods 29.8 perches from Class "A" Reserve No. 24522 at Cervantes to provide a separate reserve for water supply for the adjacent Cervantes townsite.

Clause 6 provides for authority being given to the trustees of the Public Education Endowment to subdivide and sell Dalwallinu Lot 156 as comprised in Public Education Endowment Reserve No. 17188.

Clause 7 provides for amendment of purpose of Class "A" Reserve No. 20403 at Denmark from parklands to recreation as portion of the reserve has been developed as a bowling club site.

Clause 8 provides for the amendment of the purpose of Class "A" Reserve No. 25337 at Denmark from park to park and kindergarten site.

Clause 9 provides for the excision of Fremantle Lots 1038, 1040, 1042, and 1044 from Public Education Endowment Reserve No. 11384 and to give authority to the trustees of the Public Education Endowment to sell the land.

Clause 10 provides for cancellation of Class "A" Reserve No. 10216 at Guilderton for the purpose of including the land in the adjacent Guilderton townsite where-in adequate reserves are being provided for public purposes.

Clause 11 provides for amendment of Class "A" Reserve No. 9286 at Kalgoorlie to comprise only the portion required and used for water supply purposes. The portions excised will be used for roads and for a new reserve for park, gardens, and arboretum.

Clause 12 provides for excision of Victoria Location 9764 from Class "A" Reserve No. 2076 10 miles north of Mingenew for the purpose of making the land available for selection for agricultural purposes.

Clause 13 provides for authority being given to the trustees of the Public Education Endowment to sell to the State Housing Commission Mingenew Lots 31 to 40, 47, and 48 as comprised in Public Education Endowment Reserves Nos. 12070 and 21556.

Clause 14 provides for excision of an area of 1 acre and 34.3 perches from Class "A" Reserve No. 15162 at Mt. Barker for a national television transmitter site as required by the Commonwealth of Australia.

Clause 15 provides for amendment of Class "A" Reserve No. 12085 at Parkerville to excise portion for inclusion in the

Parkerville school site and to also rein-clude in reserve 12085 portion of the school site excluded by resurvey.

Clause 16 provides for cancellation of Class "A" Reserve No. 25339 at Parkerville on which the new Parkerville School was built. A new reserve with boundaries amended by survey will be set apart as a school site.

Clause 17 provides for an adjustment of the area of Class "A" Reserve No. 15962 at Quairading to agree with a recent survey.

Clause 18 provides for excision of 11 acres and 30 perches from Class "A" Reserve No. 7478 at Southern Cross to provide a new school site reserve.

Clause 19 provides for excision of 1 rood 22 perches from Class "A" Reserve No. 17391, at South Nedlands, for the purpose of creating a separate reserve for the portion occupied by the old Gallop House and to vest the new reserve in the City of Nedlands in trust for the purpose of conservation of historical buildings, with power to lease.

Clause 20 provides for excision of an area of 1 rood 24.6 perches from Class "A" recreation reserve at Manning, in the City of South Perth, for the purpose of creating a separate reserve for drainage.

Clause 21 provides for amendment of Class "A" Reserve No. 1275 at Wyndham to excise portions used for road, residential, and public works purposes.

Clause 22 provides for amendment to excise portions from Cemetery Reserve No. 20359 at Wyndham for the same purposes as referred to in the previous clause.

Debate adjourned, on motion by Mr. Kelly.

ROAD CLOSURE BILL

Second Reading

MR. BOVELL (Vasse—Minister for Lands) [8.8 p.m.]: I move—

That the Bill now be read a second time.

As in the case of the Reserves Bill, it is necessary to obtain parliamentary approval to amend, adjust, and close certain roads; and I will submit briefly the proposals. There are very few of them this year; and, as with the Reserves Bill, I will hand the Leader of the Opposition a copy of the file with lithos giving full details of the proposals.

Clause 2 provides for the closure of a small road widening at the intersection of Beaufort and Drake Streets, in the Shire of Bayswater.

Clause 3 deals with the proposed closure of a private right-of-way opening into Murray Street, Bayswater.

Clause 4 provides for the closure of a section of Swan Street, North Fremantle, which is to be included in the railway reserve, where the new railway bridge is being constructed.

Clause 5 refers to the proposed closure of a very small portion of a private right-of-way within a subdivision of Kalgoolie Lot 917 situated at the corner of Hanbury Street and Boulder Road.

Clause 6 provides for the closure of a private right-of-way adjoining the works of the Diamond Ice & Cold Storage Coy. Pty. Ltd., at Osborne Park in the Shire of Perth.

Clause 7 provides for the closure of a road widening at the intersection of Eric Street and Melville Parade, Como, in the City of South Perth.

Clause 8 provides for the closure of the various undeveloped roads on the western side of the No. 2 Rabbit Proof Fence, the maintenance of which has been discontinued by the Department of Agriculture which has sold various sections of the fence to the holders of adjoining properties.

Debate adjourned, on motion by Mr. Kelly.

FACTORIES AND SHOPS BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Wild (Minister for Labour) in charge of the Bill.

The CHAIRMAN: Amendment No. 1 made by the Council is as follows:—

No. 1.

Clause 5, page 6—Insert after paragraph (g) of the interpretation "factory" in subclause (1) a new paragraph to stand as paragraph (h) as follows:—

(h) any premises in which one or more persons are engaged, directly or indirectly in any handicraft, or in preparing or manufacturing goods for sale or trade as paid employees for the purpose of the trade or business of their employer;

Mr. WILD: This amendment was left out in the original drafting of the Bill. It refers to factories which have one or more employees; and there are between 3,000 and 5,000 factories that fall within this category. I move—

That amendment No. 1 made by the Council be agreed to.

Mr. HAWKE: This amendment appears to be in order. The Minister did not tell us why it was left out of the original draft of the Bill. As I understand the wording of this amendment, it will bring within the definition of the term "factory", in this portion of the Bill, any premises in which one or more than one person is

engaged in connection with handicraft or the preparation or manufacture of goods for sale or trade if they were paid employees for the purpose of the business of the employer with whom they were employed. The amendment is one which is acceptable to this side of the House, and I support it.

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

The CHAIRMAN (Mr. I. W. Manning): Amendment No. 2 made by the Council is as follows:—

No. 2.

Clause 5, page 9, line 16—Insert after the word "shop", the words "or engaged in the shop as a clerk".

Mr. WILD: The words "or engaged in the shop as a clerk" were omitted in the original draft of the Bill. The original Act has always included the word "clerk" in the definition of shop assistant. I move—

That amendment No. 2 made by the Council be agreed to.

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

The CHAIRMAN (Mr. I. W. Manning): Amendment No. 3 made by the Council is as follows:—

No. 3.

Clause 16, page 17—Delete paragraph (i) of subclause (1) and substitute the following:—

(i) if an inspector holds a certificate from the Commissioner certifying that the inspector is qualified under the Health Act, 1911, to exercise the powers conferred by that Act, he may in relation to any factory, shop or warehouse exercise all the powers of an inspector appointed under that Act;

Mr. WILD: The doctor member in another place was concerned about the powers of inspectors. Under the original Act, a factories and shops inspector, if he were considered to be a suitable person, could be given powers of inspection under the Health Act. The honourable member in another place considered that factories and shops inspectors should have a health inspector's certificate. I think this is a reasonable amendment. I had indicated that the matter should be looked into in another place. As a matter of fact three inspectors in the Factories and Shops Department already hold health certificates. I move—

That amendment No. 3 made by the Council be agreed to.

Mr. TOMS: Could the Committee receive an assurance that there will be no cutting across the duties of local health

inspectors, and that there will be close co-operation between those inspectors and factories and shops inspectors? If we do not have that assurance, there might be a difference of opinion between an inspector acting in a health capacity and a local health inspector.

Mr. WILD: The member for Bayswater will notice that there is reference to that matter later on in the Bill; and we will endeavour to see that such a situation does not occur.

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

The CHAIRMAN (Mr. I. W. Manning): Amendment No. 4 made by the Council is as follows:—

No. 4.

Clause 18, page 19, line 8—Insert after the word "authority" the words "and the Commissioner".

Mr. WILD: I did indicate that I would have this matter looked into in another place. It was necessary to amend the Bill to ensure that the functions and powers of factories and shops inspectors did not override the powers of the Commissioner of Public Health. It was considered that the commissioner, being a professional officer, would not wish to be overridden by a factories and shops inspector. I move—

That amendment No. 4 made by the Council be agreed to.

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

The CHAIRMAN (Mr. I. W. Manning): Amendment No. 5 made by the Council is as follows:—

No. 5.

Clause 18, page 19, lines 12 to 33 passage commencing with the word "and" in line 8 to and including the word "provisions" in line 11.

Mr. WILD: I move—

That amendment No. 5 made by the Council be agreed to.

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

The CHAIRMAN (Mr. I. W. Manning): Amendment No. 6 made by the Council is as follows:—

No. 6.

Clause 18, page 19, lines 12 to 23—Delete subclauses (2), (3) and (4).

Mr. WILD: This amendment refers to the records which shall be kept. I understand it is important to indicate the name of each award under which a worker is employed. In a factory a worker may work for two days under one award, for one day under another award, and for two days under a third award. Over the years the law has continually been broken.

Point of Order

Mr. W. HEGNEY: On a point of order, Mr. Chairman, what clause is the Minister speaking to? Do I understand that amendment No. 6 has been dealt with?

The CHAIRMAN (Mr. I. W. Manning): We are dealing with amendment No. 6.

Mr. W. HEGNEY: Amendment No. 6 refers to the Commissioner of Public Health as against local authorities. I refer the Committee to page 19 of the Bill.

Mr. Wild: We have passed that.

The CHAIRMAN (Mr. I. W. Manning): No; we have not.

Mr. W. HEGNEY: That is what the Minister put over us last night in connection with the Arbitration Bill.

The CHAIRMAN (Mr. I. W. Manning): We will take a vote on it.

Mr. W. HEGNEY: Mr. Chairman, I am open to correction—

The CHAIRMAN (Mr. I. W. Manning): Order! I will indicate the question. The question before the Committee is Legislative Council amendment No. 6.

Committee Resumed

Mr. WILD: I move—

That amendment No. 6 made by the Council be agreed to.

It is considered that as the Commissioner of Health is a professional officer naturally he does not want to be overridden by a factory inspector who, under the old Act, did not necessarily have to have a certificate of health.

Mr. W. HEGNEY: I refer members to subclause (1) of clause 18 on page 19. The Legislative Council's amendment is to delete subclauses (2), (3), and (4). Personally I think those subclauses set out the machinery to enable subclause (1) to be implemented, and to my mind that is only reasonable.

Mr. Ross Hutchinson: No.

Mr. W. HEGNEY: I would like to hear the Minister for Health on this matter in a moment. I think the Commissioner of Health should be the final arbiter in a matter of this nature. I do not think it would happen very often, but it could happen that a qualified inspector could advise the local authority of certain requirements. If the Legislative Council's amendment is agreed to what machinery is there to see that the recommendations of the inspector are carried out? The subclauses which it is proposed to delete set up the requisite machinery, and the Commissioner of Health would determine whether action should be taken, or whether the views of the local authority should be upheld. I am inclined to oppose the amendment.

Mr. ROSS HUTCHINSON: I do not think the honourable member understands the situation correctly. The provisions in subclauses (2), (3), and (4) exceed the authority that should be given to a factory inspector who is not a health inspector

appointed under the terms of the Health Act. That is why the amendment is necessary. If the honourable member looks at subclause (1) he will see the situation is that the inspector will notify the local authority in writing and then the machinery takes its course, as is right and proper. The rest of the clause is redundant and offensive and makes the two Acts conflict. I say in all sincerity that that is so.

Mr. W. Hegney: What machinery would you say there was?

Mr. ROSS HUTCHINSON: There is a very close liaison between the health inspector appointed to the local governing authority and the Commissioner of Public Health and his chief inspector, which makes (4) (a) redundant. I think if the honourable member looked at the position closely he would realise that the amendment is necessary.

Mr. BRADY: All shops and factories should have proper sanitary conveniences. It appears to me that according to the provisions in the Bill the factories inspector has to notify the local health authority, which could be the Swan Shire Council, or the Bayswater Shire Council, and he must also notify the commissioner. A perusal of the clause indicates that a lot of red tape will be involved, but it may be that that red tape is necessary so that nobody will be upset about somebody coming in to do something that should be done in the first instance before any inspector of the local authority, or the Commissioner of Health, is on the scene.

Mr. Ross Hutchinson: I think you will find the contrary is the case.

Mr. BRADY: In the first place people who own factories or shops should provide proper sanitary conveniences, and there should not be any necessity to have all these inspectors and the commissioner inspecting them. It looks to me as though all these people are mentioned so that nobody will lose face. The inspector has to look at the place, and he might say, "The sanitary conveniences are not so good, so I will tell the local authority and the Commissioner of Public Health; and then the local authority can say, 'We do not think the sanitary conditions could be improved' and it can appeal to the Commissioner of Public Health who can decide whether the work should be done."

I am inclined to think that some of the shire councils will take the point of view that they are badly treated if they are not asked to investigate the position. For the sake of peace in local government, I think we should let the existing clause remain.

Mr. TOMS: It almost causes me to choke to think that for once in the past fortnight I have to agree with the Minister. I agree that this will possibly serve the purpose and be of benefit to local authorities. My only fear is that the local

authority and the factories and shops inspector could be at cross purposes. In subclause (1) of clause 18 the factories and shops inspector has the right to report any breach of the provisions of the Health Act to the local health authority. It should be left at that because, as all members know, most local health authorities take great pride in ensuring that all health matters are attended to.

I do not think there is any need to fear that the matter will be reported to the Commissioner of Public Health. For that reason I think this subclause and the two that follow should be dropped.

Mr. ROWBERRY: It does not choke me in the least to differ from the member who has just resumed his seat. Clause 18 seeks to grant authority to an inspector to inspect a factory; and when he discovers that a breach of the provisions of the Health Act has been committed, he can report the matter to the local health authority. That is what is done in practice. When I was at the State Saw Mills the health by-laws were supervised by the workmen's mill inspector and the inspector appointed by the Government, and he reported any breach of the Health Act provisions to the local health authority. That is the purport of subclause (1). He notifies the health authority in writing. Subclause (2) deals with the failure of that local health authority to react to such notification.

Are we to allow unsanitary conditions to continue in any factory or establishment merely because we are scared that we might be stepping on someone's toes? Are we to allow such conditions to continue because the factories and shops inspector might be usurping the powers of the health inspector? That is too ridiculous to contemplate. These clauses merely seek to prevent such a situation arising. The fact that unsanitary conditions do occur proves that someone has fallen down on his job.

Mr. Toms: Do you think the local authorities would carry out the order?

Mr. Brady: Some would and some would not. It may be a factories and shops inspector who is on the board.

Mr. ROWBERRY: When this legislation was formulated, consideration was given to the fact—probably from experience—that some local authorities do ignore certain duties. For instance, not all local authorities have a qualified health inspector. In some instances the shire clerk does a multitude of jobs, and he may not find time to execute all of them. However, we have appointed factories and shops inspectors who are clothed with the necessary authority to take whatever action is required. That is what these subclauses set out to do. Therefore I do not support the Legislative Council's amendment No. 6.

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

The **CHAIRMAN** (Mr. I. W. Manning): Amendment No. 7 made by the Council is as follows:—

No. 7.

Clause 33, page 28—Delete paragraph (d) of subclause 2.

Mr. WILD: This clause refers to the records that will be required to be kept, including a time and wages book. The clause itself sets out all the particulars that will be recorded, including the award, if any, under which an employee works. The principle is that the substantial portion of the work on which he is engaged during the week will determine the award governing his conditions. An employee who is employed in a factory on two or three different types of work from Monday to Friday will make it very difficult for the employer to obey the Act, because it says he must daily record the award under which he works. I move—

That amendment No. 7 made by the Council be agreed to.

Mr. W. HEGNEY: I oppose the deletion of this provision. There will be no hardship on an employer to stipulate the award under which a particular employee is working. The Minister said he may be working under more than one award, but it would not be difficult to write or type in the award. That would not be a major operation. On the contrary it would assist the factories and shops inspector to carry out his duties, and facilitate his being able to ascertain the award under which the person is working, together with the relevant wages and conditions.

The provision sought to be deleted was agreed to by this Assembly. I do not know what arguments were advanced elsewhere, but I certainly do not think it is right to remove this provision. In only a few cases would an employee be working under two awards. In the great majority of cases he would be working under a particular award in a factory. No valid argument has been advanced against this provision, and I oppose the motion to agree to the Council's amendment.

Mr. HAWKE: I hope the Minister will reconsider this matter and not agree to the Council's amendment. I am sure if the Minister read the proceedings in another place he would not be impressed. To indicate briefly what happened I would point out that the clause was called and a Legislative Councillor stood up and said, "This amendment is purely a drafting amendment."—whatever that means. He also said, "The paragraph at present states that in the time and wages book shall be entered the award." I do not know what he means by that. That is the type of reasoning which assisted the

Council in seeking to delete this provision. I think the Minister will agree that the person who spoke did not seem to be talking any sense at all. I do not know why he got up to speak. He also said—

If an employee is employed under an award it is prescribed that a time and wages book shall be kept, and what shall be kept in it. This provision relates only to employees who are employed other than under an award."

If it is true that surprises me. But I do not think it is true, and I do not think the Minister does either. The only other thing the member in another place said was, "Clearly the paragraph is superfluous;" to which the Minister in that Chamber replied, "I have no objection to the amendment." The amendment was thereupon put and passed. No argument was put up as to why the clause should be dropped. If members read clause 33 they will see that there is clearly a necessity for the award, if any, under which the employee is working, to be stated in the book which each employer will be called upon to keep. I hope the Minister will reconsider this matter and retain this paragraph.

Mr. BRADY: I agree with the Leader of the Opposition. I am afraid those advising the Minister have led him to believe that the actual award containing 20 or 30 pages must be made part of the record. That is not so. The provision means that if a man is working under the Painters and Signwriters Union conditions all that needs to be entered is "Award No. 18 of 1953." If the man is working under a pastrycooks' award all that needs be entered is "Award No. 20 of 1956." There is no harm in that. It would facilitate the inspector's job, and could obviate the need for the employer's clerks to look up the number of the award, and thus save time. We should not agree to delete this provision.

Mr. ROWBERRY: This is the most important provision in the clause. What is the reason for the clause; and why are all these provisions required? If we do not have an award we cannot work out whether the wages paid to an employee each week are the right wages. We must have access to an award to ensure that. If the award is not stated the inspector will be put to the additional trouble of having to look it up. We might just as well strike out the whole clause, because it is purposeless without this provision. The award is determined on all the particulars that are required in the rest of the clause.

All the other provisions in this clause have been included to protect the worker, and to allow the inspector to ensure that the proper wages are being paid to the

worker under the appropriate award. The Minister has been wrongly advised. The discussion in another place was very scanty, and no reason was given except that the paragraph before us was superfluous. But this paragraph is the kernel of the clause, and without it the other paragraphs are meaningless.

The reason for keeping the time and wages book is to enable the Inspector to ensure that the employees are paid under the appropriate award. The time, the age, and the sex have to be recorded, because the employees are paid according to their age and sex. By deleting paragraph (d) we would be striking out the basis on which the calculation of wages is determined. I oppose the Council's amendment.

Mr. DAVIES: I oppose the Council's amendment. The basis of the argument in another place appears to be that under industrial awards time and wages books have to be kept; and therefore it is superfluous to keep them under the provisions of the Factories and Shops Act. I suggest the particulars required to be kept in the time and wages book are not the same as those which have to be kept under this clause. If one time and wages book only is required to be kept to serve both the industrial award and the Act, then there is no reason why this whole clause should remain in the Act.

Not all awards require time and wages books to be kept. Looking quickly through the *W.A. Industrial Gazette*s, in several awards there is no reference to a time and wages book. If this fact is overlooked in some industrial awards, then there is every reason why a time and wages book should be kept under the Factories and Shops Act.

The reason given by the Minister in another place for deleting this clause is that on some days some employees work under two awards. That could be the case, but it would not occur very often. Even if that is the case on some occasions, it will only be necessary to make a notation to show the employee is working under the printers' award or the metal trades award. This clause does not provide that a daily record shall be kept.

The book has to be signed each week by every employee. It appears that too much time would be spent on trivialities. But, in fact, very little time would have to be spent in writing down the award or awards concerned. Paragraph (d) is essential in that this provision would enable inspectors to make the necessary check, and enable others to ensure that the awards were being complied with.

Mr. WILD: This is an insignificant matter, and I am agreeable to move that the Council's amendment be disagreed with.

The CHAIRMAN (Mr. I. W. Manning): The Minister would have to withdraw his motion.

Mr. WILD: I seek leave of the Committee to withdraw the motion.

Motion, by leave, withdrawn.

Mr. Tonkin: This is another instance in which we have not had a declaration of the result. I wonder if that has been recorded.

Mr. WILD: I move—

That amendment No. 7 made by the Council be not agreed to.

Question put and passed; the Council's amendment not agreed to.

The CHAIRMAN (Mr. I. W. Manning): Amendment No. 8 made by the Council is as follows:—

No. 8.

Clause 42, page 33, line 29—
Insert before the word "perform"
the word "not".

Mr. WILD: The member for Mt. Hawthorn moved an amendment which was agreed to in this Chamber, and the amended clause reads—

A person who is registered as an outworker under section forty-one shall—

- (a) not employ any other person in wholly or partly preparing or manufacturing an article referred to in section thirty-nine;
- (b) perform work inside a factory, shop or warehouse; or

The amendment of the Council is self-explanatory. I move—

That amendment No. 8 made by the Council be agreed to.

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

The CHAIRMAN (Mr. I. W. Manning): Amendment No. 9 made by the Council is as follows:—

No. 9.

Clause 59, page 45—Delete paragraph (a) of subclause (1) and substitute the following:—

- (a) a whole holiday on every public holiday and a half holiday on any day that is proclaimed to be a half holiday for the district or locality wherein the factory is situated, but when a Christmas Day or New Year's Day falls on a Saturday or a Sunday then such holiday shall be observed on the next succeeding Monday, and when Boxing Day falls

on a Sunday or a Monday, such holiday shall be observed on the next succeeding Tuesday;

Mr. WILD: This is a clause on which the member for Mt. Hawthorn raised a query, and I asked that the matter be considered in another place. In another place Mr. Heenan raised the same point, and the matter was investigated by the department. It was agreed that the clause should be amended accordingly. I move—

That amendment No. 9 made by the Council be agreed to.

Mr. W. HEGNEY: When the Bill was before us I moved to insert an amendment along similar lines. This paragraph reads—

- (a) a whole holiday on every public holiday and a half holiday on any day that is proclaimed to be a half holiday for the district or locality wherein the factory is situated, but when a Christmas Day, Boxing Day, New Year's Day, Australia Day or Foundation Day falls on a Sunday then the whole holiday shall be allowed on the next following Monday;

In the amendment Australia Day and Foundation Day have been omitted. I presume the reason is that they would be proclaimed public holidays.

Mr. Wild: No; because they always fall on a Monday.

Mr. W. HEGNEY: They are proclaimed for a certain date. But if that date falls on a Wednesday or a Thursday, the holiday is held on the following Monday.

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

The CHAIRMAN (Mr. I. W. Manning): Amendment No. 10 made by the Council is as follows:—

No. 10.

Clause 64, page 52—Insert after the word "shall" in line 5 the words:—

as soon as it is practicable for him to do so.

Mr. WILD: I move—

That amendment No. 10 made by the Council be agreed to.

This amendment refers to discussion which took place in this Chamber, after which I asked the officers to have a look at the matter with a view to doing something, if necessary, in another place. It is not always possible for the chief inspector to notify an accident immediately, so the insertion of these words will give him a little bit of latitude.

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

The CHAIRMAN (Mr. I. W. Manning): Amendment No. 11 made by the Council is as follows:—

No. 11.

Clause 64, page 52—Insert after the word "occupier" in line 17 the words:—

and the Chief Inspector shall thereupon notify the Secretary of the appropriate Industrial Union of Workers of that accident.

Mr. WILD: I move—

That amendment No. 11 made by the Council be agreed to.

This refers to the secretary of the appropriate union being notified of an accident.

Mr. Davies: There was some talk about that too.

Mr. WILD: There are two types of accidents: one that causes death, and another that causes incapacity. In the case of death, the occupier shall inform the chief inspector verbally of the accident by the quickest method, and in the case of incapacity the chief inspector shall be notified not more than 24 hours after the accident.

Mr. W. HEGNEY: It is encouraging to note that the Minister has at last agreed to this provision. I recollect vividly that when the Bill was submitted to the Chamber I put up what I thought was a strong and logical argument in favour of the provision.

Mr. Wild: The honourable member also wanted it to apply to the second part, which refers to the 24 hours. Be fair!

Mr. W. HEGNEY: I am always fair; and, I might add, I am always reasonable. However, I am pleased the Minister has agreed to this. I support the amendment.

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

The CHAIRMAN (Mr. I. W. Manning): Amendment No. 12 made by the Council is as follows:—

No. 12.

Clause 64, page 52, line 24—Insert after the word "section" the following passage:—

that relates to an accident of the kind referred to in paragraph (a), of that subsection and may if the notice relates to an accident of the kind referred to in paragraph (b) of that subsection.

Mr. WILD: I move—

That amendment No. 12 made by the Council be agreed to.

This refers to part of our discussion of two or three weeks ago before the legislation went to another place. I indicated then that last year there were some 43,000 accidents in industry in Western Australia of the nature of 24 hours or over, and the question of having every one of those reported was a bit too much. This amendment puts it in the hands of the chief inspector; and if he feels an accident should be notified, he may notify the appropriate union accordingly.

Mr. W. HEGNEY: I hope this amendment will not be agreed to. On the surface it looks as though it is a comparatively minor matter; but when one considers the circumstances that could arise it will be found they are very serious. This amendment will make it discretionary on the part of the factories and shops inspector whether he would attend the scene of an accident if the accident caused incapacity of not more than 24 hours duration. There are cases where an accident might appear on the surface to be slight, but it could so happen that it might turn out to be serious. If we agree to this amendment I think it will be a retrograde step.

This provision was written into the Factories and Shops Act as far back as 1920 and it is now section 82 of the existing Act. The provision has been in operation for many years, and I do not see why the inspector should not attend the factory as soon as practicable; because although an accident may appear on the surface to be slight it could turn out to be a serious one. There is going to be no hardship on the department if we leave the provision as it is. I oppose this amendment because it would be a retrograde step. We should focus our attention at all times on the prevention of accidents.

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

The CHAIRMAN (Mr. I. W. Manning): Amendment No. 13 made by the Council is as follows:—

No. 13.

Clause 86, page 64, line 30—Insert after paragraph (i) of subsection (1) a new paragraph to stand as paragraph (j) as follows:—

- (j) premises in respect of which a publican's general licence, wayside house licence, Australian wine and beer licence, or hotel licence has been granted;

Mr. WILD: This provision was left out in the original drafting of the Bill. It is not intended that this legislation should interfere with the hours provided under the licensing legislation. I therefore move—

That amendment No. 13 made by the Council be agreed to.

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

The CHAIRMAN (Mr. I. W. Manning): Amendment No. 14 made by the Council is as follows:—

No. 14.

Clause 89, page 68, line 8—Delete the words "medical goods" and substitute the word "medicines".

Members will recall that a considerable amount of discussion took place in connection with chemist shops. This amendment has been made in another place, and on reflection it is considered that the words "medical" and "surgical appliances" are good enough to cover anything required in an emergency, but might not include medicines such as cough mixtures, eye drops, sleeping pills, baby syrups, etc. The words "medical goods" could imply such items as hair shampoos, powder, toilet requisites, etc., which are not required as an emergency. I therefore move—

That amendment No. 14 made by the Council be agreed to.

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

The CHAIRMAN (Mr. I. W. Manning): Amendment No. 15 made by the Council is as follows:—

No. 15.

Clause 89, page 68, line 10—Insert after the word "case" the passage:—

and if—

- (a) the shop is opened for that purpose only; and
- (b) the door of the shop is kept locked, except for the admission and exist of the customer.

Mr. WILD: This amendment refers to the opening and closing of chemist shop doors. In brief, it provides that the shop shall be opened only for the purpose of dispensing necessary or emergency prescriptions of a doctor, and that the door shall be opened and closed for each and every customer. This ensures that the door of the shop will not just be left open while a customer is waiting for a prescription to be made up.

Mr. W. Hegney: Your door is always open.

Mr. WILD: Yes, it is for most things. I do not think there is any necessity for me to say more at this stage, because we debated this matter at some length previously. I move—

That amendment No. 15 made by the Council be agreed to.

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

The CHAIRMAN (Mr. I. W. Manning): Amendment No. 16 made by the Council is as follows:—

No. 16.

Clause 97, page 77—Delete all the words from and including the word “a” in line 1 down to and including the word “correct” in line 25 and substitute the words “records and notices in accordance with section thirty-three of this Act.”

Mr. WILD: I think the member for Victoria Park raised this question when the Bill was before this House. This amendment in effect deletes the duplication. Except for a few words clause 97 virtually repeats clause 33. Clause 97 provides for the necessity to have a time and wages book in shops and warehouses; and clause 33 makes the same provision. It is considered that clause 33 is the appropriate clause in which the main provision should occur, and hence this amendment. I move—

That amendment No. 16 made by the Council be agreed to.

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

The CHAIRMAN (Mr. I. W. Manning): Amendments Nos. 17 to 19 made by the Council are as follows:—

No. 17.

Clause 107, page 86, line 21—Insert after the word “Act” the words “that relate to the safety or welfare of employees”.

No. 18.

Clause 107, page 86, line 23 and 24—Substitute for the passage “the Local Government Act, 1960, or the Health Act, 1911,” the words “any other Act.”

No. 19.

Clause 107, page 86, line 25—Substitute for the words “those Acts” the words “that other part.”

Mr. WILD: The purpose of these amendments is to clarify the position to ensure that the provisions of this Bill do not override the building by-laws under the Local Government Act and the provisions under the Health Act. I therefore move—

That amendments Nos. 17 to 19 made by the Council be agreed to.

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

Report, etc.

Resolutions reported and the report adopted.

A committee consisting of Mr. W. Hegney, Mr. Hart, and Mr. Wild (Minister for Labour), drew up reasons for not agreeing to amendment No. 7 made by the Council.

Reasons adopted and a message accordingly returned to the Council.

TOTALISATOR AGENCY BOARD BETTING ACT AMENDMENT BILL (No. 4)

Second Reading

MR. BRAND (Greenough—Treasurer) [9.23 p.m.]: I move—

That the Bill be now read a second time.

This is a short measure to give effect to the Budget proposal for the transfer to Consolidated Revenue of moneys payable by way of dividends by the Totalisator Agency Board which are not claimed within a stipulated period.

Under existing legislation, dividends which are unclaimed for one month by any person entitled thereto, are paid by the board into a special banking account. If the moneys remain unclaimed for a further period of six months, they then pass to the board and are available along with other funds for distribution to racing and trotting clubs.

During the course of the last session of Parliament it was proposed by the Deputy Leader of the Opposition that unclaimed dividends should be diverted from the Totalisator Agency Board and applied to a specific purpose. On that occasion the Government was not prepared to support the withdrawal of unclaimed dividends from the board, on the grounds that the moneys were needed by racing and trotting bodies.

In this respect the changeover to the revised system of off-course betting had only been in operation since the beginning of the previous year, and it was then too early in the piece to contemplate any variation in existing financial arrangements. The past year has seen a change in the situation as there has been a substantial increase in the amount distributed by the board to the clubs. This can be gauged from the fact that the amount distributed in respect of the year ended the 31st July last totalled £366,000 in comparison with £224,000 for the previous year. There was a difference of something like £142,000.

The benefit to the clubs as the result of the changeover to the off-course totalisator scheme is clearly demonstrated by comparing present returns to racing and trotting bodies with those received in the days when the off-course bookmakers flourished. The highest annual return to the clubs from their share of betting taxes under the previous system was £151,000, and it has been estimated that had that system continued the return today would not have been very much greater.

Consolidated Revenue has also benefited considerably from the change. Had the bookmakers been retained it is unlikely that revenue derived by the Treasury from off-course betting transactions would have

been any greater today than the previous best result obtained of £665,000 for a 12 months' period. This figure is more than £200,000 below the actual amount received in respect of the year ended the 31st July last. Both the Treasury and the clubs are better off to the extent of more than £200,000 per annum through the change to the present system of off-course betting; and, what is more important, this result has been achieved with a substantial reduction in the volume of off-course betting turnover.

In view of the pressures on the Consolidated Revenue Fund for the financing of the many essential services provided by the State, including the support of a large number of charitable and public bodies to which I will refer later—and because it is considered that amounts currently being distributed to racing bodies are reaching a satisfactory level—it is now proposed to transfer unclaimed dividends to Consolidated Revenue.

Notwithstanding the loss to the clubs from the 1st January next of this source of income, which would be the case if this Bill is passed, it is anticipated that the amount which will be distributed to the clubs in respect of the year ending the 31st July, 1964, will reach £390,000 or £24,000 more than last year. In these circumstances the transfer to Consolidated Revenue of unclaimed dividends estimated at £20,000 for this year and £40,000 in a full year should not be a serious loss to the clubs.

I mentioned earlier the support given by the Government to a large number of charitable and public bodies. This important sphere of Government activity is placing an ever increasing burden on the Consolidated Revenue Fund and is one of the reasons why measures such as the Bill now under consideration are necessary in order to provide the finance required by these very worthy organisations. I have had a list prepared of the financial assistance granted last year for various charitable and public purposes and although I do not propose to itemise this list, it will be of interest to members to learn that no less a sum than £623,000 was spent from Consolidated Revenue in supporting these activities. In this current year the cost is estimated at £662,000. In addition, capital grants from the General Loan Fund totalled £75,000 in 1962-63 and a further sum of £53,000 will be spent this year.

I mention these facts in order to draw attention to the level of financial aid being granted for charitable and public purposes, and to illustrate why the Government does not favour the proposal advanced last year by the Deputy Leader of the Opposition, and again in this current session, for the allocation of unclaimed betting dividends to certain charitable bodies.

There is no reason why, for instance, the Old People's Welfare Council should be treated any differently from other similar bodies. Why should the council receive 50 per cent. of the proceeds from unclaimed betting dividends as proposed by the Deputy Leader of the Opposition, when other bodies, just as worthy, are heavily dependent on grants from Consolidated Revenue?

If one body is given the right to receive moneys paid into Consolidated Revenue from a particular source, then others would have equal claims for similar treatment. Where would the line be drawn between bodies that are to receive the proceeds of a tax or other source of State revenue, and those that have to state a case for a grant from Consolidated Revenue?

The practice of earmarking specific funds for certain organisations, if extended, would lead to a complete lack of flexibility in the treatment of the needs of the many organisations engaged in social welfare work in this State, and could result in some bodies receiving more than they should whilst others went short.

The Government has given a good deal of consideration to the matter and has concluded that the logical course is to continue the current practice of assisting charitable and public bodies with grants from Consolidated Revenue. In this respect it is obvious that the proceeds of unclaimed betting dividends would assist in providing finance for this purpose.

Accordingly the Bill provides for unclaimed dividends, which now form part of the funds of the Totalisator Agency Board, to be taken into the Consolidated Revenue Fund from the 1st January next.

Debate adjourned, on motion by Mr. Tonkin (Deputy Leader of the Opposition).

STAMP ACT AMENDMENT BILL (No. 3)

Second Reading

MR. BRAND (Greenough—Treasurer)
[9.33 p.m.]: I move—

That the Bill be now read a second time.

This small Bill is introduced to remedy deficiencies in the procedure for making appeals to the Supreme Court under the provisions of the Stamp Act.

Section 32 of the Act now provides that any person dissatisfied with any determination or decision of the Commissioner of Stamps may appeal to the Supreme Court, but there is no provision in the Act for formulating and promulgating rules for the conduct of these appeals. This has been the subject of adverse comment by a judge before whom an appeal was held.

Section 32 of the Act also requires the commissioner to supply to the appellant a written case giving details of his assessment. There is, however, no stipulation in the section that the Commissioner is to be notified of an appeal.

In addition to these defects there is no time limit within which the case must be set down for hearing in the Supreme Court; in fact, there is no duty on the appellant to set down the case at all. In all other States of Australia the right of appeal depends on the payment of duty in conformity with the assessment made by the commissioner. Under these circumstances, if an appellant genuinely doubts the assessment of the commissioner, because he has paid the duty, he sets down the case for hearing with reasonable speed.

Recent inquiries at the Stamp Office by a solicitor seeking information on the correct procedure to be followed in the case of an appeal against an assessment have brought the deficiencies in the Act under our notice. As a result of these inquiries the matter was referred to the Crown Law Department. The Crown Solicitor recommended the introduction of legislation to remedy the defects in the present law. His recommendations, which are incorporated in this Bill, have been endorsed by the Master of the Supreme Court.

The Bill proposes to amend section 32 to provide that the right of appeal to the Supreme Court may be exercised after the payment of duty in conformity with the assessment issued, and that the appellant must notify the commissioner within a specified time when requiring him to state a case. It also sets a time limit on setting down the case for hearing in the Supreme Court, and includes a clause authorising the promulgation of rules for the conduct of these appeals. These amendments will remedy the existing deficiencies and set out clearly the procedure to be followed.

Mr. H. May: Who found out all this?

Debate adjourned, on motion by Mr. Hawke (Leader of the Opposition).

MIDLAND RAILWAY COMPANY OF WESTERN AUSTRALIA LIMITED ACQUISITION AGREEMENT BILL

Second Reading

Debate resumed, from the 12th November, on the following motion by Mr. Court (Minister for Railways):—

That the Bill be now read a second time.

MR. HAWKE (Northam—Leader of the Opposition) [9.36 p.m.]: This is a Bill to ratify an agreement already made between

the Government and the Midland Railway Company for the sale of the company's assets to the State, including the taking over by the State of some considerable liabilities.

The Minister, in his speech explaining the contents of the agreement to the House, gave us a considerable amount of detailed information, including the cost of acquisition in total, an assessment of the value of the total assets of the company, and at one stage he gave us to understand that the State would be very fortunate indeed to be taking over the assets of this company at the price or on the basis which is set down in the agreement.

I suppose from one point of view that argument might be sustained. It could be sustained only because the Government is taking over the Midland Railway Company's assets as a going concern. Had a situation been reached where the company, for financial or other reasons, had not been able to continue to operate the railway system, the value of most of its assets would have been, in a practical sense, considerably reduced. In other words, the company would have found itself in the position of having to face up to a forced sale, or of retaining its assets out of operation and having nothing to look forward to except a fairly rapid deterioration of those assets.

The Minister explained in his speech that the approach which the company made to the Government on this latest occasion was not by any means the first made by its representatives to a Government in Western Australia for the purpose either of trying to get the Government to take over the assets of the company in the name of the State, or, alternatively, for the purpose of obtaining from the Government, in the name of the State, guarantees to financial institutions in relation to loan moneys which the company found it necessary to raise from time to time to maintain its railway system in operation for the purpose, for instance, of purchasing diesel locomotives, and for such other purposes as greatly strengthening the permanent way in order that more powerful and faster engines might be used economically, and that freight loads and so on might be carted more cheaply over the line.

So it is clear that the Government, or the State through the Government, is making what I consider to be a very generous offer to the company in this agreement in the proposed taking over of the company's assets as they now exist in Western Australia. I propose to say more about that phase of the situation a little later.

I was very interested in one part of the Minister's speech in which he referred to the total amount of capital which would be required during the next few years to

maintain the railway line of the Midland Railway Company in an efficient and absolutely safe condition, and also to keep it in a condition which would enable the Government Railways Department to use the line in a manner which would give the most favourable returns and results to the department in operating trains in the Midland area. In this matter there appeared to be a good deal of difference of opinion, and the advisers of the Commissioner of Railways prepared a statement—a copy of which the Minister was good enough to give me—in which was set out, under the heading of “Capital Expenditure for a Five Year Programme”, a summary showing the main works which are required to be undertaken in each of the next five years to maintain the railway line particularly, and the assets to be taken over in good condition.

The total figure set down in this assessment, as compared with the other one, means a great increase, in the view of the commissioner and his advisers, over what was put up by the first investigating committee. This summary lays down that the total capital expenditure which would be required during the next five years would amount to £934,500; near enough to £1,000,000 for the five-year period. So it will be seen that in the taking over of the assets of this company by the State, there is involved not only such payments as have to be made for the value of the assets, but also very considerable capital expenditure liabilities in relation to maintaining the system in safe and efficient working order. That, indeed, is another phase of the situation which I think requires, and deserves, serious consideration from the members of this House before the final decision is made.

From our own experience of the Government railway system in Western Australia, we know there has been a very considerable struggle over the years to provide the capital expenditure required to keep it in reasonable condition. For instance, we know that during the period of the second World War, because of loan moneys and a good deal of other money in Australia being concentrated upon the war effort, the Government railway system in this State was forced to fall into a very serious condition in relation to the strength of the permanent way, as well as in relation to the condition of a great deal of the rollingstock.

We also know that after the war, when the McLarty-Watts Government purchased for the State railway system a number of modern, fast, heavy engines, and also a considerable number of heavy trucks, those engines and those trucks could not be used to anywhere near their best capacity because the condition of the permanent way was such as to make it absolutely dangerous for that to be done, and the succeeding Government to the

McLarty-Watts Government had to find a very large amount of loan money—certainly a very big percentage available to it from year to year—to be used in strengthening the permanent way—particularly upon the main line—in order that these modern, larger, and faster railway engines, and the larger trucks, could be used to somewhere near their maximum economic capacity.

I think it is true to say that the situation in that regard has eased on the Government railway system in more recent years. Nevertheless, I would say, without knowing for certain, that those in control of the Government railway system would, even at this time, be seeking more loan money for expenditure upon the Government railway system in one way and another than the Treasurer could possibly agree to make available to the Railways Department in each financial year.

So I do not think we can, with any degree of assurance, put ourselves into a position now of having to face up to additional capital expenditure for each of the next five years along the lines which I mentioned a few moments ago on another railway system which the Government proposes to take over. The Minister then went on to give us quite a deal of detailed information on the method to be used by the Government in meeting the cost of acquiring the assets of the Midland Railway Company. He also gave us information about what was to be done to meet the company's obligations to its executive officers, to the other officers employed on the system, to the staff, and also to some members of the board and officers of the company who reside in London.

For the most part, there could not be a great deal of objection taken to what is proposed under those headings, except possibly in regard to some of the shareholders who are to be paid something for their shareholdings—certainly not 100 per cent.—and possibly to some of the conditions set down in the agreement relating to staff in Western Australia which has to be taken over by the Government railway system.

I have tried in the time which has been available to me, outside of the great amount of time it was necessary to devote to the consideration of the arbitration Bill, to list under main headings the total amount that the Government is involved in meeting, over a period of time, certainly, in relation to the total transactions comprised in the takeover by the State of the assets of this company.

I have listed them in this order, not that this is necessarily the best order of priority. First of all there are the borrowings which the company itself has carried out, and in connection with which it

still has considerable liabilities to a number of organisations. As I understand this agreement, the Government, or State, is to take over completely these borrowings and is to pay them off, together with interest, of course, over a period of years.

The first amount involved is £420,000 owing to the Commonwealth Development Bank; and there is to be interest paid by the State at 5½ per cent. in connection with this total amount until it is paid off. This will amount to £24,675 a year on a capital amount of £420,000. There is an amount of £200,000 owing to Provident and Pensions Holdings Pty. Ltd. which is carrying 6½ per cent. interest, which amounts to £13,000 a year. There is a further amount of £140,000 owing to the E.S. & A. Nominees Aust. Pty. Ltd. carrying interest at 6½ per cent., which amounts to £9,678 per year in interest. Then we come to what is called the unified ordinary stock which amounts in sterling to £593,162, at 5½ per cent. interest sterling. In Australian currency the total amount here is £741,452 with interest at 7 per cent. in Australian currency; and a total interest payment per annum of nearly £52,000.

Then there are what are known as the second debentures—an amount of £629,000 in all—carrying no interest as far as I have been able to investigate the agreement; and this amount is to be paid off in 17 equal annual instalments. There are also what are known as certificate holders, and the total amount involved here is £708,660 in Australian currency; and it is proposed that the State shall meet £82,384 of that amount in due course.

Mr. Court: We do not pay that.

Mr. HAWKE: No. So it seems that the State, under those headings, would, in all, be called upon to meet a capital payment of substantially over £2,000,000 plus, of course, a great amount of interest which the State would have to meet from year to year until each of the separate amounts to which I have referred has been fully paid off. There are also these other commitments in regard to officers and executive officers and staff, mainly in Western Australia—some, of course, also in London—and, as far as I have been able to assess the situation, it seems the State becomes committed to an amount of £373,500, which broadly gives a total figure of £2,500,000 to which the State becomes committed, together, of course, with the huge recurring burden of interest which goes on from year to year; but, certainly, reducing gradually as the years go by.

So from my point of view, this transaction is not anywhere near the marvellous proposition which the Minister for Industrial Development would have us understand. I quite agree the argument

he put up had some basis, because, as I said at the beginning, on the basis of taking over a going concern and valuing everything accordingly, we could accept the Minister's summary and assessment of the situation. However, I think the point to be emphasised is that the State, as such, did not want to take over this Midland Railway line. In other words, the State was not an anxious purchaser; it was not falling over itself to take over the concern and become the owner of it.

I think it is true to say, largely, if not totally, that the State has become the purchaser because the company for financial, and maybe for other, reasons is anxious to sell the concern. So the situation is not one where the State is an anxious buyer and the company an unwilling seller; but it is one where the company is an anxious seller and the State is an unwilling, or a semi-unwilling, purchaser.

I notice the member for Murray giving a sort of knowing smile, and I can see immediately he realises that in the situation to which I have referred there is not much basis to say the State has made a wonderful deal; that it has really done something very clever; that it has by the expenditure of X pounds come into assets of X pounds more. Clearly the company is the fortunate party in the transaction. Probably we should not begrudge the company the favourable situation which has developed in the matter.

It is true to say, for instance, the company has, through the years, in the face of financial and other difficulties, carried on a very essential transport service to the people in that part of the State which is served by the company's railway line. It is also true to say the company has, despite the discouragement of little or no return in the way of dividends to even the most favoured of its shareholders, and despite every discouragement and every difficulty, tried to maintain the railway system in such a condition as would justify the State—if ever the time came when the State wanted to take it over and keep it in operation—in making a decision to take it over.

Of course, that has to be qualified by the fact that the State in years gone by has had to come to the rescue of the company, as it were, in the financial sense, by guaranteeing the company with its borrowers, in relation to loans which the company had of necessity to raise in order to keep its railway system up to some reasonable standard of efficiency.

I feel that the Government has, perhaps, gone considerably further than it should have gone in this matter, in the financial undertakings it has given to the

company and which it will be bound legally to honour to the last penny when this Bill becomes law.

Mr. H. May: The company was never very loyal in regard to Collie coal.

Mr. HAWKE: The practical situation with which we are now faced as a Parliament is that the company is anxious to be quit of the railway system which it owns. The Government is willing, even if it is not anxious, to take over the system. Presumably, unless the Government does, in the name of the State, take over the system, the company will find it increasingly difficult to obtain further loan moneys with which to keep the system up to date, and with which to keep it efficient and in good running order.

Obviously if the system is not taken over, in the event of the company not being able to raise substantial additional capital from time to time, the first preference shareholders—if I might describe them as such—will become more and more discouraged; and the investing public in Britain, or here for that matter, will not look upon the Midland railway system as a proposition into which money could be invested safely.

So the situation could be reached in three or five years from now when it would have deteriorated very severely; and when the taking over of it would, perhaps, from the Government and State point of view, be a more difficult proposition to decide than at the present time. I have already pointed out that the Commissioner of Railways and his best advisers consider almost £1,000,000 will have to be provided in capital to maintain the Midland railway system on a reasonable basis over the next five years.

I should think it is absolutely true to say the company, if it were left with the railway system in its lap, would find it extremely difficult, if not impossible, to raise anywhere near £1,000,000 during the next five years for investment in the existing system. I should think also the State Government would be very reluctant to go on guaranteeing loans raised by this company, because clearly the increase in the capitalisation of the system by another £1,000,000 in the next five years will put the system in a financial situation of very great and increasing difficulty. I should say the company would in three to five years from now, if it had to carry on the system itself, find itself in the position where there was no escape at all, except escape by closing the system down; that is, provided no Government between now and then was prepared to take the system over as a State-owned asset.

So it is not practical in this situation to oppose this Bill. It is not common-sense to take any action to defeat this

transaction, because obviously the defeat of the proposal could create growing difficulties in three or five years' time, and put the Government at that time in an extremely difficult situation. However, my view in that regard does not lessen in any way the feeling I have of the Government having offered the company over-generous terms in relation to the taking over of the company's assets as they now exist in Western Australia.

MR. BRADY (Swan) [10.7 p.m.]: I believe I would be expected to speak on this Bill, being the member for the district where the company has its main workshops, and where a number of its employees are electors of the Swan electorate; and more particularly because I have had a long association with the union which, in the main, looks after the industrial affairs of the workers in the Midland Railway Company.

It might also be interesting to relate that the member whose place I took in this House (the late Hon. W. D. Johnson) formed in 1908 or 1910 the union which covers the industrial conditions of these workers. I little thought when my parents took me to Geraldton in about 1908 over this line that I would be speaking in this House in 1963 on an agreement which would ultimately integrate the activities of the Midland Railway Company with those of the Western Australian Government Railways.

Mr. Toms: You must be getting on in years.

Mr. BRADY: I was not very old when I went to Geraldton; I think I was about four or five years old. I recollect dropping a billycan out of the window and nearly received a caning for doing that. The Leader of the Opposition has very adequately dealt with the position. Anyone who reads through the speech the Minister made in this House—and he covered the position fairly comprehensively—as well as the agreement which has been drawn up, and the schedules which are contained in the Bill, will appreciate what the Leader of the Opposition has said.

I would have liked to give hours or days to the studying in detail of the agreement, the Bill, and the schedules, to understand more fully what they mean; but the Factories and Shops Bill and the Industrial Arbitration Act Amendment Bill were before us at the same time, and it was not possible for me to do as I would have liked. So I could only give the minimum of attention to this matter when I would have liked to give it the maximum attention. I made a quick calculation tonight in regard to what the assets of this company total. When I say a quick calculation, I have done it since the

Premier announced this matter was to be dealt with tonight, and the figures I have checked confirm what the Minister had to say. In Australian money the assets total £4,284,845, and the liabilities £2,737,782, leaving a difference of £1,547,063 of assets over and above liabilities. On the face of things that appears to be a reasonable venture; particularly in view of the fact that this railway is going to be integrated with the Government railways. In fact, it will actually be joined by the standard gauge railway some eight, nine, or ten miles out of Midland Junction.

But the Leader of the Opposition has raised the fact that there are pending difficulties. I feel these difficulties could rise because of rumours I have heard. I have heard that the permanent way, as far as the steel work, sleepering, and things of that nature are concerned, has been renewed in recent years. In fact, I think the Minister said there are only about 30 miles of the permanent way that have to be renewed from the original rails and fastenings. But I have also heard that the ballasting is not all that could be desired. I have only heard rumours and, of course, it is not unusual when something of this magnitude is being discussed or contemplated or about to be taken over that all sorts of rumours circulate. However, it would not surprise me to find out that a considerable distance of this line will require to be rebalasted.

It has been estimated by the Leader of the Opposition—and I think by the departmental officers—that £1,000,000 will be spent on the line over the next five years. But it is encouraging to read from the departmental report that with the integration of this private line with the Government line it may be possible to stave off a considerable amount of this expenditure. For the sake of all parties concerned, I hope that is how things work out, and that this work can be spread over a longer period than five years. I hope things work out this way.

As one who has travelled over this line on many occasions, I feel that over the years various reforms can be brought about which might make it a valuable asset to the State. I believe that with modern rail activities, and with modern thinking in regard to railways, probably the time taken now to run this 3 ft. 6 in. gauge railway through to Geraldton—13 to 16 hours according to whether it is a goods train, a passenger train, or a fast mixed train—may be considerably lessened with certain gradings, and the elimination of certain bends and curves. I remember one of the late general managers of the Midland Railway Company telling me that on some of the 3 ft. 6 in. gauge railways in the islands close to Australia—I think around the Singapore area—the trains can do 60 miles per hour.

I understand that in Japan they are capable of doing higher speeds. So if the trains in those places can attain such speeds, it should be possible for those speeds to be attained in Western Australia. Let us hope they can, for the sake of the economic working of the railways. I would also like to see an interchange of locomotives and rollingstock worked on a better plane than has been the case between the private railway and the Government railways. That could have advantages. However, I realise there could be some very serious disadvantages over the next 10, 15, or 20 years. This is because of road transport competing with the railways in a heavy way. It could really take a lot of the traffic and the handling of goods away from this railway to the roads.

Mr. D. G. May: It is doing that now.

Mr. BRADY: The member for Canning has just said that is happening now—and as he has recently come from the railways, I can believe him. The future points to the possibility of great changes in regard to road transport for various reasons. However, I will not go into that, except to point out that today we have fast moving planes and fine roads, and much of the passenger traffic over the Wongan Hills line could be lost to other transport.

So I think the Leader of the Opposition has summed up the position properly. We should not delude ourselves that we have a bargain. It could be that in the long run it will be an advantage for the State to have this line under the management of the Commissioner of Railways, because he can save a great deal of money that the Midland Railway Company could not save, by virtue of the fact that it is a private company and has to have separate management, pay taxation, and attend to other things which the Commissioner of Railways does not have to do.

The local people on the line itself no doubt will be pleased; and possibly the member for Moore, who is now the Minister for Education in this House, will obtain a lot of satisfaction in knowing that many of his electors will receive the benefit of a reduced rate over the Midland Railway Company line as a consequence of the through rate applying rather than the old system of the local rate. I understand the local users will save up to £50,000 a year. Of course, that is £50,000 the Government railways will not get, but which it might have got had there been some other system of taking over this railway.

I mention these things to let the House know there are difficulties envisaged as well as possible advantages. I do not think anybody in this House would wish this transaction to turn out to be a failure. I think we all want it to be a success and to be for the benefit of the State—and that is how I hope it will be. I am

very pleased to note, from reading the Bill, that all parties have given consideration to protecting the interests and rights of the staff of the Midland Railway Company, both in England and Australia, and the agreement appears to cover fairly comprehensively what shall be available for the staff in regard to employment, gratuities, and other things to which they were normally entitled under the Midland Railway Company's working. That is set out, of course, in a schedule at the back of the Bill.

There is another important provision which the Minister dealt with the other night. In regard to certain difficulties arising, there will be an arbitrator in the form of an industrial magistrate to decide them. The employees who, within 60 days of the vesting of this railway in the commission, find there are difficulties, will be able to ask the magistrate to consider the situation and determine the position.

Therefore, right along the line it would appear that all parties' interests, as far as they can be in a transaction of this kind, have been covered. Therefore, I will not elaborate any further on that position.

However, I would like to endorse the remarks made by the Minister when he introduced the Bill. I have had association for at least 30 years with this railway and I know that what the Minister said about the staff was quite true. It has been a very loyal staff to the company, and I am sure that the staff would agree that in recent years the management has been 100 per cent. fair with them. The management, representing the company, and the directors have got on very well in the last 15 years. Of course, it was not always so. There have been great industrial difficulties with the company and the staff. Prior to my taking over the secretaryship of the union in 1929 there were two protracted strikes in regard to the 40-hour week and long service leave. However, once those strikes were settled, everyone—I am glad to be able to record—stood by the decisions that were made, in one case by a private arbitrator, and in the other case by agreement, and there was no rancour or bitterness.

Mr. Jamieson: They had a nice old dictator in charge at one time.

Mr. BRADY: At one time the manager of this company (the late J. J. Poynton) held the high and exalted position of Lord Mayor of Perth, and so this company has had associations with the City of Perth.

I would also like to say that it was a pleasure to be able to have association with the company on the one hand and the employees on the other. As I mentioned earlier, the late Hon. W. D. Johnston, M.L.A., who held the position I now have, for the best part of 25 years with the exception of a few years during World War I, organised this union when there

was a gang about every 20 miles, or even closer. The permanent-way staff alone in those days would probably have numbered about 300 or 400. The total staff of the whole company today, including all sections, is only about 500.

I was very pleased to be present when a number of the older employees were retired. It is hard to realise that some of these unfortunate people who retired around 1929 to 1936 had to do so without any pensions at all.

The SPEAKER (Mr. Hearman): Has this anything to do with the Bill?

Mr. BRADY: It has inasmuch as we are more or less agreeing with the remarks the Minister made about the staff having given loyal service. I think it is well worth while recording these facts, but if you, as Speaker, take the point that I should not record these matters, with all due deference to you, I will sit down; but if you agree there is no harm in recording the facts, which I think should be recorded, I will continue for a few minutes, at least, on this subject.

These men had to work in the days when hard work was hard work, and some unfortunately had to retire without pensions. These included men like Sam Hazelmere, Dick Hardie, Mr. Stevenson, Mr. Hunt, Davie Renton, Bill O'Donnell, and a man named Thomas who, no doubt, the Premier would remember was the station master at Dongara for years. All these men had to retire, and some without a pension.

I think it is worth recording also that this company in the early days got into great difficulties. In fact, it goes on record that a Federal member of Parliament, named W. G. Spence, wrote a book with a history of the company entitled "On Australia's Awakening," and at one time stated that the Government should have actually taken this line over in those days.

I am mentioning these facts to point out that there have been great difficulties, but, by and large, they have been surmounted, and fair and just wages have been paid and conditions provided. I hope that this situation will continue in the future and that the line will remain a very important link in the rail service in Western Australia.

I will not proceed any further; but I just thought I would record a few of these facts in order that when I, as well as others who are now active in this company, pass on, they will be available for others to read. I was very pleased to hear the Minister for Railways say in recent days that he hoped the company's property would now transform the town of Midland into a very important centre.

I want to say, too, that in the very early history of this railway, the property of the company was the centre of Midland.

In fact, the first social activities, I understand, took place in its goods shed which is still there today. Just as it played a very important part in the history of this State in 1895 and 1898, it could well be that history will repeat itself to some extent and that the line will play an important part in the future as a Government line, and will open up millions of acres of land north of Geraldton, and to the north-west, and make that link available for pick-a-back motor transport, which is now in its embryo stage.

I felt that, as a member for the district, I should record my feelings on this legislation. I am pleased to see that agreement, which has been attempted at least half a dozen times, has at last been reached, and that as soon as this legislation is passed, it will be put into effect.

I hope that the people who are associated with the railway will continue to prosper as citizens, and I hope that the electors of Moore and other electors along the line get great satisfaction from this line. I hope that the overseas reforms will be integrated into this railway and that ultimately we will have a 3 ft. 6 ins. line to Geraldton, second to none in Australia.

I support the Bill, and I feel it is inevitable that it should pass. No doubt, the Minister is anxious to get it passed in order that the agreement might be made so that the Government can get on with the takeover of the line; and in order that the necessary documents might be prepared to allow the various bond holders, shareholders, mortgagees, and other people to be given satisfaction.

I could refer, finally, to the speculation that has been going on in London in recent weeks in regard to this matter; but out of charity I will not refer to the company any more. As I said before, I hope this railway will ultimately become a very important part of the railway services in Western Australia.

Debate adjourned, on motion by Mr. Davies.

House adjourned at 10.31 p.m.

Legislative Council

Tuesday, the 26th November, 1963

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The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

IRON ORE (MOUNT GOLDSWORTHY) AGREEMENT ACT AMENDMENT BILL

Third Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [4.36 p.m.]: I move—

That the Bill be now read a third time.

I want to take this opportunity of dealing with a point raised by Mr. Wise when, I think, the Bill was progressing through the Committee stage. The honourable member thought Parliament should be advised of any change that may be made in the agreement as a result of the passing of this Bill.

I have looked further into this matter, and I ask the honourable member and the House to accept an assurance from me