damage to the houses still standing and, naturally, in a great many cases, reassessment would be necessary. This is one of the purposes for which local committees are set up; that is, to see that there is a direct line of communication from the person who considers he has been wrongly assessed.

It might be interesting to members to know that there were 27 tremors of 3.5 or worse on the Richter scale after the fateful day of the 14th October. These occurred on 19 days, the last tremor being recorded on the 30th January. I asked one of my geologists about this phase, and he told me that Perth could have suffered considerable damage, and probably greater damage, on the second occasion if the incidence of the second quake had been near to the incidence of the first quake. This would apply particularly to Perth because of the composition of the ground. The geologist explained to me that the first shock could loosen the foundations and other shocks which followed could, in fact, be more severe than the original shock because of the loosened foundations.

To me this only adds weight to the fact that it is necessary to wait and see, in the light of experience, because reassessments would have to take place in those cases as a result of other movements. I did not know until I inquired that there were 27 tremors following the one on the 14th October. Opinion has it that the work of the assessors has not been fully appreciated and if anything has been lacking it has been in the line of communication from the complainant to those responsible.

Earlier in my remarks I think I mentioned that in emergencies or disasters such as this one invariably mistakes and errors are committed. Mistakes must occur, but what is the percentage of mistakes measured against the 900-odd claims that were investigated? The greatest mistake of all is that they have been permitted to boil over at local level. They could still be resolved by being brought, in an earnest manner, to the attention of the people vitally concerned.

That concludes my remarks on this situation, and what I have endeavoured to do is to relate to the House what has taken place; what the local committee did; what the Government Relief Committee did; and to the best of my ability to defend its actions, because I think it acted quite properly. The Government Relief Committee certainly worked very hard, and I venture to suggest that its work is still not yet complete. I can only say again that I think it behoves every one of us, if we hear of circumstances that can be referred to the committee concerning the predicament or hardship of any claimant, to bring them to the notice of that committee.

However, I cannot see the value of this motion, because all it suggests is that certain things are wrong. I think it has a tendency to put, in the public mind, a damper on the work of these committees—the Lord Mayor's Distress Relief Fund and the like—and I do not think this is what Mr. Baxter set out to do. Therefore I do not propose to support the motion, and I am bound to say that in view of the apparent lack of enthusiasm for the motion moved in its original form I think it should be defeated.

Debate adjourned, on motion by The Hon. F. R. White.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [10.12 p.m.]: I move—

> That the House at its rising adjourn until 2.30 p.m. tomorrow (Wednesday).

Question put and passed.

House adjourned at 10.13 p.m.

Legislative Assembly

Tuesday, the 22nd April, 1969

The SPEAKER (Mr. Guthrie) took the Chair at 4.30 p.m., and read prayers.

BILLS (6): ASSENT

Message from the Governor received and read notifying assent to the following Bills:—

1. Criminal Code Amendment Bill.
2. Administration Act Amendment Bill.
3. Offenders Probation and Parole Act Amendment Bill.
4. Fisheries Act Amendment Bill.
5. Dividing Fences Act Amendment Bill.
6. Poisons Act Amendment Bill.

ACTS AMENDMENT (SUPERANNUATION) BILL

Introduction and First Reading

Bill introduced, on motion by Mr. Brand (Premier), and read a first time.

QUESTIONS (29): ON NOTICE

PERPETUAL POOLS PROMOTIONS

Definition of Offence

1. Mr. BERTRAM asked the Minister representing the Minister for Justice:

   Would he define the offence referred to by the Premier in his answer on the 16th April, 1969 relating to Perpetual Pools Promotions?

Mr. COURT replied:

The offence was that he contravened the provisions of section 81 of the Companies Act, 1961-1966, in that, not being an authorised agent of a company by a notice published in *The West Australian* newspaper on the 19th March, 1968, he did invite the public to subscribe for an interest; contrary to the provisions of section 86 (1) of the said Act.

URBAN CROWN LAND

Rockingham

2. Mr. RUSHTON asked the Minister for Lands:

Relating to the release of urban Crown land building blocks at Rockingham—

(1) How many building blocks are expected to be available in the next release?

(2) To whom are the blocks to be available?

(3) When is the auction or sale of the land expected?

(4) Will the development of the Crown lands involved be through the Shire of Rockingham on a similar basis to previous releases?

Mr. BOVELL replied:

(1) It is expected 105 building blocks will be made available.

(2) The blocks will be released by public auction.

(3) The auction will be held as soon as possible after subdivision and survey are completed.

(4) The Shire of Rockingham has been invited to submit the cost of filling blocks where necessary. A contribution towards the cost of road construction will be considered and the shire may be reimbursed on the basis of an allocation of blocks to the equivalent value of such contribution, but not necessarily to the full value.

DALE COTTAGES, INC., ARMADALE

Financial Assistance

3. Mr. RUSHTON asked the Treasurer: Will he consider granting assistance on a matching basis, or otherwise, to organisations such as Dale Cottages, Inc., Armadale, so that, where the subsidy already offered toward the cost of furnishings on the basis of $2 for $1 has not been availed of by residents for personal reasons, this subsidy might be used by such organisations in providing necessary services of sewerage, internal roads, etc?

Mr. BRAND replied:

No, because assistance for the provision of these services can be obtained from the Commonwealth.

HIGH SCHOOL

Thornlie

4. Mr. BATEMAN asked the Minister for Education:

In view of the petition submitted to Parliament on Tuesday, the 1st April, 1969, referring to the deferment of the high school to be built in Ovens Road, Thornlie, and in view of the urgency to have this school erected, will he reconsider having the school started this year and, even although part finished, so enable some first-year students to occupy the school and relieve the overcrowding which will ultimately occur at the Cannington High School?

Mr. LEWIS replied:

The building programme over the next year does not permit the building of a high school at Thornlie for 1970. Adequate accommodation will be provided for the anticipated enrolments at Cannington High School in 1970.

SEPTIC TANK PLANS

Refund of Fees

5. Mr. BATEMAN asked the Minister representing the Minister for Health:

(1) Is it the practice of the Department of Public Health to refund one fee where fees have been paid by both the builder and the plumber when submitting septic tank plans?

(2) If not, will he indicate why a refund is not being effected?

Mr. ROSS HUTCHINSON replied:

(1) and (2) Yes.

STANDARD GAUGE RAILWAY: COUNTRY AREAS

Medical Facilities

6. Mr. McIVER asked the Minister for Railways:

(1) Is he aware of the difficult terrain through which the standard gauge line passes through Middleton and Jumperkine?

(2) Having regard to this, what provision for assistance and medical aid has been made for—

(a) train crews;

(b) travelling public;

in the event of an accident or derailment?

Mr. O'CONNOR replied:

(1) Yes, there are sections of the Avon Valley where the terrain makes access to the railway difficult.

(2) The problem is receiving special attention. The first essentials are considered to be improved road access and availability of a dual purpose road and rail vehicle equipped with two-way radio. Also being pursued is the possible use of helicopters, in cases of extreme emergency, with selection of appropriate landing sites.

KALGOORLIE REGIONAL HOSPITAL

Replacement of Buildings

7. Mr. T. D. EVANS asked the Minister representing the Minister for Health:

(1) Is it planned to replace the various buildings at the Kalgoorlie Regional Hospital (with the exception of brick erections) with a modern hospital comparable to the regional hospitals in other large centres of the State?

(2) If so, when?

(3) If not, why not?

Mr. ROSS HUTCHINSON replied:

(1) to (3) The replacement of some of the buildings at the Kalgoorlie Regional Hospital will take place as and when required and when funds are available.

WOOL SCOURING WORKS

Albany

8. Mr. HALL asked the Minister for Industrial Development:

(1) Is he aware of the major breakthrough in wool scouring washing technique known as aqueous jet scouring?

(2) If "Yes," what action or endeavours have been taken by the Department of Industrial Development to interest wool processors in establishing scouring works in Albany, bearing in mind the vast expansion of fine merino wool production in the southern portion of the State and development of the Albany wool sales?

Mr. COURT replied:

(1) Yes, I have some details of the aqueous jet scouring technique and of C.S.I.R.O. work on the process.

(2) The practicability of such an industry in Albany is under review from time to time and a further study is currently being made.

In fact, the whole question of the comparatively small amount of wool processing in Australia is being studied with a view to seeing what can be economically undertaken here to progressively build up more processing in Australia and without upsetting market outlets.

SWAN RIVER

Dredging at West Midland

9. Mr. BRADY asked the Minister for Works:

(1) When is it expected a dredge will be working in the Swan River at Guildford?

(2) Will the parents and citizens' association be assisted in filling for the playground area being built up on the north bank of the river south of the present school?

(3) Are any negotiations taking place for dredging at West Midland?

Mr. ROSS HUTCHINSON replied:

(1) The dredge *Stirling* is scheduled to carry out dredging in the South Guildford section of the Swan River early in 1970.

(2) Yes. It has been agreed that filling will be made available for additional playing field areas for the Guildford Primary School.

(3) Not at this stage.

TEACHERS' COLLEGES

Students: Pay and Allowances

10. Mr. DAVIES asked the Minister for Education:

(1) In view of the alleged discontent among students at secondary teachers' colleges with regard to pay and allowances, can he advise if any special consideration is being given to their being reviewed and, if so, with what result?

(2) If not, when will the next review take place?

Mr. LEWIS replied:

(1) and (2) Student allowances were reviewed and some increases granted from the 1st January, 1969. The department is unaware of any alleged discontent and no further review of allowances is contemplated at present.

RAILWAYS

Female Staff: Recruitment

11. Mr. FLETCHER asked the Minister for Railways:

(1) Does the department experience any difficulty in recruitment of staff, including porters and other station staff?

(2) Is he aware that Eastern States—Victoria in particular—have some female staff working in this traditionally male field?

(3) If the answer to (1) is "Yes," is there any departmental intention of emulating Victoria to any extent in the recruitment of female labour for the purpose mentioned?

(4) If recruitment is considered, will he assure the House that any female staff will receive equal pay and conditions to those of their male counterparts?

Mr. O'CONNOR replied:

(1) Yes, in certain categories, including porters and station staff.

(2) Yes.

(3) Consideration is being given to this matter.

(4) If recruitment does occur, this question will receive consideration.

SUPERANNUATION BOARD

Rental Return, and Investment

12. Mr. BURKE asked the Premier:

(1) What income has accrued to the Superannuation Board to the end of March, 1969, from the rental of floor space in the Superannuation Building?

(2) What is the total investment of superannuation funds in the building?

Mr. BRAND replied:

(1) $409,047.

(2) $3,598,509.

STATE ELECTRICITY COMMISSION

Resignations

13. Mr. BURKE asked the Minister for Electricity:

(1) Would he please advise—

(a) the number;

(b) the classification;

of persons who have resigned from the State Electricity Commission since the 1st January, 1969?

(2) Can he give any explanation of the increasing number of resignations from the State Electricity Commission?

Mr. NALDER replied:

(1) (a) and (b)—

Professional officers	3
Clerical (male)	17
Clerical (female)	22
Linesman assistants	92
Labourers	58
Tradesmen assistants	10
Plant cleaners	16
Tradesmen	35
Linesmen	6
Plant operators	6
Storemen	7
Sundry classifications	11
Total	283

(2) Turnover at this rate is to be expected in a period of prosperity and full employment such as now exists in Western Australia. It is to be noted that the turnover is mainly in classifications that need little background training.

GOVERNMENT DEPARTMENTS

Offset Printing Machines: Installation

14. Mr. BURKE asked the Premier:

(1) How many Government and semi-Government departments have installed small offset printing machines known by the trade names of "Multilith", "A.B. Dick", "Gestelith" and "Rotaprint"?

(2) Do these departments also have plate-making equipment installed in order to enable the production of presensitized plates for such machines?

(3) What is the award classification of the personnel who produce printed matter on the plate-making equipment and the machines?

Mr. BRAND replied:

(1) Sixteen.

(2) Five departments have plate-making equipment.

(3) The award classification is various, as follows:—

Government Printing Office,
Small offset Lithograph Printing Machinist—
Male—$62.65 per week.
Female—$54.28 per week.

Public Service.

General Division Salaries Agreement 1 of 1968.
Group VII, Males—$1,067-$3,222.
Group IX, Females—$976-$2,200.

Clerical Division Salaries Agreement 6 of 1967.
Group V, Females—$1,098-$2,420.

Education Department.
Teaching Staff—no specified operator.

M.T.T.
Officers' award—
Grade 2 Male—$3,587-$3,672.
Assistant, Male — $2,522-$3,270.
Female clerk—$2,100-$2,256.

W.A.G.R.
Railway Officers' award.
Porter—$2,240.
Typist—$1,108-$2,422.

Some of the foregoing are employed as operators on a part-time basis, having other duties to perform.

DENMARK AGRICULTURAL JUNIOR HIGH SCHOOL

Teaching Facilities

15. Mr. H. D. EVANS asked the Minister for Education:

(1) What classes at the Denmark Agricultural Junior High School are conducted in rooms which are not properly suited for classroom purposes?

(2) For how many periods each week are the classes referred to above so positioned?

Mr. LEWIS replied:

(1) (a) A primary class occupies a pavilion room which was purchased from the department by the parents and citizens' association for use as a band room.

(b) A second pavilion, normally a craft room-film room, is used part time by primary and secondary classes for other purposes.

(2) (a) First pavilion, 40 periods per week.

(b) Second pavilion, 22 periods per week.

JUSTICES OF THE PEACE

Appointment of John A. E. Lee

16. Mr. JAMIESON asked the Premier:

(1) What were the circumstances of the appointment of John A. E. Lee of 20 O'Dea Street, Carlisle, as a justice of the peace?

(2) By whom was Mr. Lee recommended?

Mr. BRAND replied:

(1) Lee was nominated for appointment as a justice of the peace in 1964. No appointment was made at that time since it was considered that the number of justices of the peace in the area was adequate for the district's needs. The situation was however recently reviewed, and, in view of changed circumstances, it was considered that further appointments were warranted in the area, and Mr. Lee was one of those appointed.

(2) This information is of a confidential nature and it is not customary for these details to be given.

GOVERNOR STIRLING HIGH SCHOOL

Library Facilities

17. Mr. BRADY asked the Minister for Education:

(1) Are arrangements being made to provide the Governor Stirling High School with library buildings?

(2) If "No," will consideration be given to using some of the Commonwealth money to be made available for new libraries during the next three years?

Mr. LEWIS replied:

(1) Not during 1969.

(2) Yes, Governor Stirling will receive a library under the Commonwealth grants for secondary school libraries during the current triennium.

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT

Participating Approved Insurers

18. Mr. GRAHAM asked the Minister representing the Minister for Local Government:

(1) What are the names of the present participating approved insurers under the Motor Vehicle (Third Party Insurance) Act?

(2) To what proportion of the annual dividend is each such insurer entitled?

Mr. NALDER replied:

(1) List of Participants—Motor Vehicle Insurance Trust.

Ajax Insurance Company Ltd.
Alliance Assurance Company Ltd.
Associated General Contractors Insurance Co. Ltd.
Australian & International Insurances Ltd.
Australian Alliance Assurance Co.
Bankers & Traders Insurance Co. Ltd.
Bell Insurance Co. Pty. Ltd.
British Traders' Insurance Co. Ltd.
Caledonian Insurance Company.
Century Insurance Co. Ltd.
Chamber of Manufactures Limited.
Colonial Mutual Fire Insurance Co. Ltd.
Commercial Union Assurance of Australia Co. Ltd.
Consolidated Insurances of Australia Limited.
Edward Lumley & Sons (W.A.) Pty. Ltd.
Guardian Assurance Co. Ltd.
Forsaith Bucknell & Liggins (W.A.) Pty. Ltd.
Insurance Office of Australia Limited.
Lancashire Insurance Company.

Legal & General Assurance Society Ltd.
Liverpool & London & Globe Insurance Co. Ltd.
London Assurance.
London & Lancashire Insurance Co. Ltd.
Mercantile Mutual Insurance Co. Ltd.
New Zealand Insurance Company Limited.
North British & Mercantile Insurance Company of Australia Limited.
Northern Assurance Company Limited.
Northumberland Insurance Company Limited.
Norwich Union Fire Insurance Society Ltd.
Ocean Accident & Guarantee Corporation of Australia Limited.
Palatine Insurance Company of Australia Limited.
Pearl Assurance Company Limited.
Phoenix Assurance Company Limited.
Prudential Assurance Company Limited.
Queensland Insurance Company Limited.
R.A.C. Insurance Pty. Ltd.
Royal Insurance Company Limited.
Scottish Union & National Insurance Co.
Sea Insurance Company Limited.
South Australian Insurance Company Limited.
Southern Union Insurance Co. of Aust. Ltd.
State Government Insurance Office.
Steeves Agnew & Company (W.A.) Pty. Ltd.
Sun Insurance Office Limited.
T. & G. Fire & General Insurance Co. Ltd.
Transport & General Insurance Co. Ltd.
Union Assurance Society of Australia Limited.
Vanguard Insurance Company Limited.
Victoria Insurance Company Limited.
Western Assurance Company.
Western Australian Insurance Co. (Canberra) Ltd.
Westralian Farmers Co-Operative Limited.

(2) This information is confidential to each participant.

VICTORIA STREET, GUILDFORD

Widening

19. Mr. BRADY asked the Minister for Works:

(1) Has any arrangement been made between the Main Roads Department and the Swan-Guildford Shire Council to widen Victoria Street, Guildford?

(2) If arrangements are in process, what is the work to be done?

(3) When will the street be widened?

(4) Is the shire of Swan-Guildford to be assisted financially to complete the work?

Mr. ROSS HUTCHINSON replied:

(1) No.

(2) As a result of the closure of the Market Street level crossing, the Swan-Guildford Shire Council has requested financial assistance to upgrade certain roads. This request is still under consideration.

(3) and (4) Answered by (2).

RESUMPTIONS

Compensation Paid to Mr. Barrett-Lennard

20. Mr. BRADY asked the Minister for Works:

What compensation was paid to the late Mr. Barrett-Lennard for resuming his property in Market Street, Guildford, to allow James Street to be widened?

Mr. ROSS HUTCHINSON replied:

$9,000.

COMMONWEALTH AID ROADS FUND

Expenditure in Urban Area

21. Mr. McPHARLIN asked the Minister for Works:

(1) What percentage of the $133,000,000 received from the Commonwealth Government during the 1964-69 period of the Commonwealth Aid Roads Agreement was spent in the urban area?

(2) What percentage of the $200,400,000 to be allocated to Western Australia under the new Commonwealth Aid Roads Agreement is it anticipated will be spent in the urban area?

Mr. ROSS HUTCHINSON replied:

(1) It is expected that 13.9 per cent. of the funds received under the Commonwealth Aid Roads Act, 1964-1969, will be spent by the 30th June, 1969, within a radius of 20 miles of the G.P.O.

The Commonwealth Aid Roads Act, 1964-1969, does not define an urban area, but the Commonwealth has accepted an area within a radius of 20 miles of the G.P.O. as not coming within the classification of "Rural Area."

(2) The new Commonwealth Aid Roads proposals indicate that 31.2 per cent. of the funds to be allocated to Western Australia must be spent in the urban area—i.e., the Perth Statistical Division as defined by the Commonwealth Statistician.

Although the State will receive a supplementary grant which may be expended in any part of the State, it is unlikely that these funds will be allocated to the urban area.

PASTORAL PROPERTIES

Chaining: Problems Involved

22. Mr. GRAYDEN asked the Minister for Lands:

(1) How many acres of chaining have taken place on pastoral properties in Western Australia?

(2) What are the names of the stations involved, and approximately how much chaining has taken place on each?

(3) Has a full study been made of the possible consequence of such chaining, such as erosion and the creation of salt or grasshopper problems?

(4) Is the department completely satisfied that the regeneration of larger shrubs and trees taking place on such areas is in fact desirable vegetation and not predominantly species such as native pine, which is unsuitable for stock?

(5) Is the department in a position to give an assurance that such areas will not henceforth require chaining at regular intervals in order to prevent inedible varieties of trees and shrubs from predominating?

Mr. BOVELL replied:

(1) 186,839 acres of which 116,964 acres are known to be chained and 69,875 acres have been approved for chaining. As such big acreages are involved, these figures are approximate.

(2) Mouroubra Station: 12,992 acres of which 3,435 acres are known to be chained and 9,557 acres have been approved for chaining.

Thunderlarra Station: 14,739 acres of which 4,971 acres are known to be chained and 9,768 acres have been approved for chaining.

Pinegrove Station: 7,182 acres of which 5,632 acres are known to be chained and 1,550 acres applied for but not yet approved for chaining.

Mellenbye Station: 86,000 acres of which 72,000 acres are known to be chained and 14,000 acres have been approved for chaining.

Kadji Kadji Station: 23,000 acres of which 14,000 acres are known to be chained and 9,000 acres have been approved for chaining.

Barnong Station: 27,000 acres of which 9,000 acres are known to be chained and 18,000 acres have been approved for chaining.

Bimbijy Station: 15,926 acres of which 7,926 acres are known to be chained and 8,000 acres have been approved for chaining.

(3) Yes. The Department of Agriculture has also been consulted.

(4) and (5) The conditions imposed on any approval for chaining are to ensure that the factors incorporated in these questions are complied with.

METROPOLITAN RAIL SERVICE

Commuters

23. Mr. BURKE asked the Minister for Railways:

(1) What number of passengers are commuting between stations on the Midland line and Perth Station per day?

(2) What number of passengers are commuting between stations on the Armadale line and Perth per day?

(3) What number of passengers are commuting between stations on the Fremantle line and Perth per day?

(4) What number of passengers commute through the Perth station from a station on one of the above trunks to a station on any other trunk line, excluding the Claisebrook (East Perth) and West Perth stations?

Mr. O'CONNOR replied:

(1) to (3) The specific information requested is not recorded by the department. However a recent census of passengers arriving in Perth off the three routes during the morning peak hours—6.45 a.m. and 9 a.m.—disclosed the following figures:

Section	No. of Passengers
Fremantle-Perth	1,492
Midland-Perth	2,001
Armadale-Perth	1,237
Total	4,730

(4) This information cannot be provided due to the fact that a large proportion of tickets is issued on trains by staff using machines which do not record data of origin and destination stations

COMMONWEALTH AID ROADS FUND: EXPENDITURE

Details

24. Mr. JONES asked the Minister for Works:

(1) What moneys have been spent annually by the State from Commonwealth Aid Roads Fund for the years 1964-65 to 1967-68?

(2) Of the above amount, how much was spent for the following purposes—

(a) acquisition of land for road purposes—

(i) country;

(ii) metropolitan;

(b) construction of roadways—

(i) country;

(ii) metropolitan;

(c) construction of bridges—

(i) country;

(ii) metropolitan?

(3) What was the total expenditure in the metropolitan area for the years 1964-65 to 1967-68 inclusive?

Mr. ROSS HUTCHINSON replied:

(1) to (3) The answer to this question is in the form of a statement and I ask permission for it to be tabled.

The statement was tabled.

Mitchell Freeway

25. Mr. JONES asked the Minister for Works:

(1) What amount of Commonwealth Aid Roads Fund was used to the 31st January, 1968, on the Mitchell Freeway for—

(a) consultants;

(b) surveys;

(c) land acquisitions;

(d) reclamation and dredging;

(e) roadworks;

(f) drainage (sand drainage);

(g) sand filling;

(h) fencing;

(i) utilities alterations, etc.;

(j) beautification;

(k) alteration and demolitions;

(l) miscellaneous and supervision?

(2) What amount of State money was used to the 31st January, 1968, from loan funds and traffic fees for the same purposes?

Mr. ROSS HUTCHINSON replied:

(1) and (2) The answer to this question is in the form of a statement and I ask permission for it to be tabled.

The statement was tabled.

IRON ORE AND NICKEL ROYALTIES

Discrepancy

26. Mr. JAMIESON asked the Premier:

What is the reason for the discrepancies in the estimates for royalties on iron ore and nickel concentrates for the current financial year compared with the actual receipts?

Mr. BRAND replied:

In the case of iron ore, actual receipts are running as close as can be expected to estimates made 12 months in advance.

Estimates of nickel royalty receipts were overstated because calculations were based on production figures whereas royalty is payable on concentrates sold. As production was rising during the period and leading sales, a substantial overestimation resulted.

PERTH RAILWAY STATION: LOWERING

Open Space

27. Mr. BURKE asked the Minister for Railways:

(1) Would he advise the approximate area of the Perth railway land which will be required for—

(a) provision of car parking;

(b) provision of new roads and widening of existing roads?

(2) Will the area referred to under (b) reduce the open space referred to in my question of Wednesday, the 16th April?

Mr. O'CONNOR replied:

(1) and (2) I feel it would be unwise to try to estimate these until the Government has a firm proposal before it.

Progress Reports

28. Mr. BURKE asked the Premier:

In the letter of intent given to the W.A.D.C. regarding the proposals for the central railway redevelopment, bimonthly progress reports were required to be provided by the company—

(1) Have all progress reports due, to date, been received?

(2) If "Yes," would he table the reports?

(3) On what date is the next bimonthly progress report due?

Mr. BRAND replied:

(1) Yes.

(2) No. The reports form part of the total submission programme to the Government and are therefore, confidential until the Government makes a decision on the West Australian Development Corporation proposition.

(3) The 31st May, 1969.

Withdrawal of De Leuw Cather & Co.

29. Mr. BURKE asked the Minister for Railways:

(1) When did De Leuw Cather opt out of the W.A.D.C. scheme for the development of the Perth central railway area?

Composition of Board

(2) Has there been any addition to the board of the W.A.D.C. since?

Mr. O'CONNOR replied:

The company has advised me as follows:—

(1) De Leuw Cather, as consulting engineers, withdrew on the 13th February, 1969.

(2) There has been no addition to the board since.

I do believe that a recommendation is before the board to the effect that Mr. Harold Clough, the local representative, should be made a member of the board. However, at this stage there have been no additions.

QUESTIONS (2): WITHOUT NOTICE

JUSTICES OF THE PEACE

Appointment: Change of Policy

1. Mr. JAMIESON asked the Premier:

In view of the reply given by the Premier to question 16 on today's notice paper, am I to assume that there has been a change of policy in respect of appointments of justices of the peace; because up until now nominees have been referred to the member for the district if, initially, it was not the member's prerogative to have recommended them?

Mr. BRAND replied:

I do not think so. I know of no change in respect of the procedures which have been followed. Some time ago I think consideration was given to the recommendations of Upper House members, but I know of no other. In any case, if the honourable member cares to put his question on the notice paper, I will have it examined in due course.

KALAMUNDA HIGH SCHOOL

Playing Field

2. Mr. DUNN asked the Minister for Education:

In regard to my letter of the 3rd April concerning the provision of the playing field for the Kalamunda High School, could he advise if he has requested the Public Works Department to treat the matter in an urgent sense, and, if so, when can I expect a reply?

Mr. LEWIS replied:

The latest information I have is that the honourable member's letter has been forwarded to the Education Department which in turn will refer the matter to the appropriate section of the Public Works Department. At this stage I am not in a position to say when the honourable member can expect a reply.

MAIN ROADS ACT AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [4.53 p.m.]: I move—

That the Bill be now read a second time.

This Bill to amend the Main Roads Act is necessary because of the requirements of the new Commonwealth Aid Roads Act legislation. The effect of these new Commonwealth Aid Roads Act provisions will require changes in the comparable road legislation of most of the States.

In particular, the new Commonwealth Aid Roads Act proposals are more restrictive than provisions in previous Acts in that they provide that while more funds have been made available, Commonwealth moneys must now be spent only on three main categories of roads. In previous Acts, apart from specifying that 40 per cent. of the moneys must be spent on rural roads, the States had a free hand to allocate Commonwealth road funds to any type of road.

The three categories of roads on which Commonwealth funds must only be spent under the new proposals are as follows:—

Category A—being principal roads in rural areas.

Category B—being other rural roads.

Category C—being arterial and subarterial roads in the capital city.

Furthermore, the new Commonwealth proposals specify the percentages of the total basic grant which must be spent in each category. In Western Australia, these percentages for the total basic grant of $160,000,000 are: 44 per cent., representing $71,000,000 for "other rural roads"; 15 per cent., representing $24,000,000 for principal rural roads; and 39 per cent., representing $62,000,000 for arterial and sub-arterial capital city roads.

In addition, there is a supplementary grant of $41,000,000 which may be spent in any category, and a relatively small amount of $2,000,000 which must be spent on planning and research. These amounts add up to the total Western Australian grant of $200,000,000 for the five years, which is 50 per cent. higher than the previous grant.

The Commonwealth Government is also continuing its "matching" scheme under which it is necessary for State Governments to increase their own expenditure on roads in order to qualify for the full Commonwealth road grants. The basis of the new Commonwealth matching scheme is that each State must increase its expenditure each year on roads from its own resources by the percentage increase in the number of motor vehicle registrations.

A further constraint contained in the new proposals of the Commonwealth is that whereas previously Commonwealth moneys could be spent on either construction or maintenance of all roads, the new proposals restrict the spending of Commonwealth moneys for road maintenance purposes. The emphasis under the new arrangement is that Commonwealth moneys must be spent mainly for construction purposes and it is only in the category B "other rural roads" classification that Commonwealth funds can now be spent for road maintenance purposes. In other words, in the principal rural road, capital city arterial, and subarterial road classifications. Commonwealth funds may only be allocated for construction and reconstruction and not for maintenance purposes.

From the foregoing provisions, it can be seen that no longer does the Commonwealth Aid Roads Act provide flexibility for co-ordinating its funds into an overall State road expenditure programme. This means that to meet all the items in a comprehensive State road programme, it is necessary that the funds received from State sources must be available for applying to any category of road expenditure, thereby providing the necessary flexibility in the total State road programme.

For this purpose, it will now be necessary to collect all the State revenues from motor taxation into a central fund to become part of a pool of funds including the Commonwealth moneys. A sufficiently wide range of funds will then be available to meet the relative priorities of construction and maintenance for the various categories of roads and for grants to the local authorities. This Bill provides for the necessary changes to bring these proposals into effect. As the new Commonwealth Aid Roads Act comes into force as from the 1st July, this year, it is necessary for these amendments in State legislation to be operative by this time. If they are not, a rather chaotic financial situation could develop.

I will now provide more detailed information on the proposed changes from the existing system to the new system. In order to do so, it may be as well for me to describe the existing system of making grants available to local authorities.

A matching scheme was first introduced by the Commonwealth Aid Roads Act of 1959 whereby the State was required to increase expenditure on roads from its own resources each year by a stated amount over its 1958-59 expenditure. As State road fund resources were almost wholly composed of vehicle license fees derived from State motor vehicle taxation, it was necessary to bring down State legislation to provide that all vehicle license revenue in excess of the 1958-59 collections be passed through State accounts and be spent on road works, or grants to local authorities for road works, in order to satisfy Commonwealth requirements.

To introduce the State "matching" scheme, the amount of vehicle license collections for the year 1958-59 was established for each country local authority as the base year amount, and in subsequent years each local authority was required to transfer to the Central Road Trust Fund the amount of the license fees it had collected in excess of the base year amount. The Commissioner of Police, as licensing authority in the metropolitan area, was also required to pay the license fees collected above the level of the 1958-59 base year into the Central Road Trust Fund.

Grants were made to the local authorities in place of the revenue from vehicle license fees. The basis of the grants to the country local authorities each year was calculated on the amount of the vehicle license fees transferred by each local authority to the Central Road Trust Fund in the previous year, plus 75 per cent. With the metropolitan local authorities, the basis of the grants from the Central Road Trust Fund was determined as half of the amount paid into the Central Road Trust Fund by the Commissioner of Police in the previous year, plus 75 per cent. The formula which is currently used to distribute this amount among the metropolitan local authorities is on the basis of 50 per cent. for population and 50 per cent. for miles of road.

Part of the Commonwealth funds was also paid each year into the Central Road Trust Fund; and after the grants to the local authorities had been made, the balance of the moneys from the Central

Road Trust Fund was transferred to the Main Roads Trust Account for expenditure by the Commissioner of Main Roads.

Certain problems arise from the new Commonwealth aid roads proposals, and these should be described. What I have said so far amounts to the financial arrangements operating in this State to meet the requirements of the Commonwealth matching scheme. However, as I have already mentioned, it is not possible to continue with these financial arrangements due to the proposals to be included in the new Commonwealth Aid Roads Act. I understand the new Commonwealth legislation will be introduced probably within the next three weeks.

The new requirement by the Commonwealth that specified proportions of its grant must be spent on certain categories of roads has markedly reduced the flexibility of the Commissioner of Main Roads to meet the department's and the Government's special road needs in this State. On this point, the Prime Minister has made it clear that States are expected to use their own road revenues to fill any gaps in their programmes.

Without amendments to the existing legislation, it is not possible, due to the changed Commonwealth roads legislation, for the Main Roads Department to carry out its functions as the State road authority effectively. To provide flexibility in its overall State road programme, the department must now rely more on the use of State road funds. However, in Western Australia in recent years, State vehicle license revenue has been heavily committed in providing grants to local authorities, or has been in part retained by them. Also, the State road maintenance revenues can only be spent on road maintenance, and in any event will be needed to meet maintenance expenditure on the principal country roads and arterial capital city roads categories, which are the State's most heavily trafficked roads and on which Commonwealth funds may no longer be used for maintenance.

It is therefore essential that State vehicle license revenue be made available to the Main Roads Department to provide the State road authority with the flexibility necessary to fit our State road programme into the quite different pattern of allocation of Commonwealth funds. Also, to fit in with this pattern, grants to country local authorities will have to be paid to a much greater extent than before from Commonwealth funds, whilst those to metropolitan local authorities will have to be paid largely from State funds.

In addition to the requirement of flexibility within the State road budget, it is also desirable, for the purpose of presenting the State Government road expenditure effort statistics to the Commonwealth, for all State vehicle license fee revenues to be passed through State accounts and be recorded therefore as State road expenditure. Up to the present time, country local authorities have retained the 1958-59 base year vehicle license collections, and whilst 75 per cent. of this sum is spent on roads by the local authorities, the State gets no apparent credit from the Commonwealth for this expenditure as road expenditure.

On this particular point, the Commonwealth Government and other State Governments have been hotly critical of the Premier of Western Australia at meetings in recent years. By passing these revenues through State accounts before being expended on roads or in grants to local authorities, this State will receive credit for these amounts as road expenditure for the purpose of future Commonwealth Aid Roads Act requirements.

It is also desirable to introduce a matching scheme as an incentive to improve the lagging road expenditure efforts of some of the local authorities in this State. In this context, the recently released report of the Commonwealth Bureau of Roads has stated—

> Local Government authorities in Western Australia contribute much smaller amounts of finance from rate revenue and loans *per capita* for road works than do similar authorities in other States.

In my opinion and in the opinion of most thinking people in this State, there can be little doubt that local authorities must be encouraged to do more by way of raising their own road funds in order to help themselves and in order that the State will be helped in future years when the next road proposals are considered.

Mr. Tonkin: In other words, the local authorities will have to increase their rates.

Mr. ROSS HUTCHINSON: That is right; or raise their funds through loans. Therefore, these amendments provide for the introduction of a matching scheme, which is in many respects similar to the matching scheme in operation between the Commonwealth and the States, as an incentive for local authorities to improve their road expenditure effort.

The amendments to the Main Roads Act proposed by the Bill provide for the foregoing changes of which the principal features are as follows:—

> All motor vehicle license fees and one-half of drivers' license fees are to be paid into the Main Roads Trust Account subject, however, to the country local authorities and the Police Department retaining respectively $3 and $1.50 per vehicle on the register at the end of this calendar year to meet the cost of collection.

I say again that under the first provision in the Bill, all road revenues are to be paid into one pool subject to the amounts mentioned being retained by country local authorities and the Police Department to meet the cost of collection. The other features are—

> The amount to be paid in grants to local authorities will be ascertained by adding the net base year amounts to the grants made to them from the Central Road Trust Fund for 1968-69; that is, for this current year.

This means, in effect, that no local authority will receive, in respect of moneys expended as road funds, less this year than it received in the previous year. To continue—

> Five per cent. is to be added to the total sum for 1969-70 and an additional 5 per cent. cumulative in each succeeding year during the currency of the Commonwealth Aid Roads Act, 1969. The payment of these additional sums to local authorities will be subject to certain matching requirements.
>
> Each country local authority will receive in grants an amount equal to its respective net base year amount plus the payment from the Central Road Trust Fund for the current year as shown in the second schedule to the Act, and also an additional amount of 5 per cent. per annum cumulative where the matching requirements are met. One-half of these funds is to be spent on the construction, reconstruction, and maintenance of their local road system, and for the purchase of plant. Expenditure of the remaining half is to be on the construction and reconstruction of classes 3, 4, and 5 roads to be defined by or under the Commonwealth Aid Roads Act, and is to be subject to each local authority submitting a programme setting out its allocations and work proposed for the approval of the Minister for Works on the recommendation of the Commissioner of Main Roads.
>
> Local authorities in the metropolitan statistical division will receive in grants an amount equivalent to the sum of their respective base years plus the payment from the Central Road Trust Fund for 1968-69—we can see this is the second schedule—and also an additional amount of 5 per cent. per annum cumulative where the matching requirements are met. One-half of these funds may be spent by them on the construction, reconstruction, and maintenance of their road system and the purchase of plant as in the case of other local authorities. The remaining one-half of the grant is to be spent on the construction and reconstruction of arterial and subarterial roads to be defined as classes 6 and 7 roads by or under the Commonwealth Aid Roads Act. The allocation and work proposed for this remaining half of the grant is to be approved by the Minister for Works on the recommendation of the Commissioner of Main Roads.
>
> The escalation of 5 per cent. per annum cumulative in the grants to the local authorities for 1969-70 and subsequent years will be subject to the requirement that, to obtain these additional funds, local authorities will need to increase their expenditure on roads from their own resources by an equivalent amount over the base expenditure. The base expenditure will be their average annual expenditure on roads from their own resources for the two years 1967-68 and 1968-69, or such other sum as may be determined by the Minister where, because of exceptional circumstances in a particular case, it would be inequitable to use the average expenditure figure for the past two years.

In conclusion it can be stated that these amendments provide for a new system of making allocations for road works which has a number of advantages over the existing system. Although local authorities do not have to increase funds from their own resources if they do no wish to, it is highly desirable that they should do so; but there is no compulsion. It is just a matching scheme.

In particular, the new system provides for a uniform escalation of funds to be paid to all local authorities, whereas the present system tends to place those local authorities whose motor vehicle registrations are not increasing, at a disadvantage. The new proposals bring the whole of the funds available from both the Commonwealth and State sources for use by either the local authorities or the Main Roads Department under the control of one Minister, and are aimed at meeting the principle that the allocation of road funds should be directed to a more orderly and logical development of the whole of the State's road system, both in the rural and metropolitan areas. These proposals will tend to align the expenditure of State road funds more with the system adopted in all other States of Australia, and will also provide for an incentive scheme to encourage local authorities to increase their road expenditure effort from their own resources.

The whole system is much more simple in accounting and administration, and after some time it should be fairly easily understood by all govermental bodies and by other organisations concerned with road allocations. This Bill will require complementary amendments to the Traffic Act, 1919, which will be brought down in the next Bill on the notice paper.

Before I conclude I would like to say what I have said on a number of occasions when talking to members of local authorities and at party meetings; that is, for five years we have operated under a system whereby the Commonwealth made grants to this State and, of course, to the other States. We have operated under that scheme for five years, but it is no longer possible to operate under it. Very drastic changes have had to be made, and we have to jump from one age into another. One road era has ended with the new Commonwealth legislation that will be enacted. We can only lean on the past for information and for learning how best we can apply ourselves to the new era in road allocations.

Of course the end is not there; this is only a phase in the history of road building in the whole of Australia. There is only a brief five years to go before changes are probably again made as a result of the road requirements throughout the whole of our nation. I hope and trust that we can, within this next space of five years, convey very strongly indeed the needs of all of the States, and not merely Western Australia. I want to jump out of parochialism, if I can, to get more money from the Commonwealth Government for road needs.

Worth-while organisations throughout Australia have stated quite categorically that in order that Australia's road requirements may be met adequately, there must be very much larger sums allocated by the Commonwealth Government. Indeed, some of the most conservative of them have estimated that the Commonwealth Government should have at least doubled the amount given on this occasion to all of the States. I believe that in the next quinquennium we can be assured a lot of hard work will be done by the bureau that has been set up, and by the State Premiers, whomsoever they may be in order to get a bigger cake for the States to share.

I would like to add one final word since we are talking about roads, and it is this: There is little doubt, apart from what criticism we may offer to the Commonwealth Government in regard to allocations and strictures placed on the allocation of funds, that Western Australian roads are in pretty good shape and a great deal of work has been done on them, not merely by the Government I represent, but by past Governments also. But very much more remains to be done.

The greatest emphasis on the building of roads probably lies within the metropolitan areas and, here again, not so much in the City of Perth—although still very heavily here—as in two or three other cities in the Commonwealth. We will have to spend quite large sums of money to keep our cities alive in a properly planned way. That is one of the reasons why the Bureau of Roads recommended, and the Commonwealth Government adopted, a categorisation of road systems.

I want to conclude by saying that we must not be complacent in regard to what has been done in improving our road system, because much more remains to be done. Much depends on the responsible attitude that we as a Parliament adopt, and the attitude that is adopted by the people of Western Australia. I commend the Bill to the House.

Debate adjourned for one week, on motion by Mr. Tonkin (Leader of the Opposition).

TRAFFIC ACT AMENDMENT BILL (No. 2), 1969

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [5.21 p.m.]: I move—

That the Bill be now read a second time.

With the introduction of the amendments to the Main Roads Act, complementary amendments are also required to the Traffic Act for the transfer of the administrative machinery for making road grants to local authorities from the Traffic Act to the Main Roads Act. These complementary amendments to the Traffic Act have been approved by my colleague, the Minister for Traffic, and by the Government. They are for the purpose of simplifying administrative procedures by enabling all funds available to the State for road works to be paid into the Main Roads Trust Account for distribution to local authorities and the Main Roads Department for road works and therefore to be under the control of one Minister. In this way, accounting procedures and administration of these funds will be made more efficient.

The amendments proposed by the Bill also include a change in the method by which the traffic licensing authorities are to be reimbursed for the cost of collection and administration of license fees. Previously, country local authorities were permitted to take 25 per cent. of the base year collections—that is in the year 1958-59—to general revenue for the cost of collection and administration of vehicle licensing.

Now that the base year collections are included, or are to be included, in the total vehicle license fees to be paid into the Main Roads Trust Account, these amendments provide that a country local authority may retain from vehicle license collections an amount of $3 for every vehicle on its register at the 31st December each year, including tractors and trailers. This deduction will be more than sufficient to cover the cost of collection, and any excess will be available to assist local

authorities with other costs associated with the administration of the Traffic Act, as in the past.

This system has the advantage of relating the cost of collection to the number of vehicles on the register compared with the previous system, whereby the amount which a local authority could retain was a static figure; that is, the 1958-59 base year. The amount of $3 per vehicle has been calculated to provide local authorities in the aggregate with a slightly larger sum for cost of collection and traffic administration than the previous allowance of 25 per cent. of this 1958-59 base year.

Where individual local authorities have experienced a substantial increase in vehicles registered in their areas and therefore are faced with increased registration costs, they will be permitted a substantially greater deduction under this proposal.

On the other hand, I am aware that some local authorities have experienced a decline in vehicles registered in their areas, in which case the deduction of $3 per vehicle may allow them less than was obtained from the 25 per cent. of the 1958-59 base year provision. This is consistent with the fact that their costs of collection have also fallen. However, I am satisfied that $3 per vehicle is more than sufficient to cover their current costs of collection, and these local authorities are the very ones which will benefit substantially from the proposed new procedure for payments of grants for road works.

The amendments also provide for the introduction of a similar system for the Commissioner of Police, as the licensing authority for the metropolitan area. Officers of the Treasury and the Police Traffic Department have calculated that an amount of $1.50 per motor vehicle on the register will be sufficient to meet the cost of collection of vehicle license fees in the metropolitan area, and the amendments provide for this amount to be deducted by the Commissioner of Police. The balance of the vehicle license fees will be paid into the Main Roads Trust Account.

Mr. Graham: What is the reason for the amount being doubled in the country as against the metropolitan area?

Mr. ROSS HUTCHINSON: The probable reason is that where there is a large number of vehicles to be licensed, the costs are lower. In addition to this, in the city the work is done largely by a computer, and this has lowered costs to a great extent.

Mr. Graham: Then one can draw the conclusion there would be a saving to the motorist under this heading if all licensing were managed by the police?

Mr. ROSS HUTCHINSON: That is a conclusion that may be drawn.

Mr. Gayfer: A very subtle way to make a point!

Mr. Graham: I think the point has been made.

Mr. ROSS HUTCHINSON: The member for Avon will recall my having said that that is a conclusion that may be drawn.

Mr. Graham: You have to keep sweet with the Country Party on this issue.

Mr. ROSS HUTCHINSON: The Country Party saw a lot of sense in this. Previously, the Commissioner of Police made an estimate of the cost of collection and this amount was deducted each year from the base year collections which were paid into the Metropolitan Traffic Trust Account. The increase in vehicle license collections over the base-year sum was paid into the Central Road Trust Fund, but now with the more simplified procedure of paying all vehicle license fees into the Main Roads Trust Account, these amendments provide for the closing of the Metropolitan Traffic Trust Account and the Central Road Trust Funds as these two accounts will become redundant. I commend the Bill to the House.

Debate adjourned for one week, on motion by Mr. Tonkin (Leader of the Opposition).

TRAFFIC ACT AMENDMENT BILL, 1969

Second Reading

MR. CRAIG (Toodyay—Minister for Traffic) [5.28 p.m.]: I move—

> That the Bill be now read a second time.

I thank my colleague, the Minister for Works, for introducing the previous Bill to amend the Traffic Act. That Bill was related to the Main Roads Act of course. Possibly it was rather a difficult Bill, and that is why I agreed to his doing so.

The Bill I am introducing contains an amendment to the Traffic Act to enable compulsory vehicle testing. It does, of course, include other proposed amendments, to which I shall refer later. It is agreed by traffic authorities that the testing of all vehicles used on public roads would make a regular contribution to road safety.

To inquire into the matter I had, in February, 1964, a committee formed comprising representatives of the Police Department, National Safety Council, Royal Automobile Club, Chamber of Automotive Industries, and the Automobile Chamber of Commerce. This committee was unanimous in recommending the adoption of a compulsory vehicle testing scheme.

I would like to take this opportunity of expressing my appreciation to the members of that committee for the work they did. It was considerable and entailed a lot of research, not only in Australia, but in many overseas countries.

Investigation has shown quite conclusively that a Government-controlled system of vehicle inspection has many advantages over a scheme operated by private organisations. This was one of the recommendations of the committee referred to, and it is substantiated by many research reports gathered from other sources.

There is every reason to believe from evidence in this State and research elsewhere that annual compulsory inspection of vehicles of all ages is warranted. If, however, after the scheme is in operation, it is found that, statistically, vehicles of a certain age, or even of a certain class, have a high percentage of roadworthiness, then there would be nothing to prevent a change to the scheme to exclude particular vehicles from annual inspection or extending the period of inspection.

In New Zealand, which has had over 30 years' experience of compulsory motor vehicle safety inspection, the people and their Government have come to accept the system as one which is highly desirable to maintain, and one which makes a major contribution to road accident prevention. Compulsory inspections in that country are made every six months. I think all members are aware that New Zealand has the lowest accident rate in the world.

In a Gallup poll taken in 1966 in all States of Australia, 90 per cent. of the persons interviewed favoured annual inspection of motor vehicles for roadworthiness.

The introduction of a compulsory vehicle testing scheme is not aimed at "old" vehicles but "unroadworthy" vehicles; that is, vehicles that have some defect which would either directly or indirectly cause an accident.

Many vehicles in the veteran class are kept in immaculate condition and are completely roadworthy in every respect. On the other hand, many comparatively new vehicles have defects that could cause accidents. Badly adjusted lights are a common fault in this category, and compulsory inspection is designed to overcome it.

We could also include tyre failure. As a matter of fact, I had an experience only last Saturday when travelling north from Dongara along the supposedly safe stretch of road to Geraldton, where it is said that one can travel with a considerable degree of safety at a very high speed. My car was doing the regulation 65 miles per hour—I was not driving—and another car overtook my vehicle. I guarantee the car was doing between 95 miles per hour and 100 miles per hour. A woman passenger was sitting alongside a male driver, and a young child was standing on the back seat leaning over the front seat. The car was about 200 yards in front of my vehicle when it suddenly began to swerve from one side of the road to the other. The reason was that the tread had come off a tyre. If there had been oil on the road, or the road had been otherwise slippery, there could have been another three fatalities during the weekend.

Mr. Graham: He was probably pursued by a jealous husband.

Mr. CRAIG: Maybe he had just come from the hotel.

Even new vehicles presented for first registration have been found to have handbrakes disconnected, headlamp globes wrongly inserted, and wiring circuits either disconnected or wrongly connected. Also, new vehicles are involved in accidents, and subsequent repairs are often poorly carried out. I have in mind that when I took delivery of the vehicle which I have at present, the delivery was delayed because the police had rejected the vehicle. It was a brand new car but was rejected because of faulty lighting. Only recently, one firm was found to have plate glass for window replacement instead of safety glass.

It is visualised that the scheme, as far as the metropolitan area is concerned, will be under the supervision and control of the Police Department with a civilian work force engaged wherever practicable. Outside the metropolitan area the scheme will be operated either by a local authority that has the facilities or by the motor vehicle servicing industry but, in each case, with overall supervision by the Police Department.

In the metropolitan area, to minimise as much as possible any inconvenience to motorists, it has been decided to commence the scheme with three inspection stations. They will be located at—

Melville—for the coastal areas;

Balga—for the northern areas; and

Bentley—adjoining Welshpool, for the southern areas.

These stations will be constructed in such a manner that they will blend in with the locale, and the buildings will be of such a type that they will add to the prestige of the neighbourhood. Incidentally, I have some photographs of an inspection station, which I think is in New Zealand. I will table the photographs for inspection by interested members. It is anticipated that the time taken for the inspection will be approximately 10 minutes.

The most often quoted argument against motor vehicle inspection is that statistics do not show vehicle defects as an important cause of road accidents. To put these statistics in their proper perspective, one must realise that probably about 80 to 90 per cent. of all accidents are reported by the parties concerned and probably less than 10 per cent. of vehicles involved in accidents are even examined for vehicle defects. Therefore, statistics compiled from these reports could be completely

misleading. In support of this, it is most unlikely that the driver of a vehicle reporting an accident would acknowledge his vehicle had faulty brakes, lights, or any other defect likely to have contributed to the accident.

For instance, for the year ended the 31st December, 1968, the total accidents in the metropolitan area were 18,794. "Casualty Accidents" accounted for 3,607 and, of these accidents, vehicle inspections were made in only approximately 137 instances—those in which fatalities occurred. Therefore, large numbers of vehicles were involved in accidents in which no check as to the mechanical fitness of the vehicles was made. Any motorist knows only too well the number of vehicles on the road that have dazzling or faulty headlights, and here is one fault alone that could be rectified by an annual inspection scheme.

In submitting this type of legislation, it is recognised that it should be sufficiently flexible to enable it to be applied in stages to the various parts of the State. Certain types of vehicles may need to be exempt; for example, certain types of farm vehicles or new vehicles. Some remote parts of the State may be exempted, as testing facilities do not exist. When members study the Bill they will see that this is provided for in the wording of the particular clause.

It is not envisaged that a Government operated scheme will be a drain on public funds. When originally costed two years ago, it was considered a compulsory vehicle inspection scheme could be financed as to both capital outlay and maintenance by a charge to the owner of $1 per vehicle. It is believed even at this stage that this amount would be sufficient to cover costs.

Because of the value received by a motorist in "Peace of Mind" after his vehicle had passed a vehicle examination test and was thereby deemed roadworthy by traffic authority standards, the money would, I think, be considered as a dollar well spent.

Regarding the further amendments to the Traffic Act following amendments made to the Act in the last session of Parliament dealing with the points demerit system and the fixed penalties and infringement notices, the Parliamentary Draftman advises that further consequential amendments are required to be made. Incidentally, regulations covering the points system and the infringements will be before the next meeting of Executive Council. Might I also say that views expressed by members, when the Bill was debated in the last session of Parliament, regarding the list of penalties submitted for guidance have been taken notice of. This applies particularly to the objections raised to some of the offences included in the list, and the points demerits list has been cut down to about 25 offences, which is different from the 70 or 100 offences included originally in the draft.

A minor amendment is proposed to delete the reference to "minor offences" in section 24. This was not provided for when the infringement notice system was agreed to last year. To enable the cancellation of licenses, and the loss of points and the penalties incurred, to differ according to the severity of the offence, it has been necessary to prepare amendments to section 25B (clause 5), section 74 (clause 8), and section 75 (clause 9a).

For instance, in such offences as in speeding, it must be agreed that a person driving a vehicle in a control area at 36 miles per hour is equally guilty of an offence as a person driving there at 46 or 56 miles per hour. The only difference is the element of speed. Therefore, it is only reasonable for it to be taken into account as though different offences were constituted according to the speed at which the vehicle was driven. The greater the speed, the greater the fine and the loss of points.

A further amendment is proposed to section 30 of the Traffic Act, which requires, at present, that all accidents be reported no matter how minor, whereas the National Road Traffic Code stipulates that a traffic accident need not be reported if damage does not apparently exceed the value of $100.

I am advised that this is also the position in other States, and it appears that Western Australia is the only State that continues to receive reports of these very minor accidents. A side effect to adopting the National Road Traffic Code requirement might also be to overcome the current tendency of drivers involved in minor collisions to leave their vehicles blocking traffic while they wait to summon the police. With proper publicity, this position could largerly be eliminated.

My attention has been drawn by the Commissioner of Police to the considerable amount of wasted police time in attending and accepting reports of minor non-injury traffic collisions. I think it was the Deputy Leader of the Opposition who drew attention to this matter some years ago when the definition of "road" was amended. He drew attention to the fact that it would be necessary to report any scratch which occurred to one's car in a parking area, and that is the sort of thing we are trying to overcome with the proposed amendment. In support of this it is most essential that the Police Department make as much use of its manpower as possible, and I feel this is a step in the right direction.

Another proposed amendment is to section 33A to enable a person, other than the holder of a probationary license, to obtain an extraordinary license to drive a motor vehicle if his license is suspended

for any purpose whatsoever. As the Act now stands a person losing his license under the points demerit system would have no right in this respect and it is intended to rectify this.

Provision is also made for further subsections to be added to section 75 for an appeal against the suspension of license caused by an error in the application of the number of points or in the computation of such points, such as could occur with two persons of the same name. Such an appeal must be lodged within 30 days after service of the suspension with the court of petty sessions. The court is empowered to uphold the appeal or dismiss it, and the costs incurred by the appellant could be awarded against the Commissioner of Police at the discretion of the court.

I mentioned probationary license suspension, and it will be interesting to members to know that a review has been undertaken of the list of offences which carry the mandatory suspension or cancellation of the license. At the time this particular legislation was approved by the House, I promised such a review and as a result quite a number of offences have now been eliminated.

This legislation will take effect, possibly, at about the same time that the "P" plates for probationary licenses are introduced on, I think, the 1st May. I commend the Bill to the House.

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

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL (No. 2), 1969

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [5.45 p.m.]: I move—

> That the Bill be now read a second time.

The amendments contained in this Bill refer to matters which have arisen mainly on representation of the Motor Vehicle Insurance Trust and the Third Party Claims Tribunal. Apart from the clause to adjust the title of the Act, there are four amending clauses.

The first of these is to include a definition of a "person under a legal liability." This amendment becomes necessary consequent upon the proposed amendment to section 16E of the principal Act, also provided in this Bill, to which I shall refer shortly.

The next amendment relates to accounting methods and is purely an administrative one to improve and simplify the accounting system, and will in no way affect participants, motorists, injured parties, or the overall financial position of the trust.

Under the existing provisions in section 3P(4) of the Act, the "annual account" is credited with one year's premium, but can be debited with claims arising from these policies for a period of two years. This is because claims arising from these policies are debited to the same annual account, as policies effected for 12-monthly periods during the year are still current at the following 30th June for varying periods up to 12 months; that is, a policy effected on the 29th June is credited to the annual account for the year ended the 30th of that June, but the policy is still current to the 29th June in the following year.

The difficulty experienced by the Motor Vehicle Insurance Trust in keeping accounts on this basis is increasing with the growth of business. The amendments will enable the trust to credit that portion of the total annual premiums received to the current financial year and to carry over the unexpired portion to the following year.

Similarly, claims arising from accidents between the 1st July and the 30th June will be debited to the annual account, and thus to that portion of the premium applicable to that year, and claims from accidents during the remaining currency of the policy will be debited to the following annual account, which has received the unexpired portion of the premium.

The third amending clause provides for the repeal and re-enactment of subsection (1) of section 16E of the Act, which I mentioned earlier. With the inception of the tribunal, it was obviously the intention that any legal process connected with the settlement of third party claims should be handled by the tribunal in lieu of the courts. There is no provision, as in the case of an infant's claim, for a compromise by the tribunal where all parties have agreed an amount for settlement but action or proceeding has not yet commenced.

There have been instances where solicitors have bypassed the tribunal by issuing an originating summons, which entitles them to appear before a judge of the Supreme Court to have settlement of the claim confirmed. As stated previously, it is considered the intention of Parliament was for the tribunal to handle all such matters, and the proposed amendment will enable it to do so.

The final amendment in the Bill proposes the repeal and re-enactment of section 29 of the principal Act. Section 29, as now operative, provides that if an injured person does not commence legal proceedings to enforce a claim within six months from the day of the accident, the trust may, by notice in writing, require him to do so within 42 days, for the purpose of determining the liability of the insured person or the trust.

It is further provided that, should he fail to do so in the prescribed time after the service of the notice, the trust may apply to a judge of the Supreme Court for an order, and such order may—

(a) give the claimant further time as the judge thinks fit;

(b) adjourn the application; or

(c) make such further conditions as the judge may deem just or proper.

Should the judge extend the original period of 42 days and the claimant does not commence legal proceedings within the extended period, his claim is forever barred under the provisions of subsection (8) of section 29.

It will be seen that all applications under this section are made to a judge of the Supreme Court, and consequent orders are made by that judge. As a result of the amendment of 1966, all actions for damages arising from negligence in the use of a motor vehicle are heard by the Third Party Claims Tribunal constituted under section 16 of the Act, and it is considered that all applications under section 29, and consequent orders, should be made by the chairman of the tribunal in lieu of a judge of the Supreme Court.

This proposed amendment will streamline the present procedure. It provides that, if no proceedings have been commenced within six months of the date of an accident to determine the liability of the insured or the trust, the trust may apply direct to the chairman of the tribunal for an order requiring the injured person to commence legal proceedings for that purpose within such time as may be granted by the chairman. The amendment provides that a copy of the trust's application shall be served on the injured party, who is also heard by the chairman. This amendment gives the injured party protection similar to that contained in the present section, but it should provide more ease of operation.

Debate adjourned, on motion by Mr. Bertram.

ACTS AMENDMENT (SUPERANNUATION) BILL

Second Reading

MR. BRAND (Greenough—Premier) [5.55 p.m.]: I move—

That the Bill be now read a second time.

Before I proceed, I would remind the House that I have had circulated certain information regarding scales and various headings in connection with this Bill which I hope will prove helpful to members in understanding what is rather a complex piece of legislation.

There are two major deficiencies in the present superannuation scheme to which a good deal of time has been devoted in an effort to remedy them.

Firstly, the present scale of benefits for current contributors to the superannuation fund are inadequate where salary exceeds $2,860 per annum; and, secondly, the pensions paid to former contributors to the fund have not risen over the years to the same extent as the cost of living.

The present scale of benefits provides for a State share of pension equal to 52 per cent. of salary where the unit entitlement is 20, which applies when salary exceeds $2,600 per annum. Thus, a person on a salary of $2,601 would receive a pension of $1,352 per annum from the Government, provided he contributed for his full entitlement of 20 units.

Such a person would also receive from the Superannuation Fund a payment of $26 per annum for each of his 20 units, which totals $520 per annum. Total pension is therefore $1,872.

Where the unit entitlement is less than 20, the State share of pension is even higher than 52 per cent. of salary. For 12 units it is almost 55 per cent., for eight units, 58 per cent., and for four units, 75.5 per cent. The higher percentages of salary for units of less than 20 are due to the increases in benefits which have been granted over the years and which have invariably favoured the small unit holder.

For units exceeding 20 the percentage of State share of pension to salary rapidly diminishes. For 30 units it is only 38.5 per cent., compared with 50 per cent. in both the Commonwealth and Victorian Government services. Thus the State share of pension in Western Australia for a contributor on a salary of $5,201, with his maximum entitlement of 30 units, is only $2,002, compared with $2,600 in the Commonwealth and Victoria.

The reason for the decline in Western Australia in the percentage of State share of pension to salary for units of more than 20 is to be found in the present scale of entitlements. Up to a salary of $2,600 a contributor can take out one unit for every $130 of his salary, but for salaries exceeding $2,600 the unit entitlement is only one for every $260 of salary.

On the other hand, both the Commonwealth and Victoria allow one unit for every $130 of salary right through the scale to a salary of $5,200, which means an entitlement to 40 units at that salary, compared with 30 in Western Australia.

At this point I can summarise the position by saying that our scale of entitlements is the same as for the Commonwealth and Victoria up to and including 20 units, but thereafter we grant an entitlement to fewer units. The situation could be remedied by increasing the

number of units that a contributor may take out between the salary range of $2,600 and $5,200, and the Government gave serious consideration to this possibility.

However, this would mean that contributors would have to increase their fortnightly contributions to the fund, and in many cases this could result in hardship because of age. The problem here arises from the nature of the superannuation scheme itself.

Being a benefit purchase scheme, it requires the full employee's share of the cost of additional entitlements taken up to be met by the officer over the remainder of his career, however short that may be. Thus, while additional units of entitlement are relatively inexpensive in terms of increased fortnightly contributions when an officer is still young, they become increasingly costly as the officer nears retirement.

Therefore, to suddenly grant employees the right to take out additional units could well prove an empty gesture because payments for those units would, in many cases, be beyond the means of the officers concerned.

Victoria faced a similar problem in 1966 when that State set out to improve benefits for holders of more than 20 units, and, in order to meet the situation, an arrangement was devised under which a contributor could defer payment for extra units until he reached retiring age.

As payment of deferred contributions in a lump sum would present difficulties to most persons on reaching retirement, Victoria invented a "Cash Option" which is the conversion to a lump sum of part of a person's pension entitlement. A contributor in Victoria can therefore cash some of his units to pay for "deferred" units. As I see it, the Victorian method is simply a means of paying the Government share of pension for units to which a contributor is entitled but for which he cannot afford to pay during his service.

The problem of paying for additional units has also affected the Commonwealth Public Service, and steps are now being taken to make it possible, within defined limits, for officers to take up additional unit entitlements on a non-contributory basis.

The Commonwealth's scheme of non-contributory units is much less involved than the Victorian method of deferring contributions for extra units, and therefore the Government believes that the former is more appropriate for application in this State.

The value of a contributory unit in both the Commonwealth and Victorian schemes is $91 per annum, which includes $26 paid for by the contributor by way of a fortnightly contribution to the superannuation fund. The balance of $65 is the Government's share of the pension. The value of a non-contributory unit is therefore $65 per annum and the Bill provides accordingly.

For salaries up to $5,200 per annum, it is considered that the State share of pension for persons who take up their full unit entitlement should be of the order of 50 per cent. of salary. This is the position in the Commonwealth and in Victoria.

As I mentioned earlier, the existing State share of a pension is well above 50 per cent. of salary for unit entitlements of less than 21 and, accordingly, there is no justification, at this point in the scale, for the addition of non-contributory units.

However, for unit entitlements of 21 and more, the percentage of State share of pension to salary falls below 50 per cent. and in order to remedy this, it is proposed to give an entitlement to non-contributory units which will vary according to the number of contributory units held by a contributor to the fund.

The entitlement to non-contributory units is to be one for the person who takes out 21 contributory units and will increase to 10 where the unit holding is 30. The result will be to increase the present State share of pension to percentages of salary ranging from 51.82 per cent. at $2,860 per annum down to 51 per cent. at $5,200 per annum.

As a non-contributory unit is to be valued at $65 per annum, increases in pensions will range from $65 per annum where the number of units held is 21, up to $650 per annum for 30 units. For unit holdings in excess of 30, it is proposed to taper the entitlement to non-contributory units so as to provide for a gradual reduction in the percentage of State share of pension to salary. This is the normal practice in other schemes, and the Bill provides accordingly.

Under the proposal, the State share of pension will fall from 51 per cent. of salary at $5,200 per annum—30 units—to 39.88 per cent. at $10,400—50 units. At present, the scale of unit entitlement stops at 50, which is the number of units that can be taken by an officer in receipt of a salary in excess of $10,400 per annum.

With continued wage inflation, the scale of unit entitlements is now completely out of date and it requires extension. Provision is therefore made in the Bill to lift the maximum number of units from 50 at a salary of $10,400 per annum to 70 at $15,600 per annum. This has been done by extending the scale in steps of $260.

It is also to be noted that the proposed scale of non-contributory units has been based on an extension of the unit entitlement scale to 70. The number of non-contributory units to which a person on $15,600 would be entitled if he contributed

for 70 units of pension, is 16½ and the State share of pension would be 36.38 per cent. of salary.

A reference to the table distributed with the Bill, will show that the proposed State share of pension gradually tapers from 59.43 per cent. of salary for a unit entitlement of seven to 36.38 per cent. for an entitlement of 70 plus 16½ non-contributory units. This is a good result.

The table also makes clear the reason for not extending an entitlement to non-contributory units to holders of less than 21 units. The existing State share of pension as a percentage of salary is already on the high side and there is no justification for increasing it.

In fact, the State share of pension for units of less than seven is very high indeed particularly for two units. However, this is largely academic as far as present contributors are concerned, because no Government employee could be in receipt of a salary of less than $910 per annum on reaching the age of retirement, and he would therefore have a unit entitlement far in excess of seven.

There are, of course, many pensioners with only a small unit entitlement, but I shall come to them later. What we are concerned with at the moment is the proposed improvement in the scale of benefits so as to ensure that the State share of pension represents a reasonable percentage of salary where a person has taken up his full entitlement to units on a contributory basis.

At present, those persons who have entitlements to less than 21 units and have taken them up, already receive a State share of pension which is a reasonable percentage of salary as the table indicates. The payment of a supplementary non-contributory pension to those holding 21 or more units will ensure that they also receive from the Government, a reasonable percentage of their salary by way of pension. There are always those who for one reason or another, do not take up their full unit entitlement, in which case the State share of pension will be a smaller percentage of salary, but there is little that can be done about this.

The best the Government can do is to put forward a scale of unit entitlement which will allow Government employees to receive a fair pension when that entitlement is taken up, but if the employee declines to do so, then that is his business, as it always has been.

It is realised, however, that even in the case of a pensioner who had taken up his full entitlement of units, the passage of time will erode his pension unless the cost of living remains constant. This, of course, has not been the case for many years and there are pensioners suffering hardship, particularly those who have been in retirement for a long while.

From time to time, various methods have been tried to increase pensions for former Government employees so as to counter the rising cost of living, but no real solution has emerged, at least in this State, from the application of those methods. Such increases as have been granted have always favoured persons holding a small number of units, and this is the reason why values are so high at the lower end of the scale.

As I pointed out on a previous occasion, it is no answer to the problem to increase the value of the unit of pension. The result of this type of adjustment is to increase the pensions of persons who have just retired by as much as, and often by a larger amount than, the increase accorded to those who have been retired for many years. It also has to be remembered that an increase in unit values would apply equally to present contributors, which would result in raising the percentage of State share of pension to salary to an unreasonable level.

As I said on a previous occasion, what we should be looking for is a method of adjusting pensions so as to give the relatively largest pension increase to those who have been on pension the longest. To this end, an examination was made of the updating scheme introduced by the Commonwealth and also applied by Victoria for the purpose of lifting the pensions of retired officers. I have often made comments about efforts in this direction.

The updating method provides for the adjustment of pensions to accord with movements in the unit entitlements of employees still serving with the Government. In effect, a pensioner is paid an additional sum equivalent to the Government share of units that the pensioner would have been able to take up but for his retirement. However, as I informed members last October, over 50 per cent. of pensioners would not benefit from the application of the method used by the Commonwealth and Victorian Governments.

There are two main reasons for this: Firstly, many pensioners in this State, took out only a small fraction of the units to which they were entitled and, accordingly, the *pro rata* State share of the updated unit entitlement is often less than the pension now received.

Secondly, both Victoria and the Commonwealth updated on the basis of a Government share of pension of $65 per annum per unit, which is much lower than this State's share of pension for units at the lower end of the scale. For example, the State share of pension for two units is $146.90 per unit and for four units $98.15 per unit. Therefore, updating on the basis of $65 per unit would result in decreased pensions in many cases.

In the meantime, Tasmania has looked at the problem and has come up with a cost-of-living adjustment of pensions which, I believe, has considerable merit and is suitable for application in this State. The Tasmanian scheme provides for an adjustment to be made to the State share of all contributor and widow pensions payable on account of the retirement or death of a contributor on or before the 31st December, 1967, according to movement in the consumer price index for Hobart back to 1960. The amount of the adjustment in each case depends on the movement in the index since the time the contributor became eligible for pension. For example, a person who retired in 1961 receives a bigger percentage increase in the State share of his pension than a person who retired in 1964.

Another feature of the Tasmanian scheme is that the cost-of-living adjustment only applies to the first $1,400 of the State share of pension. An appropriate figure to use for our purposes is $1,352, as this is the State share of pension for 20 units, after which, other considerations come into it.

Pensioners holding 21 units or more are to receive the benefits of the non-contributory scheme which I dealt with earlier, and as the benefits under that scheme are substantial, it is not considered that the cost-of-living adjustment should apply to the full State share of the pensions paid to these persons.

Tasmania has also limited the cost-of-living adjustment to movement in the consumer price index since 1960, but because we have a large number of pensioners who went into retirement many years ago with small unit entitlements, it is considered that we should take the adjustment back to 1953.

The year 1953 has been chosen because unit values were increased both in 1948 and in 1951 which acknowledged the increase in the cost of living in the early post-war period. Subsequent pension increases, however, have failed to keep up with rising living costs.

The consumer price index number for Perth for the December quarter 1953 was 102.1 and for the December quarter 1968 it was 144.7.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. BRAND: Before tea I had referred to the consumer price index for Perth, for certain quarters and I had stated that the number for Perth for the December quarter, 1953, was 102.1, and for the December quarter, 1968, it was 144.7. This is an increase of 41.72 per cent. and this is the percentage increase which will apply to the State share of a pension which was first paid in 1953 or earlier

At the other end of the scale we have those persons who retired during 1967. In their case, the increase in the State share of pension will be 2.41 per cent., which is the movement in the consumer price index between the December quarter, 1967, and the December quarter, 1968.

The pensions of persons who retired during 1968 will not be subject to adjustment at this stage. In this respect, it will be realised that until the consumer price index number for the December, 1969, quarter is known, it is not possible to calculate the percentage increase in pension which should apply. It will be necessary within the next 12 months to introduce further legislation to cover future movement in the consumer price index, and the manner in which this should be done is now under study.

I have already mentioned that only the first $1,352 of the State share of pension is to be subject to adjustment. Thus, there is a maximum payment to which any pensioner will be entitled under the provisions of the Bill.

For those who retired before 1954, the maximum will be 41.72 per cent. of $1,352, which is $564. For those who retired during 1960, the maximum is $267, and for those who retired as recently as 1967, $33.

There is a large number of pensioners who retired before 1954 and who only hold four units of pension. In their case, the increase in pension will be $164 per annum, being 41.72 per cent. of the existing State share of pension.

This will lift the State share of pension from the present figure of $393 per annum to $557 per annum, and with the addition of the fund share of pension of $114, will result in a total pension of $671 per annum.

A pensioner with eight units who retired before 1954, will receive an increase of $252. This will lift his total pension from $832 per annum to $1,084 per annum.

A 20-unit pensioner will receive the maximum increase of $564, which is also 41.72 per cent. of the existing State share of pension.

A 21-unit pensioner, however, will only be entitled to the maximum of $564, which is the same cost-of-living increase as the pensioner with 20 units, but, in addition, the former will receive a further $65 per annum by way of one non-contributory unit.

Pensioners who receive benefits under the 1871 Act, are to be treated in a like manner to those under the 1938 Act, and the Bill provides accordingly. These people all retired before 1954 and they will therefore receive the maximum increase of 41.72 per cent., subject to the sum so calculated not exceeding $564 per annum.

The widow of a former contributor will receive twenty-two thirty-fifths of the increase which her husband would have received under the Bill but for his death.

The proposed increases in pensions are substantial, particularly in the case of those who retired many years ago, and the cost therefore is high. It is estimated that about $1,000,000 is the order of cost in a full year for persons now in receipt of pension.

The Bill proposes that the increases apply to the first fortnightly payment of pension in January this year, and, of course, to every such subsequent payment. The estimated cost in this financial year is $500,000, which can be met from the provision made in the 1968-69 Budget for pension increases.

There are three other items referred to in the Bill which I shall explain briefly.

In 1967, the Act was amended to provide that any person who became a contributor to the Superannuation Fund after the 29th December, 1967, and upon retirement had 10 years or more, but less than 20 years, of aggregate service would have the State share of his pension reduced by one-twentieth for each year by which the aggregate service of that person was less than 20 years. This amendment was to ensure a reasonable length of service before full benefits were paid.

It was not intended to vary the rights of employees who were eligible to join the fund prior to the 29th December, 1967, but a number of cases have come to notice where persons could have joined the fund before that date but did not do so until later.

This does not matter where the persons concerned will have served for 20 years on reaching the age of retirement, but there are several who will have less than 20 years, and they will therefore suffer a reduction in the State share of pension as the Act now stands. It is proposed, therefore, that the limitation imposed by the 1967 amendment be not applied to a person whose period of service commenced on or before the 28th December, 1967, and the Bill allows for this.

Another proposed amendment to the Act deals with the payment of the fund share of pension to a contributor who, on attaining the age of 65 years, continues on in the service.

Provision already exists in the Act for payment of the fund share of pension to such a person in what could perhaps be described as normal circumstances, but a situation has arisen where a contributor turned 65 on the 1st June, 1967, and, because he then held a statutory office, no authority existed to pay the fund share. This is due to the operation of other provisions in the Act.

There is no good reason for withholding payment of the fund share in this case, as the moneys held in the fund represent contributions paid by the officer. An amendment to the Act is therefore proposed to allow payment of the fund share to the officer concerned, together with interest which would be paid from the fund, as it has had the use of the moneys in the meantime.

The final item requiring comment concerns the payment of the State share of pension to a person who has retired on a pension and is re-employed by the Government.

Under the provisions of the Act a contributor on reaching the age of 60, can retire and receive both the State and fund shares of pension. If he is re-employed by the Government, even shortly after his retirement, he can receive the salary fixed for the position plus his full pension. There is no objection to this in those cases where the fee or salary fixed plus the State share of pension is less than the salary previously paid to the officer.

There are many cases of retired officers who serve on boards and receive a relatively small fee which supplements their pensions, and there is certainly no intention to disturb these arrangements. However, a situation can arise where the retired officer is re-employed in the position he retired from, and, as the Act now stands, it is possible for him to receive full pay plus a full pension, which is rather difficult to justify.

Take a case of two persons employed, for example, on similar work in the railways. Both turn 60 years of age and one retires on pension. The other carries on in the service of the railways and accordingly continues to receive salary but, of course, no pension. The retired man, after two weeks' holiday, decides to seek re-employment in his former position, and, if he is re-appointed, he would be entitled to full salary and would continue to draw a full pension, including the State share. This is an anomalous situation and it has actually happened.

A similar situation would arise if a member of Parliament resigned his seat, drew pension and was then allowed to continue to draw that pension on his re-election to Parliament. I do not think anyone would be happy about that, but of course, it cannot happen because the relevant legislation prevents such an occurrence. It is also desirable to prevent this happening in the Government service and the Bill aims to do this.

Although the State share of pension would cut out when salary received on re-employment equalled or exceeded a pensioner's previous rate of salary, the fund share would continue to be payable.

The logic of the proposal lies in the fact that this in effect is what happens when a person who, on attaining the age when he can retire on pension, continues in Government employment without a break in service. Such a person receives full salary but no pension, and this is as it should be.

It is not proposed to disturb any arrangement for the employment of a pensioner which may have been entered into before the coming into operation of the proposed amendment to the Act, but it is intended to withhold, during the period of employment, any increase in pension in those cases where the salary paid plus the existing State share of pension is greater than the current equivalent of the salary previously paid to the officer.

Although this measure has been delayed, I think it will be appreciated that the search for a satisfactory solution to the superannuation problem has caused this, and much work had to be done and a great deal of thought exercised before proposals could be put before members.

We have broken new ground with the proposed cost-of-living adjustment to pensions in this State and also with the non-contributory pension scheme.

I would like to apologise again for the delay that has occurred since the time the matter was first mentioned. However, this was caused by unforseen difficulties and our endeavours to make the scheme work —a non-contributory scheme in every respect—and confer benefits not only on those who are now contributing, but also on those who are already receiving pensions. I know from my own observations that over a period of almost two years, officers from the Superannuation Board and the Treasury have put in a great deal of time in their endeavours to work out the provisions which are in the Bill now before us.

Several schemes were looked at, but when their provisions were applied to our scheme it was found that many anomalies would have developed. So once again I pay tribute to those responsible for the Bill because I think, in the broad, it is a very good one. If any anomalies do develop they can be rectified quite quickly because we have another session of Parliament in the fairly near future.

I repeat: We have broken new ground in regard to a pensions scheme and ours will be comparable with the Victorian scheme. It is not the same as that in operation in New South Wales, but at least it is comparable with the one in operation in that State, and the benefits from our scheme will be only a little less than those enjoyed by civil servants in the Commonwealth. I commend the Bill to the House.

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

POLICE ACT AMENDMENT BILL, 1969

Second Reading

Debate resumed from the 17th April.

MR. BRADY (Swan) [7.45 p.m.]: When introducing this Bill the other evening the Minister stated that although it contained a number of amendments, those amendments dealt with only two topics, which were comparatively simple. He said that as a consequence he did not believe any difficulty would be experienced in getting the amendments passed in order to make for the smoother working of Police Department activities.

I would, of course, like to go all the way with the Minister in regard to his belief but, after all, we must, as an Opposition, analyse the effect on the community of any proposed amendments and we must also realise that although we at this time might be satisfied that the right thing is being done, we must consider the future and posterity because, as we all know, in a few years' time some of us may not be here.

We all agree wholeheartedly with the amendments altering the classification of commissioned officers in the department. Members will recall that the Minister stated that the chief inspector will become the chief superintendent, the inspector 1st class will become a superintendent, and an inspector 2nd class will become a senior inspector. The 3rd class inspector will retain that designation. Except for the change of designation, there will not be a great deal of alteration, but the effect will be to create uniformity in the matter throughout the Commonwealth, with the exception of Queensland, and even Queensland, I understand, is likely to make the same amendment.

The Minister referred to Inspector Scott and to the fact that she will be one of those who will receive the benefit of the proposed changes. The Minister referred to the excellent work she has done and said that I would agree with him; and I do. This particular lady has done an excellent job for many years and it is a quite fitting recompense for her to know she will now become a superintendent and will be able to carry on her work under that new classification.

I am pleased that the department has continued to approve civilian clothes for women police. As a consequence these women have been able to move around the metropolitan area and country districts much more effectively than if they had been in uniform. I pay a tribute to the women police generally for the work they have done for many years, particularly amongst the young people, and, in some cases, the older people.

The Opposition will go along with the proposed amendments with regard to the changes in classification. However, with

regard to the amendments to sections 16 and 16A, the situation is different. These amendments will have the effect of placing the onus of proof on the defendant. The Opposition has traditionally opposed any move to remove the onus of proof from the prosecution. I remember hearing a previous member for Fremantle on many occasions oppose legislation which attempted to remove the onus of proof from the prosecution to the defendant, and here is another example.

Because someone in Northam was not fined or put in gaol for representing himself as a policeman, as a result of the Police Department not having sufficient proof to the contrary, the department now wants the Act amended to allow an averment by the Commissioner of Police or his senior officer that a man does not belong to the Police Force to be sufficient evidence in order to prove that the man is not a member of the Police Force. The argument advanced by the Minister in support of this amendment was that unless the Act was amended in this way, a man in Kununurra, Wyndham, or Esperance could be in the same position as the person in Northam, and an officer would have to travel from Perth to the town in question to appear in court for a few minutes to indicate that the defendant was not a member of the Police Force.

The Opposition believes that to introduce legislation to deal with isolated cases is not the correct approach. I think the legal profession generally accepts the fact that isolated cases do not make for good legislation. Whilst the Minister may be right, and only odd cases of this nature will occur in remote towns such as the ones I have mentioned, the situation could be far different in the metropolitan area right alongside the chief administrative offices of the Police Department, and therefore it seems to be completely wrong, from the point of view of justice, that an averment should be taken in lieu of evidence, when a man is being prosecuted for having represented himself as a policeman.

So we, as an Opposition, oppose clauses 4 and 5 which deal with this subject. I recall that about three months ago a gentleman came to my house and swore by everything that was holy that he had had his name taken a few nights earlier for having represented himself as a policeman and he emphatically stated that he had done nothing of the sort. However, according to him, he was manhandled by policemen outside a well-known night club in the metropolitan area.

I do not know what a person must do to be accused of representing himself as a policeman. For instance, a man not wearing a uniform or a policeman's hat, might go into a night club and ask people for names and addresses, without actually stating that he is a policeman. However, merely because he asks for names and addresses he could probably be charged with having represented himself as a policeman because, as a rule, the only people who are permitted to ask for names and addresses are policemen. Nevertheless, certain circumstances might arise which make it necessary for a man to obtain someone's name and address.

We must be very careful, and as these cases are expected to be isolated, I believe it would be making for bad legislation for us to simply accept an averment that a man is not a policeman. After all is said and done, you, Sir, will appreciate, as much as anyone, that we must be careful about applying the thin end of the wedge. If we can take this step in one case because the administrative offices of the Police Department are in Perth, we can do it in half a dozen other cases.

When all is said and done, Northam is only 60 miles from Perth, an hour's ride in a decent car. There is no reason why a departmental officer could not have been sent to Northam to swear that the defendant was not a policeman.

We must remember that in every case certain other things must be proved before a magistrate before a case can be won. I can think of two or three other matters which could be brought up under this, apart from an averment that a man was not a policeman, and if the case were not properly handled in the court the defendant could win the case.

One of these—I am not going to stipulate them all—is that the prosecution must prove that the particular offence took place in an area under the jurisdiction of the magistrate concerned. Many factors are involved, and when a prosecuting sergeant is conducting cases in court year in and year out, these factors must be considered —and anything can happen.

I will not enlarge any further on this matter, as other speakers may desire to follow. The Opposition feels it is not right and proper to treat this matter lightly. I know that recently a case occurred in London where a man was picked up and held in gaol for some days, but subsequently it was proved he was the wrong man. Similarly in Western Australia there is on record a case where a man received a summons but indicated that he was not the man concerned. It was emphatically argued that he was, although the man said he was not the person, despite the fact that he had the same name. This man was put in gaol.

I can recall that when I was Minister for Police a man was paid a sum of money as compensation because he was served an order for not maintaining his wife and did extra time. It was subsequently proved that he was not the right man and, as I have said, he was compensated for the mistake.

We cannot, with regard to the law, afford to take risks and it is better that half a dozen guilty men be acquitted than one innocent man be found guilty. Therefore, the Opposition will go along with the amendments concerning the change in classification, but reserves the right to oppose those amendments to sections 16 and 16A, under which an averment by the department that a man is not a policeman will be sufficient evidence in court to convict a defendant.

MR. LAPHAM (Karrinyup) [7.58 p.m.]: I thank the member for Swan for so clearly dealing with the view of this side of the House on this Bill.

The whole case is based on the question of onus of proof. When introducing the Bill, the Minister maintained that it is far easier for the defendant to prove he is not guilty than it is for the police to prove he is guilty.

Over the years British justice has maintained the salient feature that a person is innocent until such time as he is proved guilty. Unfortunately, however, there has been an increasing tendency in this House to introduce legislation which places the onus on the individual to prove his innocence rather than on the prosecution to prove his guilt.

I have in mind particularly the Gold Buyers Act, which is a shocking piece of legislation. I am aware of instances on the goldfields where gold has been found on premises, but the owners of those premises have had absolutely no knowledge of it. Despite this, the owners have been arrested and gaoled. I am perfectly satisfied that those gaoled have had no knowledge whatsoever of the presence of the gold on their premises. These premises, of course, include the backyards. In one case, a parcel of gold was found at the fence of a backyard.

The owner of the premises suspected that someone, who was trying to get square for some reason or other, had planted the gold.

The SPEAKER: Order! It is fair enough to make an analogy with the Gold Buyers Act, but I do not think it is necessary to go into all the details of a case under that Act.

Mr. LAPHAM: In short, that individual was gaoled because he had gold on his premises. He had no idea how it got there; but, under the circumstances of the onus of proof being on him, he was forced to prove that the gold did not belong to him and that he was innocent. All the prosecutor had to prove was that the gold was there.

There is a similar provision in this instance; in this case, it is an averment that the person charged with the offence is not a police officer. Why cannot the police themselves carry out the normal activity which any solicitor or lawyer would be required to do; that is, prove their point? I do not think it is necessary for us to have to deal with legislation of this nature simply to make the work of the police a little easier.

If we were dealing with a question of law, that would be an entirely different matter. If it was a moot point in the law and we were endeavouring to help the whole of the processes of the law, then certainly we could agree to some alteration of that law. However, in this instance an alteration would mean that we were changing the whole substance of the law. In effect, it would be saying that a person is guilty until such time as he has proved himself innocent. Under those circumstances I simply cannot agree to those two particular provisions. The remainder of the Bill is quite good, but I oppose this part of it in every way I possibly can.

MR. CRAIG (Toodyay—Minister for Police) [8.2 p.m.]: Quite frankly I am somewhat confused as to why the member for Swan and the member for Karrinyup are expressing concern so far as averment is concerned. I can appreciate the point made by them in respect of onus of proof. That is a principle with which I agree, too.

As I explained in the second reading, this provision is to facilitate the work of the court and to save the time of the police in having to send a senior staff officer all the way from Perth to a court in, say, Port Hedland, or anywhere else in the State, on a case where a person is charged with impersonating the police. Under the law as it now stands a staff officer is required to attend and to give evidence, frequently of one minute's duration, to say that the accused is not a member of the Police Force. All that is being asked is that, in future, this should be done by averment. In other words, the Commissioner of Police can certify in writing that the accused person is not a member of the Police Force. It is as simple as that; it is not a case of onus of proof or anything else.

I might interpret this provision differently from the way in which the member for Swan and the member for Karrinyup interpreted it; they referred to various cases which did not involve the question of impersonating the police, which is all Parliament is dealing with in this amending Bill. Therefore, I hope the members concerned will adjust their views on this matter.

I appreciate their support for the other features in the Bill and I would like to see the House agree to the amendments suggested.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Craig (Minister for Police) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Amendment to section 16—

Mr. BRADY: Before the committee passes this measure, if it is to be passed, I would like to ask the Minister what he considers the clause actually means. Proposed new subsection (2) reads—

> (2) On the trial of a person charged with an offence under subsection (1) of this section the averment in the complaint that he was not at some particular time a member of the Police Force is sufficient evidence of the fact until the contrary is proved.

What is the Minister's interpretation of clause 4?

Mr. CRAIG: I think the member for Swan is querying the last few words of the provision which he read, as follows:—

> . . . is sufficient evidence of the fact until the contrary is proved.

I do not know what explanation the honourable member requires in addition to what is conveyed in the words of the amendment. It is clear enough to me.

The member for Karrinyup also referred to this particular feature, as it was mentioned in my second reading speech. I stated that an innocent person is in a much better position to disprove the complaint than a prosecutor is to prove it. That is the only explanation I can offer.

Clause put and passed.

Clauses 5 to 9 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr. Craig (Minister for Police), and transmitted to the Council.

MINING ACT AMENDMENT BILL, 1969

Second Reading

Debate resumed from the 17th April.

MR. MOIR (Boulder-Dundas) [8.9 p.m.]: This is a very simple Bill which has been introduced for the purpose of amending section 26 of the principal Act. All it does is to add sand to the other minerals mentioned in the Mining Act, with the intention of bringing that commodity under the Act.

As the Minister pointed out when he introduced the measure, the present Act does not permit the granting of a lease in a mining area for the purpose of excavating sand for building purposes. It is rather unusual to think that we have gone for so many years without this provision in the Act. However, with the activity which is going on in mining districts, I suppose it has been found that there is a difficulty to be overcome in connection with the excavation of sand for building purposes. Consequently, I do not see any reason to speak at length on the Bill, except to say that I support it.

MR. JONES (Collie) [8.10 p.m.]: Like those of the previous speaker, my remarks in relation to this amending Bill will be brief. It is a simple piece of legislation designed to amend the provisions of section 26 of the Act with respect to the mining of certain minerals.

When the Minister in another place introduced the measure he indicated that problems have been associated with building firms in the north of the State where certain sand was available but, due to restrictive provisions in the Act, the firms were not able to use the mineral required by them, because the Act specified that the mineral had to be for personal use. The amendment will now extend the definition in the Act and allow building firms and others requiring certain types of minerals to use sand for building purposes.

I notice that a member in another place was concerned over the result of excavations with respect to the land where excavations were taking place and minerals were being mined. Perhaps in some instances this matter is not relevant, because the amendment mainly refers to the northern area of the State. However, I suggest that it might have relevance at a later stage and, of course, it has had relevance in other directions previously.

My main concern is in connection with the question of granting miners the right to mine certain minerals without providing any safeguard in respect of the excavation; that is, there is no provision with respect to putting the land back into the condition which obtained prior to the removal of the minerals.

I instance the question of open-cut mining in the Collie district where mining companies have been permitted to excavate coal in the centre of the town. They leave the operation—in fact, they leave the town—and they leave big holes in the centre of the town. I do not think this is at all desirable.

In permitting companies to excavate certain minerals, I think there should be some prohibition with respect to excavations alongside a main highway because of the damage that can result in later years when the areas become filled with water. These areas are a danger to young children and an eyesore for years to come.

In Germany and other countries in the world there are provisions in the various Acts whereby the lessee or the person responsible for the removal of minerals is

required to return the surface to its normal state. I think we could well take the example set by other nations and have this requirement inserted in our Act. I am not suggesting that this should apply in isolated areas, but I do suggest that it should apply in the vicinity of towns or in mining areas which are adjacent to main highways or to principal traffic arteries in the State.

I do not intend to pursue the matter any further, but with those few words I support the Bill now before the House.

MR. BOVELL (Vasse—Minister for Lands) [8.14 p.m.]: I had not intended to reply to the member for Boulder-Dundas, because he fully supported the Bill and, consequently, there was no occasion to reply. With due respect, I consider the member for Collie was stretching a long bow, because he brought into the discussion something which really does not apply. However, I quite agree with him with respect to filling in excavations, especially when they are near main highways.

I think some example of this has been seen in connection with the mining of ilmenite in the Capel area. No doubt it has been stipulated by the Mines Department.

Mr. Jones: What about Greenbushes? Does the same apply there?

Mr. BOVELL: That must have been under a Labor Government at the beginning of the century. We are talking about modern times. What happened in Greenbushes was before my time, and that was a long time ago.

Mr. Jones: They have just commenced doing it now.

Mr. BOVELL: As far as the mining of ilmenite sand and other commodities in the Capel district is concerned, the companies are required to fill in the excavations, which they are doing; they are not only filling the excavations, but are experimenting in an endeavour to re-establish the natural flora in these areas.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Bovell (Minister for Lands), and passed.

INSPECTION OF MACHINERY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 17th April.

MR. MOIR (Boulder-Dundas) [8.18 p.m.]: This Bill is related to the measure which immediately follows it on the notice paper. The subject matter points to an instance where the duties of two types of inspectors overlap. The Inspection of Machinery Act has been administered by the Mines Department, I think, ever since its inception. As members can readily understand, the qualifications of an inspector of machinery are entirely different from those of an inspector of mines, but the administration of the Inspection of Machinery Act was carried out by the Mines Department because when this Act was first proclaimed the major part of the machinery operating throughout the State was situated on mines, and therefore it was convenient to have the two types of inspectors working in unison. Nevertheless, the duties of each inspector are entirely different.

I do not think that at any time an inspector of machinery would be asked to give a ruling on purely a mining matter. It is possible that this may have occurred in the early days of mining where an inspector of machinery also had some knowledge of mining. In the early days, too, transport was not as rapid as it is today and, in fact, many of the visits made by inspectors to outback mines were made by means of a horse and buggy. I might interpolate here to say that it is only a few years ago that I drew attention to an item in the Mines Department estimates which provided an amount for fodder for horses and, of course, as we all know, horses have not been used by officers of the Mines Department for many years. However, that is just in passing.

One can readily understand that when it was necessary to inspect any mines which was a fair distance from, say, Kalgoorlie or Coolgardie, it would have been convenient for the inspector of mines and the inspector of machinery to travel together. During such a visit if the inspector of mines was delayed at one mine, the inspector of machinery would probably take the opportunity to look over the machinery installed at another mine in order to save time.

As the Minister has pointed out, it is proposed to take the inspection of machinery branch away from the administration of the Mines Department and place it under the administration of the Department of Labour. I do not know whether Parkinson's law will operate in these circumstances, but there has been quite a saving of Treasury funds effected due to the fact that the State Mining Engineer is also the Chief Inspector of Machinery. However, I take it that when the inspection of machinery branch is transferred from the Mines Department to the

Department of Labour, a chief inspector of machinery will still be required and no doubt this will mean a separate appointment.

I notice that during his remarks the Minister pointed out that it will still be necessary for inspectors of machinery to inspect machinery on mines, and if there were an emergency an inspector of mines would still be required to act as an inspector of machinery in accordance with the provisions of the Mines Regulation Act. Subsection (2) of section 8 of that Act reads—

> Special inspectors, who shall be appointed to make such special inspections, inquiries, and investigations on matters in the scope of this Act, requiring special technical or scientific training or knowledge, as the Minister may from time to time direct...

Therefore, under that provision, there is power granted for special inspectors to be appointed, and in view of the fact that a necessary number of inspectors of machinery will be seconded to the Mines Department to inspect machinery on mines, such an arrangement should work out quite well.

Of course, under the Inspection of Machinery Act an inspector, of his own volition and in his own right, can inspect machinery on a mine, because such a duty is prescribed in the definition of "premises" in the Act which, *inter alia,* reads—

> "premises" includes any house, building, structure, yard, or place, and any mine, . . .

And then the definition goes on to name other places.

I can see no objections to the proposal contained in the Bill. It appears that inspectors with the same high qualifications that were held in the past will be appointed in the future. They may even be more efficient in the future, if that is possible. I certainly have no complaint to make of the various inspectors of mines and inspectors of machinery with whom I have been acquainted and they have certainly carried out their duties in an efficient and exemplary manner. For those reasons I support the Bill.

MR. BOVELL (Vasse — Minister for Lands) [8.25 p.m.]: I thank the member for Boulder-Dundas for his comments which, coming from him, with his long experience in mining activities, and remembering that he was once Minister for Mines, are remarkable, and for this reason they are, of course, all the more welcome.

I believe, and I repeat only what I said during my remarks when I introduced the Bill, that this legislation will facilitate administration and will not in any way be detrimental to the mining industry, or those engaged in it.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Bovell (Minister for Lands), and passed.

MINES AND MACHINERY INSPECTION ACT REPEAL BILL

Second Reading

Debate resumed from the 17th April.

MR. MOIR (Boulder-Dundas) [8.27 p.m.]: I intend to support this Bill, too, thereby creating something of a record for me, because generally I strenuously oppose amendments to the Mining Act and related Acts which sometimes come from the other side of the House. Therefore I repeat it is something of a record that the Government can put up three Bills to amend Acts relating to mining with which I agree.

This legislation was instituted in 1911 after the Mining Act had come into force in 1904 and it made provision for an interchange of inspectors between the inspection of machinery branch and the inspectors of mines office in the Mines Department in much the same way as I have already outlined in my remarks on the previous Bill. As far as I have been aware during my long experience in the mining industry, it was never invoked with the exception that the State Mining Engineer could also be the Chief Inspector of Machinery and the State Coal Mining Engineer.

As has been pointed out by the Minister, I have had a close relationship with the department not only as a mining union official, before I entered Parliament, but also, of course, when I was appointed Minister for Mines. This part of the Act worked very satisfactorily and its provisions were the only ones in the Act that I ever knew to be put into operation. The present proposal is to divorce the duties of the Chief Inspector of Machinery from those performed by the State Mining Engineer, but to allow the State Mining Engineer to retain the office of State Coal Mining Engineer. During my time as Minister, the State Coal Mining Engineer was a separate office. I do not know whether that was beneficial or advantageous to the coalmining industry; the member for Collie would be better qualified to comment on that than I would.

I do think it is desirable to leave the present situation as it is, under which the State Mining Engineer is also the State Coal Mining Engineer. Some people might say that the State Mining Engineer gained most of his experience on the goldfields. In this regard I would point out that during the war an ex-student of the School of Mines, by the name of Boyd,

was appointed by the American Government to be in charge of coal production in America during the war. This indicates that a person who has gained his training in the metalliferous mining industry in this State is able to play a very importanty part in other mining industries. That was a great tribute to the training provided by the School of Mines at Kalgoorlie. With those comments I support the Bill.

MR. BOVELL (Vasse—Minister for Lands) [8.31 p.m.]: After representing the Minister for Mines for 10 years in this House I must say that I appreciate the fact that in introducing on his behalf three Bills in succession I received the wholehearted support of the member for Boulder-Dundas and of the Opposition generally. It shows that the legislation which the Government is introducing must be acceptable to Parliament as a whole, and therefore must be without fault.

I could let this occasion go by without commenting on the fact that on some occasions we can see eye to eye, although in the past we have engaged in some bitter battles in relation to the amendment of legislation. However, it is very pleasing to note on this occasion the cordial atmosphere that prevails.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Bovell (Minister for Lands), and passed.

MOTOR VEHICLE INSURANCE POLICIES BILL

Second Reading

MR. TONKIN (Melville—Leader of the Opposition) [8.36 p.m.]: I move—

> That the Bill be now read a second time.

As members will see, there is not a great deal in this Bill; but what is in it, in my view, is important.

Over the years I have had occasion from time to time to make representations to insurance companies in an endeavour to obtain a better deal for persons who had taken up policies of insurance, and who had regularly paid their premiums in the belief that in the event of the occurrence of something against which they had insured they would be paid the sum in respect of which they had paid the premiums. To their surprise, when they applied to the insurance companies for payment they almost invariably found they were asked to accept a lesser sum than the sum assured.

It seems to me that the time is ripe for a thorough overhaul of the situation to be made, and for the introduction of comprehensive legislation to govern the operations of insurance companies. I have only had time to deal with one small aspect of this matter. I would suggest to the Government that it ought to have a look at this situation, because it seems to me that the insurance companies adopt the attitude that they are entitled to write their own ticket, to make their own rules, and to pay what they decide; it is left to the unfortunate individal, if he feels so disposed, and if he has the finance behind him, to take action to get a better deal. More often than not the individual declines to do that, so he has to accept something less than that to which he is entitled.

My attention was drawn to this matter —the subject of this Bill—a few months ago when I had a visit from a constituent who complained that he had been involved in an accident, in respect of which he was in no way to blame. The person driving a motorcar at his rear ran into his vehicle, with no contributory negligence of any kind at all on the part of this insured person who came to see me. The insurance company accepted that fact. It so happened that this person had been driving a car which was of fairly old vintage, but he was a very careful man and he had kept his vehicle in first class condition. Despite the car being an old model, it was in very good, serviceable condition.

He got in touch with the insurance company after the accident, and it was arranged that he should obtain a quote for the amount of damage that was done to the car. He did that, but the insurance company declined to pay the amount of the damage, and it relied on a clause in the contract which was in small print. This said that the company had the right to pay the market value, and not the sum assured.

Its assessor came to the conclusion that the market value of this old model car was substantially below the sum assured, and further that the market value was below the amount that was required to repair it so that it would be in good running order.

The person concerned complained to me that this was most unfair, because he said the company from year to year had decided on the amount for which the vehicle could be insured. Each year successively it had reduced this amount, but because it was an old car he paid an increased rate of premium so the company was actually making provision for an anticipated event.

The company was getting it both ways. It was getting a premium on an amount which it did not intend to pay out; and it got a higher premium on that amount, because the car concerned was an old model. Because it was an old model, the

company knew when it came to value the car the assessed market value would be less than it would be had it not been such an old car.

I went to see the manager of the insurance company and told him I thought this was a pretty poor show. I said that in my opinion this person was entitled to collect the sum for which he had paid the premium. I posed this question: Suppose this car had been destroyed by fire, how would it then be possible to assess the market value? The answer I got to that question was that the company would have referred to a book of tables which would give the market value. That did not satisfy me in the slightest, so I began to make inquiries to ascertain whether all insurance companies followed the same practice. Fortunately they did not.

I was able to get a copy of the policy of insurance issued by the Royal Automobile Club. The particular aspect to which I am referring is dealt with in the following part of the policy:—

> WHEREAS the Insured designated in the Schedule set out above has made to R.A.C. Insurance Pty. Ltd. (hereinafter called the "Company") a written Proposal and Declaration dated as set out in the said Schedule, which it is hereby agreed shall, together with all statements made in writing by the Insured or anyone acting on behalf of the Insured for the purposes of this Policy, be the basis of this Contract.

It goes on to state—

> The COMPANY AGREES—that the Company will, as regards any vehicle described in the said schedule whilst being used for the purposes stated in the said Schedule, and subject to the Terms Exclusions and Conditions contained herein or endorsed hereon, indemnify the insured against accidental Loss, Damage, or Liability, as hereafter mentioned, actually occurring during the period above set forth or during any period for which the Company may accept payment for the renewal of this Policy, that is to say—
>
> The Company will indemnify the insured against loss of or damage to any motor vehicle described in the said Schedule and its accessories, tools and spare parts whilst thereon occurring in the Commonwealth of Australia.
>
> PROVIDED THAT—
>
> (a) The Company may, at its option, repair reinstate or replace such motor vehicle or its accessories, tools or spare parts in a reasonably sufficient manner, or may pay in cash the amount of the loss or damage.
>
> (b) The Insured shall be allowed to have any reasonable repairs, not exceeding $40, undertaken without prior notice to the Company, subject to the Company being supplied forthwith with a detailed estimate in such form as may be required, but otherwise the Insured shall not incur any expense in making good any damage without the authority in writing of the Company.
>
> EXCEPTIONS—The Company shall not be liable to pay for—
>
> (a) Loss or damage exceeding the Sum Insured stated in the said Schedule . . .

Nobody would argue about that; it is reasonable. A man pays a premium for a certain sum and he does not expect to be paid a sum in excess of the sum insured. So that exception can be accepted. Continuing—

> . . . or in any current renewal certificate. For the purposes of this Policy the market value of such motor vehicle shall not be deemed to be less than the said Sum Insured.

I want to know why every company cannot be held to a similar provision. The market value shall not be deemed to be less than the said sum insured, but a number of insurance companies state the sum insured, accept a premium, which is related to that sum, and reserve the right at their own discretion to pay some lesser sum because they say the market value of the car is less than the sum insured.

The purpose of this Bill is to make it obligatory upon every insurer of a motor vehicle to pay up to the amount for which the insurer has been prepared to accept the premium—to make it obligatory for him to pay up to the sum insured and not allow him to substitute his idea of what the market value of the car is which, in nearly every case, is substantially less than the sum upon which the insured person has been paying his premium.

Mr. Lewis: Would not that saving be reflected in the level of premiums that would subsequently be levied?

Mr. TONKIN: What satisfaction would it be to me to know that because I have received $50 less in regard to my car than the sum for which I was paying the premium, the Minister was paying 20c less premium?

Mr. Lewis: It would be satisfactory to you if you paid a lesser premium than I was paying.

Mr. TONKIN: What the Minister has in mind apparently does not affect the thinking of the R.A.C., because its premiums to start with are less than the premiums of

the companies that are applying this principle of the market value, being less than the sum insured.

Mr. O'Neil: In this Bill, who has the right to determine the sum insured, the insurance company or the insured?

Mr. TONKIN: The insurance company would do it then, as it does now. One will walk into an insurance company's office and say, "I propose to insure this car for X thousand dollars." The company will say, "That car is not worth that amount of money, so you can only insure it for so and so," and when one tries to continue to insure it each successive year for the amount for which the vehicle was initially insured, the company will not agree to it. It says, and quite rightly, that the car is worth less now than it was a year ago. Therefore, the sum insured ought to be reduced accordingly.

The point I am trying to make is this: Once agreement is reached between the insurance company and the owner of the vehicle as to the amount upon which the premium is to be paid, then the company should not be in the position to subsequently pay something less.

Mr. Lewis: Even though at the time of the loss—

Mr. TONKIN: Even though nothing.

Mr. Lewis: —the vehicle is worth only half as much.

Mr. TONKIN: The person is paying for it.

Mr. Lewis: There is no guarantee of value at that stage.

Mr. TONKIN: Obviously, the Minister has not appreciated the point either.

Mr. Lewis: I have appreciated the point.

Mr. TONKIN: The man who brought this to my notice had been paying premiums on his vehicle for 15 years.

Mr. Lewis: At the same rate?

Mr. TONKIN: No; I have already said that each year the company reduced the sum insured and put up the premium rate because the vehicle was getting older. So the company wants it both ways.

Mr. O'Neil: It is my understanding that on a renewal notice, the sum insured is recommended by the insurance company, but not determined by it.

Mr. TONKIN: This Bill will cause insurance companies to determine the sum insured in precisely the same way as is done by the R.A.C. and, I believe, a few other companies; that is, they agree upon the sum insured; they insure a vehicle for that amount; they collect a premium for that sum; and, if the vehicle is destroyed or involved in an accident, they will pay up to the sum insured. But a lot of companies collect the premiums on a sum much larger than they ever intend to pay out, because they know they can rely upon this provision in the policy that they can pay the market value; and they can decide the market value according to some book of tables which they work on. Different companies have different tables.

What makes the situation worse is that this particular provision is nearly always found in what is called the "small print" that scarcely anybody reads. It is not intended to be read, it is so small. So the Bill also makes provision that these exclusions and exceptions, and the relative parts of the contract, shall be printed in print which is known as "10 point." I have a few examples which I will distribute to members so they can see what 10-point print is like. It will be seen that this print is not overlarge; and it is not unreasonable to expect something to be printed in print of this size. It is an endeavour to go as far as we can to provide that the person who is insuring his vehicle is familiar with the provisions of the contract. He will be encouraged to read the contract, because it will be in print large enough to be read without difficulty.

Mr. Bertram: The same as is required under the Hire-Purchase Act.

Mr. TONKIN: Yes, the 10-point print for which I am providing in this Bill is precisely the same as that provided for in the Statute governing the law on hire purchase. I am including it for the same reason. I am going as far as possible to ensure that the people who go along to an insurance company in good faith will be able to read the various conditions.

You, Mr. Acting Speaker (Mr. Toms), will know that the members of the public are very trusting and gullible in matters of this kind. They go to an insurance company expecting to be dealt with fairly and honestly and to have nothing put over them. But my recent experience indicates to me the thing is full of rackets—but more of that anon.

What I want to do here, is to make it obligatory upon the insurance companies to do what the R.A.C. is prepared to do now without compulsion, but as a matter of fair dealing; that is, pay up to the amount for which they are prepared to accept the premium. Why should insurance companies be allowed to say, "This is the sum insured; you will pay this premium to entitle you to receive this sum insured," but when an accident occurs they want to pay something substantially less than the sum insured? What justification is there for that? It would be far better to start off and say, "For your car the reasonable sum insured is $1,000, but we are only prepared to pay you two-thirds of that sum if you have an accident. So we will insure you for $660 and you pay the premium on $660."

The insurance companies will not do that. They charge a premium on $1,000 but pay the person $660 if his car is

involved in an accident. I think this has gone on long enough. If this Bill is passed, insurance companies will not be permitted to do it. Every owner of a motor vehicle will, if this Bill is agreed to, be able to go along to an insurance company in the knowledge that he will receive up to the sum insured, according to the amount of damage done to his vehicle if he pays the appropriate premium; and he will not be subject to the imposition of this market value clause which is in the fine print.

There is another aspect of this matter which, to some extent, concerns the Premier. I would assume that in contracts on insurance, stamp duty will be paid according to the sum insured; and the person who is insuring his vehicle is the one who pays the stamp duty. If, when his motor vehicle is involved in an accident he gets paid the market value, which is substantially less than the sum insured, he has been overcharged stamp duty in every case. That should be an offence. It should be an offence for any person to overcharge another stamp duty; and that would be the effect of the operation of this special provision—insuring for one sum and paying out something substantially less.

If the Bill is passed, we will overcome that difficulty, too, because the right stamp duty will be paid according to the sum insured. Surely that is fair and reasonable!

I notice that this matter of motor vehicle insurance has, from time to time, been referred to the *Daily News* Ombudsman. It has also been a matter of concern to the Law Reform Committee; and, according to this article which appeared in the *Daily News* of the 20th November, 1968, the Law Reform Committee was anxious to learn the views of the Ombudsman regarding his experience in connection with motor vehicle insurance. So I propose to read this article, as it strengthens the case which I am presenting to the House.

The article is headed, "Law Reform Commitee Seeks Ombudsman's Aid," and reads as follows:—

> The *Daily News* Ombudsman has been asked to assist the W.A. Law Reform Committee in an investigation of the law on car insurance contracts.
>
> In a letter to the Ombudsman the committee asks: "Can you let us have details of any cases in which it appears that an insurance company has not exercised good faith and other cases which in your view call for some changes?"
>
> The request is a recognition of the work done by the Ombudsman in this field in the three-and-a-half years since the Ombudsman service began in April, 1965.
>
> Justice Minister Griffith has asked the Law Reform Committee to consider as a project the law relating to contracts of motor insurance, allegations having been made that insured people in some instances suffer injustice and hardship.
>
> The Ombudsman has continually stressed the need for legislation to protect the public against some insurance practices which he believes react unfairly against the policy-holder.
>
> On the 7th March last, in an article published on the front page of the *Daily News*, he listed a number of these complaints and again suggested that legislation should be framed to regulate the business.
>
> This article and its recommendations were strongly supported by the Boulder Town Council in a motion which referred the whole question to the conference of Goldfields local governing bodies.
>
> This conference in April moved that the State Government should be urged to amend insurance laws to provide a contract of the utmost degree of good faith on both sides.
>
> The Law Reform Committee's letter to the Ombudsman refers to the article of the 7th March.
>
> The committee will also be prepared to consider instances of alleged injustice submitted by individuals.
>
> Assistant secretary P. Hunter of the Fire and Accident Underwriters' Association says his association has nothing to fear from such an investigation.
>
> "We feel our policies are clearly understood, have no hidden traps and are fair to all parties," he said .

That is what he thinks; I do not. The hidden traps are in the small print and I do not regard it as fair dealing that an insurance company is prepared, year after year, to accept premiums related to a sum which it knows it will not pay out because it intends to rely upon this particular clause in the contract enabling it to pay the market value. The insurance company would assess what, in its opinion, is the market value of the car at the time of the accident.

Returning to the accident which caused me to give some thought to this matter, because of the "knock-for-knock policy" which insurance companies follow, and despite the fact that this car owner was in no way to blame for the accident, he was to be expected to meet the difference between the sum that the insurance company was prepared to pay him and what it would cost him to get his vehicle repaired, in addition to meeting the cost involved because he would be without a

motor vehicle whilst his was being repaired. He would also lose his no-claim bonus. Well, if that is fair dealing then I have to get a new interpretation of the English language.

Mr. O'Neil: Have you been able to ascertain whether this case you mentioned is the exception or the general rule; that is, this type of policy?

Mr. TONKIN: I cannot say it is the general rule because I know of a number of companies that do not do this. However, from my inquiries there are more companies that do it than companies that do not do it.

I want to bring them all into line and, as some companies are observing this provision already, I do not think it can be considered a hardship. They will have the right to agree upon the sum insured but they will not have the right to ask for an excessive premium or a premium related to a sum larger than they intend to pay out. If this Bill is passed, the provisions of the contract will have to be printed in print large enough to be easily read by the average person.

Mr. W. A. Manning: Is that policy you have mentioned an R.A.C. policy?

Mr. TONKIN: It is an R.A.C. policy and it looks to me as though the printing will have to be enlarged a little. It does not conform quite to the 10 point; not very much below it, but it is below it.

I think I have made it clear, Mr. Acting Speaker (Mr. Toms) that the proposals in this Bill are not unreasonable. They seem to be quite fair and just to me and if the Bill is carried it will provide for uniformity and it will be a guarantee to people who insure their motor vehicles that in the event of an accident they will be compensated up to the sum insured according to the value, or the cost of the repairs involved; or, if a vehicle is a complete write-off, the owner will receive the sum insured. He will not be asked to accept something less if the company regards the market value as being something less, according to the age of the vehicle.

In conclusion, I would like to say that when I told the manager of the particular company what I thought about this, and that I proposed to take some action in the Parliament to rectify it, he agreed to have another look at the matter and as a result the person concerned was paid the full sum insured. Without my intervention he would not have got anything like that sum. I would like to make this a right in future; not to be dependent on the representation of a member of Parliament at all, but that the amount shall be paid statutorily. I do not think that is in any way an unreasonable provision, so I commend the Bill to the House.

Debate adjourned, on motion by Mr. O'Neil (Minister for Labour).

JUDGES' SALARIES AND PENSIONS ACT AMENDMENT BILL

Second Reading

MR. BRAND (Greenough—Premier) [9.9 p.m.]: I move—

That the Bill be now read a second time.

As members will see, this is a brief Bill and simply sets out, first of all, the increases that are proposed in the salaries that are paid to judges, and makes the payment retrospective to the 1st January of this year.

For a number of years, about every second year judges' salaries in Australia have been reviewed, and in view of the fact that the salaries of judges in the Eastern States have been increased the Government considers that the time has again come to reach a decision on the increases and the amounts which should apply to our own judiciary.

It has been the practice for a number of years to take the decisions of the Queensland Government and the South Australian Government as a guideline for the amount of the increase. We have again endeavoured to keep somewhere in line with those two States.

Although it has been suggested that the Chief Justice and the judges in the State of Western Australia carry with them the same responsibility as judges in other States and, therefore, the salaries might well be comparable, I think we have to agree that in States such as New South Wales and Victoria, with the millions of people who live in those States, there is need for a greater number of judges, who have greater responsibilities, and their larger salaries are, at least, justified.

Whether that can be argued or not, the Government has made a decision to continue along the lines which have been somewhat traditional as far as Western Australia is concerned. In the case of Queensland and Western Australia, the pension schemes are non-contributory. In the case of South Australia a deduction of 5 per cent. is made from the salary as a contribution to pension entitlement.

The salaries now being paid to the Chief Justice in Queensland and the Chief Justice in South Australia are $17,300 and $18,430 net respectively, and to the puisne judges, $16,625 net respectively. The gross salary of the Chief Justice in South Australia is $19,400, and of a puisne judge, $17,500. As I have said, 5 per cent. is deducted as a contribution towards pension entitlement.

This Bill proposes to grant an increase to the Chief Justice to bring his salary to $18,000, and increase the salary of the Senior Puisne Judge to $16,500. Incidentally, in this State the position of the Senior Puisne Judge differs somewhat from that in the other States. It is something which has gone with this State for

a long time. The puisne judges will receive $16,000 per annum, and it is considered that this is an equitable provision. I believe these salaries are somewhere in line with those of the other States. The Government undertook to review the judges' salaries during the last year and it was considered that the payment would be made retrospective to the 1st January, 1969.

It is a fact that the Chief Justice will retire in a relatively short time, but more will be said about that later. The Chief Justice has served this State long and well and it is somewhat regrettable that at present he is not enjoying the best of health.

Although my remarks are not quite in line with the contents of the Bill, I might take this opportunity of pointing out to members that the last few weeks have been very unfortunate for our judiciary, two members of it having passed on. We will have a relatively new group of judges.

It seems to me that it behoves any Government to keep the level of salaries at a point where it will attract the right people. At present lawyers are enjoying a degree of prosperity; at least, they are having their fair share of the prosperity at present appertaining to their profession, and if we are to attract the right men we must be prepared, as a State, to pay salaries that will attract those people who will do credit to the very high and responsible office of Chief Justice and the office of a judge of our Supreme Court. I commend the Bill to the House.

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

Message: Appropriations

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

TRADE DESCRIPTIONS AND FALSE ADVERTISEMENTS ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

PARLIAMENTARY COMMISSIONER (OMBUDSMAN)

Appointment: Motion

Debate resumed, from the 11th September, on the following motion by Mr. Tonkin (Leader of the Opposition):—

> That the effectiveness and undoubted success of Parliamentary Commissioners (Ombudsmen) having been clearly established in all countries where they have been appointed, it is recommended to the Government that steps be taken, as early as possible, to establish the office in this State so that our citizens may not continue to be denied the benefits which the existence of an ombudsman confers.

MR. TONKIN (Melville—Leader of the Opposition) [9.18 p.m.]: It does not appear that anyone else is anxious to enter into this debate, so I propose to close it. It is some months since the matter was under discussion and therefore it is unlikely members will remember very much of the arguments for and against that were advanced when previously we were dealing with this matter.

However, I have recorded some of those arguments and I propose to refresh the minds of members so they will have a proper appreciation of the case. Members will probably recall that the chief opponent of the appointment of an ombudsman was the Minister for Industrial Development. He has, on behalf of the Government, consistently opposed any attempt from this side of the House to have an ombudsman appointed. Strangely enough, the main argument used by the Minister for Industrial Development was that we would be setting up an organisation with a power above Parliament. How that Minister can make an utterance of that kind is beyond me, when it is known that consistently he brings Bills here which take away from Parliament the power which it previously possessed over the Executive.

Members will know that in the various agreements contained in the schedules of the Bills which are brought here, one of the provisions is that the section of the Interpretation Act which gives Parliament control over rules and regulations made under any Act shall not apply to rules and regulations made under the agreements contained in the schedules to such Bills. So the Minister deliberately takes from Parliament the power which under the Constitution it would have, and yet, when he is opposing the appointment of an ombudsman, one of his reasons is that we would be setting up an organisation with power above Parliament.

Under the Bills introduced by the Minister he sets up an arbitrator who is above Parliament, because if there is disagreement in regard to those rules between the Government and the company that is party to the agreement, the matter is referred to an arbitrator whose decision has to be accepted by the Government, and Parliament can do nothing about it. So I do not think there is much in that argument.

In contradistinction to the argument used by the Minister for Industrial Development, the member for Floreat—who, I might say, made a very thoughtful contribution to the debate—said that he thought an ombudsman would not have enough power. So on the one hand the

Minister for Industrial Development believes we would be setting up an organisation with a power above Parliament, and on the other hand, one of his supporters—the member for Floreat—uses as an argument against the appointment of an ombudsman that he would not have enough power. Which is the correct point of view? I do not accept either.

I deny that an ombudsman would be above Parliament, because all he could do would be to refer matters to Parliament, and Parliament would then decide what it would do; and, if it decided to do nothing, the ombudsman could do nothing. If the member for Floreat thinks an ombudsman would not have enough power, obviously he wants an ombudsman to have power above Parliament, which would be the very reason why the Minister for Industrial Development would not agree to the appointment of one.

Fortunately we can direct our attention to countries where ombudsmen are operating. I have come into possession of a paper sent out by the House of Commons to the Parliament of Western Australia in March of last year. This paper deals with a number of matters, but there is a reference to the ombudsman and I propose to read a little of it. I quote the following from page 4:—

> Last year I kept you informed about our progress in this field. Now I can report that we have already had one debate in the House, and quite a contentious one at that, on one matter upon which the Parliamentary Commissioner, to use his proper title, reported before Christmas. This, his Third Report of Session 1967-68, dealt with H.M. Government's responsibility for compensation to British prisoners-of-war in the Nazi camp of Sachsenhausen. The details of the inquiry need not concern us: suffice to say that the Parliamentary Commissioner concluded—
>
> > "I am obliged to report that there have been defects in the administrative procedure by which the decisions on these claims were reached in the first place, and defended when subsequently challenged."

That is a serious indictment and it sparked off quite a war in the Commons. I have not the time to read all that transpired during that debate, but I think it is sufficient to illustrate the tenor of the debate by quoting the following from page 5:—

> One senior Member of the House, an ex-Cabinet Minister who had had responsibility in this field, said—
>
> > "I was chairman of the Cabinet Committee on the Parliamentary Commissioner, and I drafted the White Paper. It was made clear throughout our deliberations on the institution of the Parliamentary Commissioner that we would put him in a position comparable with that of the Comptroller and Auditor General and we would create a Select Committee to which his reports should go.
> >
> > . . . I am sure it is a mistake for a debate to take place on the Floor of the House before the Select Committee has examined the report of the Parliamentary Commissioner. We are prejudging the issue, but I sincerely hope that the Select Committee —I see the chairman in his place on the benches opposite—will not regard this debate as in any way prejudicing its right to pursue its investigations into this matter to its own satisfaction and to report back to the House. That is the proper procedure and I hope that it will be followed".
>
> He criticised the Foreign Secretary for his remarks and said "When the Foreign Secretary says that he thinks his judgment is as good as that of the Parliamentary Commissioner, he is mistaking the function of the Parliamentary Commissioner. It is expressly clear that the Parliamentary Commissioner may not substitute his discretion for that resting with a Minister and he may not substitute his judgment for that properly exercisable by a Minister, unless in either case the discretion or the judgment rested upon an element of maladministration".

I also have a copy of an address issued by Major-General Sir Harold Barrowclough at a meeting which he attended in 1963. He was dealing with the ombudsman in New Zealand, and there is one reference here I should like to quote. After traversing the work of the Ombudsman, he says—

> I do not think there can be any doubt that the community benefits as a whole from the services of the Ombudsman.

And on page 9 he is reported as saying—

> In my opinion in evaluating the work of the Ombudsman one should never for one moment forget that his mere existence is likely to result in greater and more sympathetic consideration being given by the government agencies to the interest of the private citizen whose rights must so often give way and are sometimes unnecessarily made to give way to what is always claimed to be in the interest of the public as a whole. The Ombudsman is to be judged not solely by what he does but also by what he is.

Fortunately, there has come into my possession, from New Zealand, the latest report of the Ombudsman, dated the 31st March, 1968. I would recommend that members should read this, because it is most informative. I propose to read the section which shows to what extent ombudsmen have already been appointed, and those whose appointments are under consideration at the present time. I think I am right in saying that the Council in the Northern Territory made a decision to appoint an ombudsman, but the Minister in the Commonwealth Parliament vetoed the decision and would not allow him to be appointed. That was fairly recent.

I quote from page 10 of the report to Parliament of the New Zealand Ombudsman. It states—

> It is useful to record the growing interest overseas in the general concept of a citizen's complaints authority and in the setting up of institutions such as the Ombudsman.
>
> The creation of an Ombudsman has now been proposed, studied, recommended, and brought before so many legislatures that it is difficult to know how the roll-call of the Ombudsmen of the world stands at any particular time. However, as at 31 March 1968, I believe that the necessary legislation had actually been passed and an appropriate officer appointed (in this order) in Sweden, Finland, Denmark, New Zealand, Norway, Guyana, United Kingdom, and in Alberta and New Brunswick in Canada. An Act had been passed, but not brought into operation in Hawaii and in Mauritius. An Ordinance had been passed by the Legislative Council of the Australian Northern Territory, but disallowed by the Commonwealth Governor-General on the advice of the Minister for Territories. Many Bills were in various stages of progress through Canadian Provincial and United States State legislatures, and through urban governing bodies in these places. Proposals were under consideration at the federal level in Canada and the United States and at both federal and State levels in India, and in several European countries including Holland and Switzerland.
>
> There have been some equivalent institutions set up. In 1965, Tanzania included in its newly enacted Constitution a provision (Chapter VI) for a Permanent Commission of Inquiry, consisting of three members appointed by the President for two-year renewable terms. An Act of 1966 governs the procedure and further defines the powers of the Commission, and many of its provisions resemble those in the New Zealand Ombudsman's Act. The chairman of this Commission visited New Zealand in 1966. Somewhat more individualised is the procedure by which the Vice-President of Yugoslavia, helped by a Complaints Bureau, has tended in practice to perform the functions of an Ombudsman. Of a different nature is the Administrative Inspection Bureau attached to the Administrative Management Agency of the Japanese Prime Minister's Department. This has developed a complaints procedure depending largely on the work of local honorary counsellors, through whom a dense population's grievances against government can be sorted out before those requiring administrative investigation are processed by agency officers; the spirit of the operation is Ombudsmanlike, and the agency has a good deal of autonomy. The Procuracy in the U.S.S.R., and other communist countries, provides some substantial check on the administrations, and had recently been developing in a way giving better protection to individuals than is provided by ordinary judicial action there. The European Commission of Human Rights, and grievance officers connected with the armed forces of various nations, outstanding among which is the Inspector-General of the United States Army, are clearly examples of "citizen protection". These cases illustrate the widely felt need for something different from judicial remedies on the one hand, and the various forms of political representation, protest, or influence on the other.

The Government of Malaysia invited me to go to Malaysia and advise them on the desirability and practicability of setting up an Ombudsman system in that country. I spent nearly four weeks there in February/March, and have now completed and delivered my report to the Malaysian Government, which will, of course, determine if and when it is to be made public. After leaving Malaysia I went to Montreal, where I had been invited to attend a conference of the World Assembly for Human Rights, a gathering of experts from over 40 countries, to consider serious human rights problems in a non-political atmosphere removed from the United Nations.

This Assembly paid particular attention to a citizen's complaints, and the following is a passage from its final report:

> "In every country of the world, no matter how developed or underdeveloped it might be economically and irrespective of the character of its political system or social organisation,

> some specialized institution needs to be established by law, in addition to the courts, to which a citizen who considers himself deprived of his rights may turn seeking redress and may either have it established that he was mistaken or obtain effective remedies. Such a specialised institution may take a number of different forms, according to the country's political or social system. It may be of the type of the ombudsman or the procurator-general, or an administrative tribunal such as the Conseil d'Etat, or it may be a national human rights committee or commission. It may combine within its competence a number of different functions. The essential and distinguishing feature would be, however, its legal competence to receive an individual's complaint, to investigate it with unimpeded access to official files, and to provide or secure effective redress when his rights are infringed or ignored.
>
> " . . . At the same time no national machinery established for the safeguarding of human rights can be expected to operate satisfactorily for long unless it is supported by an informed and effective indigenous public opinion. The machinery and its functions must have the understanding and support of those who accept the basic principles on which the State is founded."

Anybody who wants a stronger recommendation than that is very hard to convince. What strikes me is the reference to the fact that the ombudsman in making his inquiries can have unimpeded access to official files.

Those members—and there are many—who argue there is no need for an ombudsman because members of Parliament can do the job overlook the fact that no member of Parliament has unimpeded access to official files which hold the story; but an ombudsman would have. Members will note that from time to time I have moved in the House for the tabling of papers, so that the information on the files would be available to me; but the Government has used its majority to defeat such motions. The Government could not use its majority to prevent an ombudsman from looking at a file, and that is the difference.

Mr. Bovell: You did not always table files when you were a Minister.

Mr. TONKIN: The essential difference is as I have pointed out. Those who argue there is no need for an ombudsman because members of Parliament can do the job completely overlook the most important fact that the story is in the files; and unless one can get access to the files one cannot get the complete story.

An ombudsman is no threat to a Minister who is doing his job properly. He does not propose to take away from members of Parliament a job which is rightfully theirs, nor does experience show that members of Parliament have shed their responsibilities and have referred cases to the ombudsman rather than handle the cases themselves. I do not accept that for a moment, but what I do accept is that an ombudsman being an officer of Parliament, like the Auditor-General, would be in the position—if he could not get redress where he felt redress was necessary—to report a matter to Parliament. Experience has shown that has not had to be done very often, and that in most cases when the ombudsmen brought matters of complaints before departmental heads or Ministers, the complaints were rectified. However, there must be hundreds of cases which members of Parliament have failed to get rectified, the main reason being that they have not been in possession of the full story, and have not had any way of getting full possession of it, because they did not have unimpeded access to the official files.

Some members are of opinion that the powers given to an ombudsman oust the jurisdiction of the courts of justice. I have looked for evidence to substantiate that belief, but I cannot find any.

Mr. Brand: According to the report you have read, is there a trend in Canada to establish this office at the State level?

Mr. TONKIN: The report does not say that these offices have been established at the State level. It says that the matter is still under consideration in Canada. This part of the report is relevant to the Premier's interjection—

> Many Bills were in various stages of progress through Canadian Provincial and United States State legislatures, and through urban governing bodies in these places. Proposals were under consideration at the federal level in Canada and the United States and at both federal and State levels in India, and in several European countries including Holland and Switzerland.

Mr. Brand: This is the report of the New Zealand Ombudsman?

Mr. TONKIN: This is the official report to Parliament by the New Zealand Ombudsman dated the 31st March, 1968. It was presented to the House of Representatives pursuant to section 25 of the Parliamentary Commissioner (Ombudsman) Act, 1962. I venture to suggest that the Premier should read the various cases mentioned.

Mr. Brand: Are there many of them?

Mr. TONKIN: Quite a number. Apparently the number is not related to each year, because the last one mentioned is case No. 3619. I assume that would not be for any one year. I might be able to find the cases dealt with each year.

On page 11 of that report the following appears:—

> On the way from Malaysia to Montreal I spent a most instructive period with the British Ombudsman. I studied his office procedures, met his parliamentary committee, and discussed his work with some leading politicians, lawyers, and departmental heads. The Ombudsman in Britain commenced his duties only on 1 April 1967, and he has had a number of difficulties to contend with, but by the end of 1967 he reported the receipt of 1,069 complaints (all of which have to come through a member of Parliament),—

In Britain a complaint made to the Ombudsman must be made through a member of Parliament.

Mr. Brand: Do you think that is a good suggestion?

Mr. TONKIN: I do not think it is a good suggestion. I cannot see the necessity for this. From what I have learnt from speaking to people coming from Britain, the British Government is coming around to the view that the legislation should be altered to permit direct access to the Ombudsman. This goes on to say—

> —and of these he had at that date rejected 561 as being outside his jurisdiction, and had fully investigated 188, while discontinuing 100 after partial investigation. Of the 188 fully investigated cases he found elements of maladministration in 19, this being 10 percent. My figures this year were 57 cases out of 268 fully investigated, a percentage of 21. The British Ombudsman, however, is limited to maladministration, while the prescription in the New Zealand Act is wider. The British Ombudsman has a staff of about 50.
>
> My visit to Malaysia and Montreal were at no cost to the New Zealand Government.
>
> Two American post-graduate research students spent a considerable period of time in my office studying its operation and general functions, with the object of completing their Ph.D. theses on the "New Zealand Ombudsman". They operated under strict rules I had drawn up requiring them, amongst other things, to submit for my prior approval anything they might wish to publish derived from information gained in my office. It is considered that the results of the research, when published, will be of value to members of Parliament, administrators, and other persons who are seriously interested in the problems of administrative justice.

Now I have a wealth of information here. I do not want to weary members with it, but it is all supporting the proposal which is that it is necessary, particularly in these days of increased power in the hands of the Executive, that there should be someone outside the courts—because it is an expensive business to invoke the law courts—where an aggrieved person, or a person who genuinely thinks he is aggrieved, may lodge his complaint in the knowledge that it will be fairly and thoroughly investigated; and, if found to be proved, then his grievance will be remedied.

I think that is a tremendous benefit and comfort to the people, and, as has so often been said, the very existence of the ombudsman makes for more careful and better administration, just as we find more careful drivers along the highway when they can see in their rear vision mirror a traffic policeman trailing along behind. There are no speedsters then. In much the same way the very presence of the ombudsman is a steadying influence and brings about much more careful and just administration than would otherwise be the case.

There are very few cases on record, where it has been necessary for action to be taken, where the complaints have not been remedied without reference to Parliament; but there was one in Great Britain regarding which reference was made to Parliament because remedial action had not been taken.

The Minister for Industrial Development also used the argument that if we appointed an ombudsman it would result in taking away from public servants their initiative. If members believe that, they are entitled to, but I cannot see how the appointment of an ombudsman, any more than the appointment of a judge, would take away the initiative of a public servant if that public servant was doing his job properly. If he is doing it properly what has he to worry about?

I suppose the Minister for Industrial Development means that if the public servant is aware of the fact that what he is doing might be subject to scrutiny, he will not take the risk of doing it and thereby lose his initiative. That might not be altogether a bad thing, either, because the initiative might be displayed in the wrong direction. But I think it is very well established that there is not one instance on record where any country which has appointed an ombudsman for any period of time at all has subsequently discontinued the office, despite changes in Government. If ombudsmen had any of the weaknesses or difficulties suggested, or if they were destroying the initiative of public servants, surely upon a change of Government one could expect the abolition of the office.

Mr. Brand: It is true that in spite of what you have read, which is a revealing story, Governments are very slow to make these appointments, especially in view of what is claimed for the ombudsman.

Mr. TONKIN: This is probably one of the slowest!

Mr. Brand: It may be. On the other hand there is no other ombudsman in Australia.

Mr. TONKIN: There would have been if the Minister for Territories had not stopped the appointment.

Mr. Brand: That is not a State in its own right.

Mr. TONKIN: The body which was entitled to make a decision made it, according to this.

Mr. Brand: It has not a Government of its own, in any case. It is not autonomous and naturally it would go for something like that.

Mr. TONKIN: The members of the body to which I have referred are there to make certain decisions, which are subject to the approval of the Minister.

Mr. Brand: Every local authority is in that position.

Mr. TONKIN: The ordinance had been passed by the Legislative Council of the Australian Northern Territory, but disallowed by the Commonwealth Governor-General on the advice of the Minister for Territories. So, if the Minister for Territories had not stepped in at the time, there would have been an ombudsman on the mainland of Australia; and, of course, it is pretty obvious I think that eventually there will be more—

Mr. Brand: There could be.

Mr. TONKIN: —because where they have been appointed they are demonstrating that they fill a need; and what impresses me is this: In New Zealand it was a Labor Minister who first gave consideration to the idea after he had attended a seminar in, I think, Kandy. He returned to New Zealand and was having the papers prepared for the introduction of the legislation, but the Government was defeated and the incoming Government, of a different colour, appointed the Ombudsman. At succeeding elections since 1963, each party has gone before the electors not with a proposal to abolish the office, but with proposals to extend the jurisdiction of the Ombudsman and to increase his power.

If members want more argument than I have been able to advance, they are hard to satisfy. It seems to me that all the argument is on the side of the appointment; and I would be surprised if members of the Country Party are not prepared to support the idea because I have read from time to time that their conferences have been in favour of it.

Quite recently I attended a conference in Bunbury at which the south-west regional council carried a resolution urging the appointment of an ombudsman.

Sooner or later, of course, one will be appointed; but why delay it? It does not cost all that much, and in my opinion it would be money well spent because it would give value to the people who now find it next door to impossible in many cases to have their grievances redressed.

I am sure that if members individually read this report and the various cases which were remedied, even though they might have been strongly opposed to the idea before, they would come around to a belief in the efficacy of this office. All of these cases are interesting and some of them are serious from the point of view of the persons concerned.

I have a little time, so I will select just one of these cases which is a fairly short one and quote it by way of example. I have just picked it at random from page 63. It is case No. 3379, under the heading, "Rehabilitation Board." I do not know whether this is a good illustration or a bad one, but I am prepared to take the risk. It reads—

> The complainant, a regular soldier, had served overseas in Malaya for a period of 227 days in 1958.
>
> Some two years after his return to New Zealand he made application for rehabilitation concessions but was informed that he was ineligible on service grounds.
>
> He made further representations to the Rehabilitation Board in 1961, and again in 1966, but was then advised that he did not meet the minimum service requirements for eligibility under the Emergency Forces Regulations, nor did he qualify for consideration as a special case.

The SPEAKER: Order! The Leader of the Opposition has five more minutes.

Mr. TONKIN: To continue—

> He subsequently instructed his solicitors to complain to my Office.
>
> I ascertained that the policy of the Rehabilitation Board was, that before eligibility would be conceded, an applicant had to:
>
> (a) Have been in action in a specfied area, or
>
> (b) Have had a minimum of 12 months' overseas service in that area, or
>
> (c) Have been returned to New Zealand, before attaining the necessary qualifying service, on the grounds of injury or illness, or for any other reason acceptable to the Board.
>
> The Board had considered the complainant's eligibility under (a) above, and decided that he did not qualify

because the Board required an applicant "to have been in engagement with the enemy", and the information supplied to the Board by the complainant stated that while in Malaya he was on patrols for 76 days but at no stage did he actively participate in a physical skirmish with terrorists.

I then decided to obtain full service details from the Ministry of Defence, and these confirmed that the complainant had been on active service with a company of the New Zealand Battalion. The company did take part in active patrols in an operation during which five contacts were made with the enemy, and one of its members was killed.

This led me to the preliminary conclusion that the complainant should be considered as being eligible for rehabilitation assistance on the grounds of having been "in action", and I informed the Board accordingly.

The Rehabilitation Board then decided to modify its view as to what constituted "being in action" and agreed to accept my complainant as being eligible, on service grounds, for rehabilitation and housing concessions.

I informed the complainant's solicitors accordingly.

There is a case where a man, over a period of years, failed himself to substantiate his claim; but the Ombudsman was able to do it. That could be multiplied many times. Are we justified in denying our citizens the benefit of such an office? I hope that the motion which I have already moved will be carried.

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

Ayes—20	
Mr. Bateman	Mr. Harman
Mr. Bertram	Mr. Jones
Mr. Brady	Mr. Lapham
Mr. Burke	Mr. May
Mr. H. D. Evans	Mr. Norton
Mr. T. D. Evans	Mr. Sewell
Mr. Fletcher	Mr. Taylor
Mr. Graham	Mr. Toms
Mr. Grayden	Mr. Tonkin
Mr. Hall	Mr. Davies
	(Teller)

Noes—22	
Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Mr. McPharlin
Mr. Burt	Mr. Mensaros
Mr. Cash	Mr. Nalder
Mr. Craig	Mr. O'Neil
Mr. Dunn	Mr. Ridge
Mr. Gayfer	Mr. Runciman
Dr. Henn	Mr. Stewart
Mr. Hutchinson	Mr. Williams
Mr. Kitney	Mr. Young
Mr. Lewis	Mr. I. W. Manning
	(Teller)

Pairs	
Ayes	Noes
Mr. Bickerton	Mr. Mitchell
Mr. McIver	Mr. Court
Mr. Jamieson	Mr. O'Connor
Mr. Moir	Mr. Rushton

Question thus negatived.

Motion defeated.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Lewis (Minister for Education), read a first time.

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. BRAND (Greenough—Premier) [10.4 p.m.] I move—

That the House at its rising adjourn until 2.15 p.m. tomorrow (Wednesday).

Question put and passed.

House adjourned at 10.5 p.m.

Legislative Council

Wednesday, the 23rd April, 1969

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

BILLS (4): INTRODUCTION AND FIRST READING

1. Local Government Act Amendment Bill, 1969.

   Bill introduced, on motion by The Hon. L. A. Logan (Minister for Local Government), and read a first time.

2. Strata Titles Act Amendment Bill.

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

3. Coal Mine Workers (Pensions) Act Amendment Bill.

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

4. Transfer of Land Act Amendment Bill.

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

QUESTIONS (3): ON NOTICE

WESTERN AUSTRALIAN BALLET COMPANY

Subsidy

1. The Hon. R. F. CLAUGHTON asked the Minister for Mines:

   (1) Is the Minister aware that Ballet Workshop made a north-west tour during 1968 which resulted in a loss to the principals of about $1,000, and that this loss has delayed plans for a further tour?