

If this amendment is accepted, the distinction will be that those vigneronns who do not wish to sell for consumption on the premises will not apply for registration, and those who do so wish will apply for registration.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 13 put and passed.

Clause 14: Section 39 amended—

Mr. T. D. EVANS: Clause 14 refers to section 39 of the principal Act, and contains the concept that Australian wine licenses issued under the current Act, if not already converted, will cease to exist after the 31st December this year, the rationale being to enable such licenses to continue to operate beyond the 31st December but prohibiting the court from granting any further licenses of this type. It was intended that if Parliament agreed that the Australian wine licenses now in existence should continue beyond that date, they should continue subject to restrictions which applied in the case of those licenses pursuant to the old Licensing Act, which was replaced by the present Liquor Act which came into operation on the 1st July, 1971. I now seek to remove all restrictions on the type of goods other than liquor which an Australian wine licensee may sell. Therefore, I move an amendment—

Page 9, lines 26 to 28—Delete the passage “goods of any kind other than Australian wine, aerated waters, cigars, cigarettes and tobacco are” and substitute the words “liquor of any kind other than Australian wine is”.

Mr. R. L. YOUNG: I point out to members that my intended amendment to this clause would have exactly the same effect as the amendment moved by the Attorney-General. Therefore, I intend to support the amendment.

Amendment put and passed.

### *Progress*

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

House adjourned at 9.56 p.m.

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## **Legislative Council**

Wednesday, the 6th September, 1972

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

## **QUESTIONS ON NOTICE**

### *Postponement*

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.35 p.m.]: If possible I should like to take both questions on notice and questions without notice at a later stage of the sitting. The probabilities are that I will be asked a question without notice and I would like further time to enable me to deal with both issues on the one occasion.

The PRESIDENT: Leave granted.

## **RACING RESTRICTION ACT AMENDMENT BILL**

### *Introduction and First Reading*

Bill introduced, on motion by The Hon. R. H. C. Stubbs (Chief Secretary), and read a first time.

## **LOTTERIES (CONTROL) ACT AMENDMENT BILL**

### *Second Reading*

THE HON. R. H. C. STUBBS (South-East—Chief Secretary) [2.38 p.m.]: I move—

That the Bill be now read a second time.

As I said in my opening remarks last year when introducing a similar short Bill, its sole purpose is to amend the Lotteries (Control) Act, 1954-1970 in order that the game of bingo—sometimes called housie-housie or tombola—may be played legally by a *bona fide* organisation.

My reason for saying “played legally” is that I feel we would be fairly naive if we did not think that the game has been, and perhaps is still being, played illegally.

I also think we would be unreasonable if we took the view that everybody who has played the game did so with intent to break the law. The unfortunate thing about it of course is that many people and decent organisations were under the impression that the game was legal.

However, this is not so, as it has been ruled that bingo is a lottery and as such can only be played under permission, and at the present time there is a doubt that the commission has the power to grant such a permit; hence this Bill, the intention of which is to clear up the matter by amending the Act to ensure that permission can be granted.

I feel it is opportune at this stage to say a few words about the popularity of the game of bingo. Over a period I have been approached by a host of organisations such as senior citizens' clubs, migration groups' social clubs, parents and citizens' groups, and the like, to have the playing of bingo authorised.

I feel sure that members are well aware of the problems that beset those who have the task of sustaining the interest of members and at the same time raising money for amenities in organisations such as

those I have mentioned. It is a thankless task, but fortunately it is one that must be and is being faced.

The consensus of opinion amongst many charitable organisations is that a game such as bingo is just the thing to help them out of their problems, because it provides not only an evening's harmless enjoyment in which those taking part perhaps win or lose a small amount, but it also enables an organisation to obtain a modest sum that can be devoted to some worthwhile purpose. Believe me, these organisations are doing a mighty job in aiding worthwhile projects. In this State there are hundreds of them whose chief aim appears to be service to others.

In case any member may be thinking that the legalising of bingo will result in large-scale gambling, allow me to assure him that it will be well controlled and the wins or losses will be on a very small scale.

In the first instance if the game is approved it can only be played with the permission of the Lotteries Commission, and this will only be given subject to certain conditions which would include limiting the number of games and the hours of play for each session, limiting the permits to be made available to each club or organisation, and fixing a maximum amount of 10c as a charge for cards. Of course, not all organisations would charge this maximum amount. Indeed, I visualise a number of them charging a modest 1c or 2c a card.

I now refer to a very important aspect of the Bill. Steps have been taken to exclude any individual or organisation established for the purpose of trading or giving its members pecuniary profit from obtaining permits, and as a result there is no chance of such people turning the game to their own individual ends. I commend the Bill to the House.

The Hon. A. F. Griffith: What about the provision in the other Bill which prevented the game from being played on licensed premises?

The Hon. R. H. C. STUBBS: If the Leader of the Opposition will raise that matter when speaking to the Bill, I will give him an answer.

Debate adjourned, on motion by The Hon. Clive Griffiths.

## LAW REFORM COMMISSION BILL

### *Second Reading*

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.45 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes the establishment of the Law Reform Committee as a statutory body. The provisions of the Bill broadly follow the pattern of corresponding legislation in other Australian jurisdictions and

in England, and are based on the recommendations of the committee, but with one exception—that being the appointment of staff.

The Law Reform Committee was constituted by a decision of Cabinet on the 4th September, 1967. The committee, which is a part-time body, consists of three members—

- a practitioner in private practice;
- a member of the Law School's academic staff; and
- a senior legal officer of the Crown Law Department.

Each member acts as chairman for a period of a year and the committee has a full-time legally qualified research staff of four officers and a secretary-typist.

One of the tasks of the committee was to advise the Government on the nature of the legislation to set up a law reform body on a permanent basis. Its submission in this direction was made in its annual report of last year.

In recommending the provisions of this Bill the committee concluded that the existing procedure, with part-time members, was the most suitable one for Western Australian conditions.

Most other jurisdictions have a judge as chairman, but in the committee's opinion a part-time body would function more satisfactorily if independent of the judiciary, giving the judges, however, together with other groups, full opportunity to comment on its working papers.

The present procedure is that the committee submits to the Attorney-General topics which it considers suitable for study, based either on its own considerations or on suggestions received from the judges, the Law Society, or other interested persons. The topics to be studied by the committee are determined by the Attorney-General, who may include subjects other than those submitted by the committee.

The committee usually issues a working paper on each topic studied, setting out the results of its research and its provisional views. The working paper is then circulated to those who may be considered to have an interest in the subject, both in Western Australia and elsewhere, and comments are invited. The matter is then reviewed by the committee in the light of comments received. Finally, a report with recommendations is submitted to the Attorney-General.

A change of significance under the proposed new procedure is that all reports and recommendations will be presented to Parliament and so receive publicity, whereas under the present procedure the committee is permitted to disseminate information as to the contents of its reports only with the particular consent of the Government.

Law reform projects provide a valuable source of information to other law reform bodies, and exchange of information and knowledge between such bodies is desirable. It is also in the interests of good public relations that those who have commented on the working papers should be given an opportunity to see the product of the inquiry. This departure from the present practice does not preclude the Attorney-General from having the commission express its views in a confidential report on a matter he does not wish to raise publicly.

Clause 15(1) provides that such officers and temporary employees as may be necessary to perform the duties conferred on the commission shall be appointed under and subject to the Public Service Act, 1904.

The need for continuing law reform bodies is today accepted. The usual course is to set up the body by Statute, and this form has been adopted in the United Kingdom, in some States of the United States of America, in some Canadian Provinces, and in New South Wales, Queensland, and the Australian Capital Territory.

In view of the invaluable work done by the committee in law reform, it is most desirable that a permanent body be established.

Debate adjourned, on motion by The Hon. I. G. Medcalf.

#### **ALUMINA REFINERY AGREEMENT ACT AMENDMENT BILL**

##### *Second Reading*

Debate resumed from the 16th August.

**THE HON. A. F. GRIFFITH** (North Metropolitan—Leader of the Opposition) [2.50 p.m.]: My remarks to this Bill will be very brief. The Leader of the House explained the purpose of the Bill and informed us that it was to revise the rail charge formula contained in the original agreement.

It is fair to say that when the original agreement was drawn up difficulty arose in arriving at an arrangement which was suitable to the parties concerned. Therefore, the original formula provided for an alteration and variation of freight rates according to increases or decreases in the costs to the Railways Commission in respect of the maintenance and particularly the operation of the railways.

Although this difficulty was encountered at the time the agreement was signed, we are now told that a formula has been arrived at which is satisfactory to the parties. This formula is set out on page 3 of the Bill.

I must confess that I find these formulae difficult to understand and this particular formula is no different from the rest. How-

ever, I rest satisfied that the Leader of the House will know all about it and understand the hieroglyphics and their values. Mr. President, I am afraid that the Leader of the House is not listening to me. I said that I had difficulty in understanding these formulae.

The Hon. W. F. Willesee: That makes two of us.

The Hon. G. C. MacKinnon: Do not disappoint us.

The Hon. W. F. Willesee: Would you like me to take an hour and a half to reply?

The Hon. A. F. GRIFFITH: I would love to hear the Leader of the House attempt to do that. I would not attempt to take up five minutes of the time of the House in explanation. This reminds me of the story of one of the world's greatest statesmen who was asked to make a speech. He said, "How much time do I have?" When told that time did not matter he said, "If you want me to talk about a subject I know a lot about, I shall take ten minutes. However, I shall need one and a half hours to talk about a subject I know very little or nothing about." I am sure this is not the case with the Leader of the House.

It is unnecessary for me to say anything more. The formula has been worked out to the satisfaction of the parties, particularly of the Railways Department and the company. I am happy to support the Bill.

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the House) [2.54 p.m.]: I very much appreciate the remarks made by the Leader of the Opposition in supporting the Bill. I realise that the formula is expressed as a complex algebraic equation, but the people concerned are satisfied with the arrangement. Therefore, this Bill, which seeks to ratify an increase in rail freights by way of escalation, includes a formula which is satisfactory to the parties concerned. The probabilities are that anybody who tries to elaborate on the formula will get into difficulty. However, the parties concerned accept the formula which is the basis of this piece of legislation. I commend the Bill to the House.

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.

#### **ALUMINA REFINERY (PINJARRA) AGREEMENT ACT AMENDMENT BILL**

##### *Second Reading*

Debate resumed from the 16th August.

**THE HON. A. F. GRIFFITH** (North Metropolitan—Leader of the Opposition) [2.58 p.m.]: I support this Bill for the reasons already expressed in the debate to the previous measure. The formula is amended in this Bill also. I support the second reading.

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the House) [2.59 p.m.]: I thank the Leader of the Opposition for his support and commend the Bill to the House.

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.

### HAIRDRESSERS REGISTRATION ACT AMENDMENT BILL

#### *Second Reading*

Debate resumed from the 23rd August.

**THE HON. G. W. BERRY** (Lower North) [3.00 p.m.]: As the Minister explained when introducing this Bill, it aims to provide for deputies of the chairman and members of the Hairdressers Registration Board. As presently constituted, the board has a chairman and four members. As a result of circumstances which have arisen it is now seen fit to amend the Act to allow for the appointment of deputies. A short time ago the chairman was absent, and recently two members were absent, making it difficult for the board as presently constituted to operate.

Clause 2 amends section 5 of the principal Act. Proposed new subsection (4a) states—

(4a) The Governor shall appoint a person to be deputy of the Chairman of the Board but a person shall not be appointed as deputy of the Chairman of the Board if he has a pecuniary interest in a business of hairdressing.

That is in conformity with the provisions contained in the parent Act. Proposed new subsections (4b) and (4c) state—

(4b) The Governor on the nomination of the respective body or employees on whose nomination pursuant to subsection (4) of this section the member was appointed, shall appoint a person having the requisite qualifications as provided in paragraph (b) of subsection (3) of this section to be deputy of that member.

(4c) The deputy of a member is entitled, in the event of the absence of the member of the Board from a meeting thereof, to attend that meeting and, when so attending, shall be deemed to be a member and, if he is

the deputy of the Chairman of the Board, shall be deemed to be the Chairman of the Board.

Those provisions are also in conformity with the parent Act. However, a point which came to my notice is that within the parent Act and this amendment reference is made to the chairman or his deputy and it is stated that neither shall have a pecuniary interest in the business of hairdressing. Yet clause 2 (d), which repeals and re-enacts section 5 (8) of the parent Act, states—

(8) The Chairman of the Board shall preside at any meeting thereof at which he is present and in his absence therefrom the deputy of the Chairman if present at that meeting shall preside thereat and where both the Chairman and his deputy are absent from a meeting of the Board, the members shall appoint one of such members to act as chairman thereat.

No provision has been made that the member appointed to act as chairman at that meeting shall not have a pecuniary interest in the business of hairdressing. I would like to ascertain why that proviso is spelt out in the case of the chairman or his deputy, but not in the case of a member appointed to act as chairman in the absence of the chairman or his deputy. Obviously such a member must have a pecuniary interest. I think this requires clarification.

Clauses 2(b) and 2(c) include references to a deputy of a member of the board in subsections (5) and (6) of section 5 of the Act, and clause 3 also adds that reference to section 21 of the Act. Clause 2(d) repeals and re-enacts section 5(8). The present section 5(8) states—

At any meetings of the Board the Chairman, or in his absence any member elected by the members present to act as chairman at such meeting, shall preside, and in case of an equality of votes the vote shall be declared in the negative.

Subsection (9) of the same section states—

If at any election of a member to act as chairman there is an equality of votes it shall be decided by lot which of the members obtaining an equal number of votes shall so act.

Of course, subsection (9) is to be repealed completely. However, in the re-enactment of subsection (8) no provision is made for the determination of the method of voting. I would like the Minister to state why that provision has been excluded from the re-enactment.

Clause 2(f) repeals and re-enacts section 5(14), and now provides for deputies of members to be paid for their services. Clause 3 amends section 21 of the principal Act and makes provision for deputies of members.

I suppose it is fortunate that it has not been necessary for the board to seek such an amendment to the Act before this. The Act first came into operation in 1948, and the board has been fortunate indeed that it has been able to operate for so long without a situation arising similar to the one which arose recently and necessitated this amendment. It would appear to me that it is necessary in any legislation which establishes boards to make provision for deputies, and we must bear this in mind in future.

I find nothing in the Bill to which I object, apart from the fact that the reference to voting procedure has not been included.

The Hon. A. F. Griffith: I take it that the point you made about the acting chairman is that the permanent chairman is not able to have a pecuniary interest?

The Hon. G. W. BERRY: That is correct.

The Hon. A. F. Griffith: And an acting chairman may have a pecuniary interest?

The Hon. G. W. BERRY: Yes. The permanent chairman or his deputy may not have a pecuniary interest in the business of hairdressing, but according to the way I read the Bill an acting chairman may have such an interest.

The Hon. A. F. Griffith: That is a result of the redrafting of the subsection?

The Hon. G. W. BERRY: In the parent Act this seems to be complicated. The present subsection in the parent Act states that at any meetings of the board the chairman, or in his absence any member elected by the members present to act as chairman at such meeting, shall preside, and in the case of an equality of votes the vote shall be declared in the negative. That subsection contains provision for a member to act as chairman, and that member would obviously have a pecuniary interest. I query why we should allow members to have a pecuniary interest but preclude the chairman and his deputy.

The Hon. A. F. Griffith: You mean one of the members, when he is acting as chairman?

The Hon. G. W. BERRY: Yes. Both in the original Bill and in the amended Bill such a member, when acting as chairman, can have a pecuniary interest and I wonder why. Also, a provision dealing with the voting procedure has been completely excluded.

The Hon. Clive Griffiths: No endeavour has been made to insert a provision in the Bill to make haircuts compulsory, has there?

The Hon. G. W. BERRY: No. Now that the honourable member has mentioned that, I often think that perhaps haircutting is becoming a lost art particularly when one sees, while carrying out one's duties, the haircuts of various people. The clause to which I am referring seeks

to provide for the appointment of a deputy chairman so that the board can continue to function. I support the Bill.

Debate adjourned, on motion by The Hon. R. T. Leeson.

## PERTH REGIONAL RAILWAY BILL

### *Second Reading*

Debate resumed from the 24th August.

**THE HON. D. J. WORDSWORTH** (South) [3.11 p.m.]: From time to time the usefulness of this Chamber is often questioned, not only in the Press but elsewhere. However, I feel that when a Bill such as this comes before the Legislative Council it becomes fairly obvious that we do have some use and that even the greatest critics, including Miss Lyla Elliott, will admire the way this Chamber has slowly been sifting out the information on an underground railway plan for Perth.

The Hon. G. C. MacKinnon: They would have to admire our persistence, would they not?

The Hon. D. J. WORDSWORTH: The consideration of such a plan has certainly gone on for a long time and we have been supplied with very little information indeed. I might add that, once again, we have just been presented with a double sheet of information and this at a time when the consideration of the Bill is drawing to a close, but I will return to that point in a moment.

I think that perhaps most people would agree that an underground railway should well be considered in a transport plan for Perth. Mr. Dans cited quite a few cases which he found in a railway journal to indicate how other underground railway systems are being expanded. Of course, I do think that perhaps a railway journal may be a little biased towards railways. Mr. Dans pointed out that Victoria had expanded its ticket office or had erected a new office. I felt that that was hardly an argument in favour of constructing an underground railway for Perth, but he also pointed to the examples of other countries that have "taken the bit between their teeth" and "backed a hunch." In this case I cannot help feeling that perhaps the State Government is doing the same.

Mr. Dans also mentioned New York and London as being two cities that are expanding their underground railways, but this does not convince me that we should start the construction of an underground railway in Perth. As those two cities already have an underground railway system I can appreciate that perhaps they have found a need for expansion.

When I was in the United States of America I spent some time in Los Angeles, and I would point out that Mr. Dans did not mention that that city has managed

very well without an underground railway and has no intention of constructing one.

The Hon. L. D. Elliott: They are dying of pollution in the meantime.

The Hon. D. J. WORDSWORTH: I do not think so. They are finding ways and means to overcome the exhaust fumes from motor vehicles by the use of platinum in their exhaust systems; and there are other ways of overcoming the difficulties of pollution caused by motor vehicles.

The Hon. G. C. MacKinnon: They have also found a cheaper substitute for platinum.

The Hon. D. J. WORDSWORTH: That is correct. Perhaps we may be able to sell them some of our Western Australian engines so that they may overcome that pollution problem. Los Angeles has a population of over 14,000,000 people spread over some 50 miles and the people there have successfully used motor cars as their main means of transport, supplemented by buses which are used to transport those who do not wish to drive motor vehicles. The transportation system in that city has been very successful. However, it has been found there is a need to consider the construction of a railway and thought is being given to constructing a fast monorail, not to carry people to the centre of the city, but to the airport. The authorities are considering ways to transport people from the outer suburbs to the airport as rapidly as possible. As I have said consideration is accordingly being given to building a fast monorail on which vehicles will travel at well over 100 miles an hour. I feel that the construction of such a railway system in Los Angeles has a purpose far different from the construction of an underground railway in Perth.

In Los Angeles the authorities are not trying to cause congestion in the city by bringing everyone into a central point. On the contrary, that city is somewhat famous in that the centre of the town has not expanded of late, but anyone visiting Los Angeles can see regional shopping and business centres developing in the suburbs and along the main arterial routes. In fact, the road between downtown Los Angeles and the port—some 15 miles of boulevard—contains office space along its full length. I think this sort of development would be preferable to expanding the city centre.

It is rather interesting to see what has happened to the city centre in Los Angeles. One finds that the main headquarters of the large companies are to be found downtown, but the shopping centres have moved out of the city and only the Negro, Mexican, and Indian people remain to shop in the city centre. One finds that at least 60 per cent. of the people seen in the shops downtown are coloured. This is mainly because they are living within the precincts

of the city centre, particularly in Watts which happens to be nearby.

I think this exemplifies what can happen; that office space can be rented in the suburbs and that one can use one's motorcar, if a freeway system has been developed. I would like to think that this sort of development should be considered for Perth rather than for us to build an electric railway system for the purpose of transporting people to the centre of the city.

Mr. Dans also drew a comparison with Copenhagen where the authorities have banned the motorcar from the city centre. He has frightened me somewhat because I can well imagine the same happening in Perth if we spend \$500,000,000 on the construction of a railway. Last week I had personal experience of what happens when a Government tries to protect its railway system. I was responsible for ordering a shearing shed costing well over \$7,000 for an Esperance property. It was only a 6-ton load of prefabricated materials made from 1½-inch piping welded together with ½-inch and ¾-inch round steel. However, these materials were not allowed to be loaded onto conventional road transport and had to be carted by rail. I can assure you, Mr. President, by the time the load reached Esperance it was just a tangled mess.

The shed was prefabricated in Perth, loaded onto a road transport vehicle and carted to a railway wagon. When the material was loaded from the truck into a railway truck the light material was taken off and placed at the bottom and the heavy material ended up on top. The material was then carted to Kalgoorlie where it was transferred from one railway wagon to another. The heavy material which was on top was placed at the bottom, and the light material then finished on top. When the material reached Esperance it had to be unloaded again and placed in a truck to be taken out to the property. It is frightening to think what happened to the material by the time it reached its destination.

This is the type of thing that occurs when the Government builds a railway, as the Minister for Transport is well aware; it tries to protect the service. No doubt the Minister will recall the occasion when I telephoned him concerning some yachts that were required to be transported to Esperance to take part in a State yachting championship. We all know how delicate a yacht is, and these were the Flying 15s—15-foot sailing boats with keels. There was no hope of carting these yachts by rail. The Minister gave permission for the yachts to be transported by road.

The problem that arose was this: What would happen to the road transport that carted the yachts to Esperance during the

week the championships were held? Obviously the trucks could not return empty, because the cost would be exorbitant.

I therefore requested permission for a load of wool to be back-loaded on the trucks, so that at the end of the week they could return to pick up the yachts. However, road transport permits were granted only for the cartage of the yachts and nothing else. As a consequence, the whole scheme to cart the yachts by road had to be abandoned. We can see how utterly ridiculous this is, and how much it cost the country people. I would not like to see the same thing happening in this city.

The Hon. J. Dolan: Regarding the incident you have just mentioned, how did it cost the country people anything?

The Hon. D. J. WORDSWORTH: It did not cost them anything in money.

The Hon. J. Dolan: You said it cost the country people very much.

The Hon. D. J. WORDSWORTH: It nearly cost them the yachting regatta. As the Minister desires to follow this debate, I will refer to what happened to the timber that was required for the shearing shed I mentioned. The timber was cut at Northcliffe. Trucks which were carting wool to Albany were not permitted to travel the few extra miles to Northcliffe to pick up the timber; so, the timber had to be taken to Perth, from there to Kalgoorlie, and from Kalgoorlie down to Esperance all by rail. I have heard of the reference to two sides of a triangle in getting from one point to another, but in this case it was three sides of a square to get the timber to Esperance. This extra transport cost those concerned a great deal of money. This illustrates what happens when the Government tries to protect a railway system.

The Hon. C. R. Abbey: It illustrates the point very well.

The Hon. D. J. WORDSWORTH: Undoubtedly there have been extensive changes in transport ideas, and Mr. Dolan has said this took place during the term of office of the previous Government. We did see big changes taking place in regard to transport, as a result of the recommendations of the Director-General of Transport (Mr. Knox). Many country people and I are disappointed that his recommendations seem to be no longer acceptable.

Getting down to the more definite aspect—the Perth regional railway—a number of plans have been presented to us, not the least of which is the PERTS report. Whilst most of us do not understand the great detail set out in that report, it does illustrate the amount of work that has been put into a study of the matter and into the preparation of the report. The report mentions many projections, computerised studies of road densities,

employment opportunities, and housing densities. One cannot help being impressed by the depth of that study. However, we suddenly find there is superimposed on the PERTS report a railway plan for Perth.

When members of Parliament were given the opportunity to meet the members of the Metropolitan Region Planning Authority about a fortnight ago, Dr. Carr addressed the gathering. We were amazed to hear that he had not been consulted in any way over this regional railway plan for Perth. This is all the more amazing, because Dr. Carr is the Chief Town Planner.

It appears that the plan relating to the regional railway for Perth had been drawn up for Cabinet perhaps after consultation with a couple of members of the committee. I gather that the Director-General of Transport and the Chairman of the Main Roads Department were consulted on the plan that is before us. However, the M.R.P.A. as a board was not consulted in any way at all.

I was somewhat amazed to hear the reply of Dr. Carr to my question as to how a person living in the northern suburbs was expected to get to work in the city. He made no mention of travel by train; on the contrary, he said people in the northern suburbs would travel to the city along the Kwinana Freeway—presumably after it has been extended to the northern suburbs. He pointed out that they would travel by road.

The supporters of the Labor Party reminded him of the Perth regional railway plan that was before Parliament. We heard one member ask how people were to get to the beaches, without using rail transport. To me this question is reminiscent of the position in England where the people go to beaches such as Brighton by rail. I do not think the people do the same in Australia. They think in terms of a car. This indicates to me how some members get so tied up with a railway system that they can see no alternative to rail transport. The people of Australia, and particularly of Western Australia, have become accustomed to travelling to the beaches in their own cars. I do not doubt that 80 per cent. of the people in this State use their cars for this purpose.

We have seen sufficient examples of the type of planning that has gone into a railway for Perth. I would now like to refer to the latest addition to our collection of plans. Perhaps this is the first one that relates to the railways. The plan goes into the various costs of implementing the Nielsen plans, Nos. 1, 2, and 4; into the busway system recommended by Dr. Nielsen; into the railway sinking proposal which is in the PERTS report; and into the Cabinet proposition for the undergrounding of the railway in the central city area.

I have not had much opportunity to study the latest plan that has been made available to us only during the last hour, but I think the most noticeable feature is the large amount of money that is to be spent on the roads. The minimum amount is \$67,000,000 under the Nielsen plan No. 1; the next lowest cost is in the proposal before us now which envisages the expenditure of \$340,000,000 on roads. The costs in the other plans are much higher, extending up to \$600,000,000 in the case of the Nielsen plan No. 2.

According to this total estimated cost, the Perth railway will involve \$700,000,000 excluding the cost of the interim arrangements for the development of the central railway area. Consequently I assume we must add another \$500,000,000 for the underground circuit. I hope the Minister will correct me if I am wrong, but that is what I read into the information given us. The total cost therefore will be \$1,200,000,000 for the road and railway system.

The Hon. F. R. White: Would you repeat that point because I did not quite get it?

The Hon. D. J. WORDSWORTH: On the double sheet supplied to us is information regarding the plan now proposed. It involves roads costing \$340,000,000 for the first stage plus \$60,000,000 for the second stage together with a public transport system involving \$110,000,000 in the first stage and \$190,000,000 in the second, assuming that about 19 miles of new railway are built in the second stage. We are told that this amount excludes the cost of interim arrangements for the development of the central railway area which we understand will cost \$500,000,000. This amount is obviously not included because the figure given on this sheet for public transport is only \$300,000,000. Consequently, I can only assume that the whole scheme will cost \$700,000,000 plus \$500,000,000. We have now been confronted with figures which indicate that the estimate for the cost of this transport plan has been doubled. Admittedly the latest figure includes a road system which had not been priced before.

All this indicates to us that the proposed amendment should be supported and we should be supplied with a detailed plan before we finally decide upon a railway scheme for Perth.

I was very pleased indeed to see in this morning's paper an article indicating that Victoria will try to slow down the expansion of the city centre of Melbourne. This information was disclosed when the Governor of that State opened Parliament. The article, in part, reads—

The Victorian Government believed that greater effort was needed to check the expansion of Melbourne and to stimulate growth in rural areas.

That State has announced a radical scheme to curb Melbourne's growth and encourage the development of country centres.

I have mentioned before the cost of developing a country town into a sizeable city. If we consider the \$500,000,000 envisaged for a railway system to service just a small city centre like ours we must realise that we could do a vast amount for the major provincial towns in Western Australia if we spent even only half that amount. For this reason I support Mr. Logan's amendment, but I hope the Government will consider decentralisation rather than continue the expansion of the city.

**THE HON. R. F. CLAUGHTON** (North Metropolitan) [3.34 p.m.]: I have been rather astounded by some of the comments made during this debate. They have, in fact, displayed a complete lack of study of the PERTS scheme and what it involves. The cost of the scheme has been indicated in information placed before us this afternoon. The estimated cost is based on the assumption that all plans will be completed by 1989 and are an extract from figures contained in the PERTS report.

The PERTS scheme was accepted by the previous Government which indicated it would go ahead with it. The scheme projected a railway system some time after 1989, but the estimated cost was not included in the PERTS report. In other words, some time after 1989 our public transport system would have included a railway system. The costs shown in PERTS must be adjusted for the inflation of values. The scheme envisaged the tearing up of our suburban railway lines, and this was proposed by the previous Government which indicated that at some stage in the future the railway lines would have to be re-established.

From remarks made by members of the Opposition we can only assume that they do not think this is a good idea. It is a pity they did not say so before the election. It is also a pity that they did not say that they do in fact repudiate their policy on this matter. The somersaulting and acts of contortion carried out by them in the presentation of their argument against this Bill are really remarkable. Those members seem to have very little respect for the original stand they may have taken, and certainly very little regard for the facts as we know them. The plan presented by the Government is an adjustment of the PERTS scheme; it does not go all the way with that scheme.

The Hon. A. F. Griffith: That is a nice word; that is, "adjustment."

The Hon. R. F. CLAUGHTON: I believe the plan before us takes a more realistic view of what should be done in the long-term, best interests of the community.



Members of the Opposition, not only during the discussion on this Bill, but also during discussions on other Bills before the House, have tried to create the impression that their approach to legislation is very responsible and they oppose what we are attempting to do. They imply that we are not acting responsibly. This is a very fine point to try to get across to the public, but it is not a reasonable way to approach legislation in this Chamber. I believe it usurps the position of the Government which was elected by the people to implement its policies because a change was desired. However, the Government is frustrated in its attempts and this is contrary to our long-standing democratic principles.

The Hon. Clive Griffiths: I cannot recall hearing anything about a \$550,000,000 railway system in your party's policy speech.

The Hon. R. F. CLAUGHTON: I am glad that Mr. Clive Griffiths is aware of what I am saying. At least he has a better view of me while I am standing than he has while I am sitting down during which time he sees only the top of my head. However, to get back to the subject matter of the Bill—

The Hon. V. J. Ferry: That would be a good idea.

The Hon. R. F. CLAUGHTON:—I repeat that the Opposition's approach to legislation is not good when it simply tries to score politically.

It is acceptable practice to have an Upper House to review legislation and proposed amendments, but when the Upper House frustrates the Government I believe it is not acting in a responsible manner.

The Hon. V. J. Ferry: Does the honourable member intend to resign?

The Hon. R. F. CLAUGHTON: I would suggest that it is clear to anyone who has studied the PERTS report—and I believe there are members in this Chamber who have studied it closely—that it would be reasonable to conclude that the implementation of the whole of the PERTS scheme would mean that the railway system would have to be replaced in 20 years' time. It could be argued that that is not a reasonable way to tackle the public transport problem in the Perth region, and it would be more reasonable to start the process at an earlier date. In fact, it would be a much cheaper process to adopt.

The Hon. I. G. Medcalf: That is presupposing one has a plan.

The Hon. R. F. CLAUGHTON: The honourable member who has interjected is one of those who would seem to believe that one can commence a plan without the necessary authority to do so. The Government can hardly undertake the necessary studies to determine the cost of the proposed underground system without the authority of

Parliament to do so. The Government has gone as far as it possibly can under the present circumstances.

The Hon. Clive Griffiths: The Government is building a central laundry without any authority.

The Hon. R. F. CLAUGHTON: The PERTS report is the basis of a proposed scheme. The cost involved in the initial work on the railway site has been given. Perhaps Mr. Wordsworth did not read the Minister's speech but the Minister did give the figures relating to the bus station.

The cost of tunnelling for the proposed underground railway is, of course, a very different matter. It will be necessary to make a study of the ground below the city of Perth, and some drilling would need to be done—just to name one aspect.

It can be seen that the Government requires some authority to do more than what has been done to date. Acting responsibly, the Government can do no more and, acting responsibly, this Chamber should give the Government the authority to go ahead with this proposed work. Further acting responsibly, the Government will carry out the necessary studies to determine the estimated cost, and then decide on the best course to adopt.

Until authority is given to the Government it has no right to proceed. I consider that the amendment which has been proposed is an affront to my party, and to the Government. The amendment assumes that the Government will not make the necessary studies before it proceeds with the work.

*Sitting suspended from 3.45 to 4.02 p.m.*

The Hon. R. F. CLAUGHTON: The PERTS scheme has a number of failings and perhaps all members may not be aware of certain expenditures contemplated in that scheme. For instance, one recommendation was that the Narrows Bridge should be duplicated by 1989. As far as I know no plans have been designed for this and no costs have been estimated specifically for this project. It is simply included in the total cost of the PERTS scheme.

I do not think that the proposal to have a bus station partially sunk at the location of the present Perth central railway station is a desirable feature of the scheme. My reason for saying this is that the city would continue to be confined between the existing railway station and the Swan River. I believe it is essential to find a way around this problem.

I do not believe that monorail systems above the ground are a reasonable alternative to undergrounding the railway. I find it rather surprising that some people who propose this are the same ones who object to electricity wires above the ground. They say that although it is cheaper to construct the wires above the ground it is preferable to spend the extra money to put them

underground. The same applies with railways. It is not aesthetically desirable to have railways running above the ground for the same reasons and it is better to put them below ground level. I do not think it has really been proved that it is more costly to place the railways underground.

If we remove not only the railway but also the bus station from the central part of Perth the city will be able to grow naturally. There will be many benefits, not only in ease of movement around the city but in appearance and in allowing the business district to grow over the whole of the C.B.D. area instead of having to spread east and west into Victoria Park and Nedlands.

There is real benefit to be gained from the Government's proposal. The Government should be allowed to act responsibly in the matter and Parliament should pass this Bill. We can be assured the Government will not commit the public to any expenditure which has not been thoroughly analysed beforehand. It is unnecessary for this Chamber to insist that the legislation should state that a feasibility study be made. This attitude is quite unacceptable to me. If Opposition members were in Government they would not accept the suggestion and would be just as offended, I believe, as the present Government would be if the provision were included in the Bill.

**THE HON. J. DOLAN** (South-East Metropolitan—Minister for Railways) [4.08 p.m.]: Although I do not want to do so I must take Mr. Wordsworth to task. He raised a number of matters including the carting of a shed by rail to Esperance and the proposed taking of boats by rail. It is a pity the honourable member was not in Western Australia at the time when the farmers in that area raised a kerfuffle about building the railway to Esperance. When I was a young fellow the farmers never stopped asking the Government to build a railway to Esperance. I suppose every member knows the story; eventually the Government decided it would build the railway. Now Mr. Wordsworth feels the railway should not be used. The present Government has made a decision to construct a standard gauge line to Esperance which must assuredly benefit the area. Nevertheless, the honourable member seems to imply by his remarks that the railway should not be used.

The Hon. D. J. Wordsworth: It should not be compulsory to use it.

The Hon. J. DOLAN: Of course it should be compulsory. The railway was built originally to help the forebears of many of the farmers in Esperance. Perhaps their children and grandchildren have forgotten this fact. The money expended to build that railway is still a debit amount

on the books. We are still paying interest on it but some of the people of today seem to feel they have no obligation to repay that money.

The Hon. G. C. MacKinnon: That argument could be extended to mean England should still be using canals. It is ludicrous.

The Hon. J. DOLAN: Because they are so cheap, England is still using canals, as the honourable member should know.

The Hon. D. J. Wordsworth: You will ban cars so that you can pay for your railway to Perth.

The Hon. J. DOLAN: Let us consider one of the stories Mr. Wordsworth raised—the one about transporting yachts to Esperance. A man wanted to know whether we would give him permission to transport yachts by road, and eventually I agreed to this being done. The people who were prepared to transport the yachts had an interest in yachting. Then came the catch. A second request was made. We were asked, "Can we take wool back to Fremantle?" It was a double-edged sword. I agreed to the first request but when I received the second I said, "Nothing doing. If you want to bring wool to Fremantle, bring it by rail." So what did they do? They took it by road to Albany, as they are entitled to do. It was a dog-in-the-manger attitude—"You will not let us take it to Fremantle by road, so we will get it to Albany and you will not have the benefit of the freights." Endeavours must be made to make the railways pay, reduce some of the commitments, and give the farmers at Esperance the benefit of rail transport.

In connection with the allegations regarding damage done by the railways to the prefabricated shed, timber, and so on, during his remarks Mr. Wordsworth did not say that either he or the person concerned had communicated with the Railways Department and complained about the damage. In any event, I suppose the department considered the complaint. In recent years I have watched the operations at Kewdale and other loading places, and I find the loading is done by experts. In the instance quoted by Mr. Wordsworth, the person concerned probably wanted to do the job himself. He probably made a muck up of it and when the goods were damaged blamed the railways. I would say that today the railways are more efficient in the handling of freight than they have ever been. That has been a continuing process under all Governments, not only under the present Government.

The Hon. D. J. Wordsworth: They should stick to things they can handle comfortably.

The Hon. J. DOLAN: The honourable member should talk about things he knows something about; then we would get somewhere.

I might reply at length to the debate on this Bill but I hope I will not be argumentative in any way. I will try to put the facts clearly before the House, as I always do.

I thought there was some confusion amongst members about costings and so on, so I asked one of my senior officers to prepare some information in order that members could refer to it from point to point, like bees flitting from flower to flower. I thought that would make it easier for the members concerned. That having been done, there has been criticism of it as though it were a last-minute desperate effort thrown out to members. I tried to be helpful, but certain members have asked, "Why didn't we have this before?" The members concerned would have had to go through the PERTS report laboriously to obtain the information for themselves. I was good enough to have an officer extract it for them, but they are still not happy.

The Hon. D. J. Wordsworth: I looked through the last PERTS report and it has very little reference to the railway line.

The Hon. J. DOLAN: The honourable member is not compelled to use it. It was made available to guide him. If he does not want to be guided or led in those circumstances, he can please himself.

I thank all members who have bought into this debate. In introducing this Bill I have no desire to bludgeon it through or anything like that. An amendment has been placed on the notice paper, and I will refer to that later on.

All kinds of loose statements have been made, such as, "You need to do your homework to find out all about this." The report is there. Dr. Nielsen is recognised as a world authority on traffic, costings, and everything associated with traffic. The previous Government paid a considerable sum of money to Dr. Nielsen for his work, and now members of the Opposition seem to think it was a waste of time.

The Hon. G. C. MacKinnon: Mr. Claghon told us there were many things wrong with that report.

The Hon. J. DOLAN: Any member is entitled to find things wrong with it, but no-one can say Mr. Claghon did not do his homework in connection with the Bill. I would like to compliment Mr. Claghon on his approach to the measure. He evidently did considerable study on it, and the points he made deserve commendation. I thank all members for the contributions they made, whether or not I agree with them.

The Hon. G. C. MacKinnon: You must except Mr. Wordsworth.

The Hon. J. DOLAN: No. I take exception only to some of the things he said. He generally mentions in his speeches matters that have no application to the Bill under consideration.

The Hon. G. C. MacKinnon: Why this personal animosity towards Mr. Wordsworth?

The Hon. J. DOLAN: I will not answer that.

I believe members of the Opposition have misrepresented what the Government is aiming to do if this Bill is passed. I do not think they deliberately set out to do so but the case they presented is not in accord with what the Government has actually been trying to do. In those circumstances, when a matter has not been presented correctly it amounts to misrepresentation.

The Government believes there is great merit in utilising a large proportion of the railway land north of Wellington Street for public recreational purposes—specifically, the area between Barrack Street and William Street which, by careful design, could be used to integrate Forrest Place and the cultural centre into a new heart for Perth. Maps showing what is proposed have been printed in the daily newspapers, where they could have been seen by any interested persons. I have a large map which I have brought to the House. Any member who wishes to look at it is welcome to do so. I will show members all the information that has been given to me. I do not want to keep it to myself; I want to make it available to the House so that members can see as much of it as they wish.

There are only two ways by which the new heart for Perth can be opened up; that is, either by discontinuing the railway operation on the surface or by sinking the railway below the surface. The surface, where it is proposed to establish the recreation area, must be left open and free.

The Government agrees with the 1970 PERTS study to the extent that Perth will need a rapid transit rail system with an extensive underground component through the city within the next 25 years. The Government believes that any interim solution, such as the busway plan recommended in the PERTS study—which involved pulling up the railway which is recommended in this Bill, putting in busways, and in 25 years pulling up the busways and putting the railways back again—is a waste of money, and we are not prepared to go along with it. Having carefully examined the proposition, the Government came up with the proposal that is now before Parliament. I think that is a reasonable attitude for any Government to adopt, and it was very carefully considered by all the experts who have been associated with the PERTS scheme, with the exception of Dr. Nielsen.

The Hon. D. J. Wordsworth: And Dr. Carr.

The Hon. J. DOLAN: The Government therefore proposes to kill two birds with one stone by opening up most of the railway land for public recreation and making

a start on the underground, siting it in the most advantageous alignment, without wasting any more than the minimum amount of money on interim solutions. We want to spend as little money as possible on interim solutions. We want all the work we do to be part of the final picture, which means money will not be wasted.

I will admit there is one regrettable feature; that is, in order to open up the central area well before the underground is completed in 10 or 12 years' time, it will be necessary to terminate the services on the Perth-Fremantle railway. We would like to keep the line open, but it is a necessary component of the whole scheme that the line be closed. The Perth-Fremantle railway line may not be closed for many years, but it must be closed before planning is implemented. The land will remain the property of the W.A.G.R. and it is not to be sold. I suppose Mr. MacKinnon is happy about this as he is nodding his head.

The Hon. G. C. MacKinnon: I am delighted that you answered my question.

The Hon. J. DOLAN: The reason for haste is simple. The Government believes that the people of the region wish the Government to demonstrate its intention with regard to public transport in a thoroughly positive way as quickly as possible by actually producing a new heart for Perth in a minimum of time.

Perhaps I could digress at this stage to say that in all the capital cities of the Commonwealth public transport handles approximately 30.6 per cent. of the total passengers, with the other 69.4 per cent. being carried by private vehicles. Public transport in Perth handles only 17.1 per cent. of travellers which is a little more than half the Commonwealth average. If we continue at this rate we will eventually strangle ourselves. We must do something to keep the motor vehicles out of the city centre. It was found in Copenhagen that the private vehicles were choking the city and when the private vehicles were kept out of the city, the railways and public transport bodies benefited by about 15 per cent. in a matter of months. We must plan along these lines, but we can only do this by providing bus and rail facilities which are fast, comfortable, and acceptable to the public. It is only by convincing the public that public transport is quicker and more comfortable—

The Hon. D. J. Wordsworth: Is it the Government's intention to ban cars from the city centre?

The Hon. J. DOLAN: I never said that.

The Hon. D. J. Wordsworth: I asked you.

The Hon. J. DOLAN: That, of course, is not the intention of the Government. However, if we continue to develop as we have developed in the past it will only be a matter of years before cars will not be able to get into the city. The parking fees

and so on will be so high that the motorist will be forced to leave his vehicle at home. We do not want to do it this way. We want to encourage travellers to use public transport which is fast, comfortable, and acceptable.

The Government has set a period of four years from June, 1972, for this part of the plan. Indeed, work has commenced on those aspects of it which do not require parliamentary authority. We believe in the plan we have produced. If the Opposition is critical of any of these actions and says, "That will look terrible," that is its right and I cannot stop the Opposition feeling this way.

The Hon. A. F. Griffith: You do believe in parliamentary authority?

The Hon. J. DOLAN: I always have and I always will. I will carry to my grave the thought that the democratic system of government which we practise is the best.

The Hon. A. F. Griffith: I agree with you, but not how you practise it.

The Hon. J. DOLAN: I will list the projects which do not require parliamentary approval and which are already under way. Firstly, there is the matter of the bus station. Members may have seen a proposal from the City of Perth within the last few days. The City of Perth and its engineers have completely backed the scheme which involves the bus station in Wellington Street. I would like members to visualise that part of Perth with the Horseshoe Bridge removed and a straight line along William Street across the area where the railway is now. The same thing will happen in Barrack Street. One-way buses from the northern and western areas will come in along Wellington Street. This will take the buses from Murray Street. I am sure members will have seen Murray Street blocked up by buses, particularly in peak hours.

This is what the Government has in mind, and it is a very desirable plan. Members should look at it in that light, irrespective of whether they are on the Government or Opposition side. Most of us will work in the city.

I think the design for the construction of the W.A.G.R. office building was on the drawing board during the life of the previous Government. The office building is to be erected at the terminal and this is necessary to move the administrative side of the Railways Department out of the city area altogether. It is efficient planning to have the administrative buildings alongside the railways.

The final item is the design and construction of the 3 ft. 6 in. gauge connection from Kenwick to Cockburn Junction. This line will take traffic around to Fremantle.

The underground railway is a long-term proposition and I will refer to the timing of it a little later.

I would like to deal with the amount of transport study work upon which we based our proposal. Many members have referred to an apparent lack of transport study work.

In the PERTS Report, 1970, chapter 9—and members may follow this from the report or check my speech later—Dr. Nielsen evaluated a rail rapid transit system incorporating an extensive central city underground as an alternative for the Perth region. This alternative was known as plan 4, and the layout of it appears as figure 8.3 in the PERTS report. Members may look at the plans I have provided. This depicts an east-west underground on a not very dissimilar alignment from that proposed, plus a north-south underground.

This is looking a long way ahead. I do not suppose the north-south underground to Applecross will be constructed in our lifetime—certainly not in mine, unless I live to about 120 or 130. However, I would like to think that in the last few years of my life I was associated with a project to make Perth a better place for its citizens.

The PERTS analysis shows that such an underground very similar to the one we propose and a work force of 120,000 in the central business district, would have resulted in around 11,600 passengers in each weekday peak two hours travelling into the central business district. The figure I have given is the traffic that would be generated by the three existing railway lines. The total figure if the Hamersley and Applecross lines are built will be 20,900 passengers in each weekday peak two hours.

Thus from PERTS 1970 alone we have an adequate idea of what an underground sited somewhere along the alignment of Hay Street, will carry for any given central business district work force.

In addition to calculating the number of passengers and the resulting modal split, Dr. Nielsen, in tables 9.15 and 9.16 in Chapter 9, costs a rail rapid transit system incorporating an underground in terms of both capital and operating charges.

He also produces a measure of the community benefits that will result from it. It follows that if an assumption is made about fare levels applying at the time, a balance sheet for a railway rapid transit system incorporating an underground can be drawn up. All that information is already there, and it is not a difficult task for experts to do this.

This was not actually carried to a conclusion in plan 4 because plan 5—the busway plan—which, slightly modified, subsequently became the recommended plan, produced about the same magnitude of benefits and the same modal split in favour of public transport, but at less immediate capital cost if one was prepared to accept

an interim solution. If one is prepared to accept the busway solution for some years, and to waste the money involved, and then bring the railway back again in X years' time, this could be done. However, this Government was not prepared to waste that money.

In 1972, because the Government, like Mr. Logan, was unhappy with the busway plan, it instructed the Perth Regional Transport Study to evaluate the rail sink alternative, extensively referred to by Mr. Logan as being highly desirable. The rail sink alternative requires the electrification of the whole system and complete undergrounding in the central area on the existing alignment; that is, the rail would be installed beneath the present rail. This work is incorporated in a study known as PERTS 1972, which was tabled in this House on the 16th August, 1972.

At this stage perhaps I owe an apology to the House. May I say that every member of this House knew about that PERTS report when I did. As soon as I received the report I saw that it was most desirable that it be placed on the Table of the House, and I did so. If any member wanted an extra copy I had a number available.

The Hon. A. F. Griffith: When did you get it?

The Hon. J. DOLAN: The day before I tabled it.

The Hon. A. F. Griffith: Would that be when your Government received it?

The Hon. J. DOLAN: No, I did not say that. That is when I saw it. When I saw that it might be of some use to members in their study of the Bill I made it available to them. I have tried to place as much information as was available to me before all members.

Table 5.2 on page 46 shows that the rail sink plan generates rail traffic amounting to 9,780 passengers in the weekday peak two hours—a figure substantially lower than that in the PERTS 1970 plan 4 already mentioned. The reason, of course, is that the system would have less passenger attraction on its present alignment than on the proposed Hay Street alignment.

I have distributed the table in which the costs of all the alternative plans are shown. The published figures are shown, and then all are updated to 1972 dollars.

I feel there may have been a little confusion on the part of some members between the early values and those which are updated to 1972. I believe confusion over the figures arose for two definite reasons. Firstly, I think there was a lack of appreciation on the part of members of the need to consider all the figures on the same basis; namely, 1972 dollars. Secondly, and this was also due to a lack of appreciation, any total transport plan

for the region will have two components; namely, a road system component and a public transport system component. They are two separate things.

The Bill deals only with the public transport system component. The road system component, which in all cases substantially exceeds the public transport system component, will be financed from moneys received from the Commonwealth under the Commonwealth Aid Roads Act. In all of these plans the amount estimated to be received over the spread of years involved will cover the requirement.

Perhaps at this stage I can refer to the fact that on the 5th October a meeting of all State Ministers for Transport together with the Commonwealth Minister for Shipping and Transport (Mr. Nixon) will take place in Adelaide. The topic for consideration will, of course, be urban transportation, with particular regard to railways. It is felt that arising out of that meeting we will have something to report back to the House as to how the Commonwealth will buy into this particular form of transport.

So we are talking about sums for the public transport component amounting to \$53,500,000 for the busway plan recommended in PERTS 1970; \$69,400,000 for the rail sink alternative referred to in PERTS 1972; \$110,000,000 for the Government's underground proposal now before the House; and \$239,000,000 for the underground proposal rejected by PERTS 1970. Thus the Government is proposing to spend \$56,500,000 more on public transport, and \$51,000,000 less on roads than the previous Government, which accepted the PERTS 1970 busway plan, proposed to spend.

I could not agree with the figuring of Mr. Medcalf. In his speech last Tuesday week he said—

All that work which will cost about \$560,000,000, is contained in five clauses and the Minister occupied 2½ pages of *Hansard* when referring to the expenditure of the sum of \$560,000,000.

Apart from anything else, I did not mention the sum of \$560,000,000 in my speech.

The Hon. I. G. Medcalf: I see now that it has gone up to \$700,000,000 in this screed.

The Hon. J. DOLAN: That is not in my speech.

The Hon. I. G. Medcalf: No, but it should be.

The Hon. J. DOLAN: In his speech, Mr. White—

The Hon. G. C. MacKinnon: Mr. Medcalf never said that that was in your speech. I distinctly recollect that he worked out the figure.

The Hon. J. DOLAN: I will read his exact words again if Mr. MacKinnon remembers them so well. Mr. Medcalf said—

All that work which will cost about \$560,000,000 is contained in five clauses and the Minister occupied 2½ pages of *Hansard* when referring to the expenditure of the sum of \$560,000,000.

The Hon. G. C. MacKinnon: That is right.

The Hon. I. G. Medcalf: It should have been \$700,000,000.

The Hon. A. F. Griffith: What figure did you mention?

The Hon. J. DOLAN: At this stage I could not tell the Leader of the Opposition. I am merely referring to the figure that was mentioned by Mr. Medcalf, and saying that I did not mention it at all. Members may easily read what I said in my second reading speech. I do not wish to go through it now, but everything I said is contained in the report of my speech.

Mr. White referred to a question answered in another place on Wednesday, the 10th May. In answer to the first part of the question the Minister for Works provided the figure of \$446,700,000 in 1972 dollars as the amount required for the public transport system recommended by Dr. Nielsen. I have no quarrel with that. That figure included the very large amount for the road system, on the understanding that that is what the questioner wanted.

The Hon. F. R. White: I did not refer to the first part of the question, but to the second part.

The Hon. J. DOLAN: There is a small discrepancy as a result of a typographical error between the figure of \$446,700,000 and that of \$446,500,000 in the table. Members will be able to check that in the table I have described. In part (2) (a) of the answer to the question the Minister in another place mentioned the sum of \$124,600,000 in 1972 dollars for the Government's present plan. That figure corresponds with the figure in the table I have distributed, but it includes the cost of the interim arrangements, again on the understanding that that was the information sought. I think this is a case of misunderstanding the question.

The Hon. F. R. White: Go on to part (b) and then add the two together and see what you get.

The Hon. J. DOLAN: In part (b) of the answer to the second part of the question, the Minister gave the figure of \$422,000,000 in 1972 dollars for the road system component. He used the phrase "being absolute upper maximum." Further work on the cost of the road component produces an existing best estimate figure of \$340,000,000, which appears in the table.

Now let me refer to timing. In chapter 10 on page 17 of the PERTS 1970 report, the following appears:—

One further aspect of the public transport system is of great importance. The analysis of the transport demands of the city centre shows that with a balanced approach to the provision of road, parking and public transport facilities in the city centre, the transport needs of the centre can be met, an employment level of 90,000 which, on the basis of current trends, will be reached in about 1989. At this point, however, the road system will be operating very close to capacity, but the public transport system is capable of considerable expansion.

The long term future of the city lies in the hands of the public transport system. For this reason, it is essential that the busway system through the city be constructed so that, when necessary, it can be converted into a full rapid rail transit system. Such a system will become necessary if the development of the city centre continues past the point where the road system can no longer cope with peak hour traffic. It is also important that the commercial and office development of the city centre should be encouraged in the areas close to the public transport routes. This will both allow and encourage employees to travel to work by public transport, and will increase the level of development possible before intolerable road congestion results.

Elsewhere in the PERTS 1970 report suggests that by the year 2000 the busways, if constructed, will need to be converted to a full rail rapid transit system. If such a system is to be operative by the year 2000, construction will need to commence by about 1985.

The Government, taking note of the timing indicated by the PERTS 1970 report, believes that we should start the 10 to 12 years process of building our underground now, only 13 years ahead of the date suggested by the PERTS report. By so doing, we can eliminate most of the temporary or interim expenditure proposed by Dr. Nielsen in his recommended plan; in terms of public transport capacity we can stay well ahead of demand and in terms of total cost we will be a long way in front. The Government believes the opportunity is too good to miss. That is why it has come up with this planning.

I hope now Mr. Logan and Mr. White will agree—and I do not see how they can do otherwise—that in respect of transportation our planning has been very complete indeed. We know for all of the alternatives how many passengers each will attract; we know what share for public transport each will produce; we know what each will cost in terms of

capital and operation; we know what community benefits each bestows, and by making assumptions about fare levels, what revenue each will earn. To say that we do not know these things is nonsense.

I now turn to engineering planning. This has not been started; nor can it be conveniently started until Parliament authorises the Government to commence either the engineering planning or the construction of the underground.

We do know that engineering planning will probably take about four years; we do know that it will probably cost, together with supervision, some \$4,000,000 and this amount has been allowed in our estimates. We are ready to start the engineering planning and indeed some preparatory work of a type that we can accomplish with our existing resources of skills and manpower has already been started. Here is another reason for haste. We need authority to get on with planning because we are well aware that a year lost now is probably equivalent to three years extension of the final completion time of the project. Such is the nature of these undertakings.

A number of other statements which are not factual have been made by members opposite. Before correcting them I would like to know how Mr. Logan can relate the opening of a railway station at Bencubbin to the closing of the Fremantle-Perth line, which is a deliberate and necessary interim step in creating a new and larger suburban railway system; this is beyond my comprehension.

The Hon. L. A. Logan: You were talking about the faith of the people in the railways, but you have no faith when you propose to close that line.

The Hon. J. DOLAN: We have complete faith in the railways. The honourable member is not looking at the overall picture. Eventually when the underground line is completed the northern railway line will become an integral part of it.

Mr. Logan finds a conflict in putting an underground ring around the city and pulling up a railway line. If we are to achieve the two objectives of this Bill at once, then we have no option. If he cares to read my second reading speech again he will see that we intend to feed the Midland and Armadale lines into the underground and in the long-term future connect a north-south line to it as well. This north-south line may or may not replace the Fremantle line.

The honourable member has queried the amount of work that has been done on the relationship between the assets destroyed by pulling up the Fremantle-Perth railway line and the new capital that will go to creating the busway. I refer him to pages 18 and 19 of the annual report of the Director-General of Transport for 1972, which has already been tabled in

both Houses of Parliament. The Director-General discusses the benefit-cost evaluations carried out by the Bureau of Transport Economics as part of the work being done to induce the Commonwealth Government to make money available for urban public transport. The Bureau of Transport Economics is a Commonwealth instrumentality, and it has come up with these figures and this proposition.

The Fremantle-Perth busway was one of the projects specifically evaluated by the Bureau of Transport Economics. The expenditure, which takes into account the retirement of the existing assets, shows a very high benefit-cost ratio at 8:1. At this figure it is an astonishingly good investment that should be proceeded with immediately.

Mr. Logan refers to the number of passengers who will be carried by an electrified railway system incorporating an underground to and from the central business district. By 1989 the underground section, even if the Fremantle-Perth line is still inoperative, will be carrying over 2,000 people more in each week day two-hour-peak period than the system is now. If the Fremantle-Perth railway line is, by that time, operative again or is replaced by a north-south line, the system will be carrying more than double the number of passengers in each week day two-hour-peak than it was in 1971.

The honourable member has suggested that the road system will be adequate to cope with people coming into the city for the next 25 years, because if the Government is sincere in its decentralisation policy, it will not allow the central business district work force to grow significantly. Again he has not read the PERTS 1970 report or remembered one really controversial recommendation it made. Dr. Nielsen said that at a central business district work force of 120,000 the road system as presently planned would be hopelessly inadequate. Any plan to render it adequate would require massive expenditure and major surgery to the city. For this reason he recommended an upper limit on the work force of 90,000 to 96,000 by 1989, and heavy reliance on public transport. By the turn of the century he saw the necessity for a rail rapid transit system incorporating an underground.

One honourable member said—

We do not need a large park in the middle of the city, but perhaps we should have some smaller areas for the office workers to use at lunch time. I cannot understand what has happened to the new heart of the city of Perth because looking at this map the underground railway takes up the whole of the area. There is a parking station, a stadium, and only one small area of open space.

I invite members to look at the drawing again. They will see that between Barrack Street and Milligan Street there is a very large amount of open space indeed with underpasses providing a clear half-mile walk through the centre of Perth in a garden setting.

Mr. Logan said the original proposal was to put the bus station underground on the Technical College site. That accounts for only one bus terminal. The other, to serve the northern suburbs was, in terms of PERTS 1970, to be located underground roughly below the site on which it is now being built and he may like to know that concurrently with the bus station, the Perth City Council will be widening Wellington Street to 120 feet. So we will have a thoroughfare of which the city will be proud. The plan takes the buses out of Murray Street and puts them into the street which the Perth City Council is widening to 120 feet.

Mr White referred to the other works which will be required at a later stage. Of course there will be other works required in the future as the region grows. He was a visionary looking to the future, the same as the Government.

The Hon. F. R. White: I was looking at the map outside the Chamber, and which the Minister has not brought into the Chamber. That map shows additional areas.

The Hon. J. DOLAN: I do not mind walking outside of the Chamber. As a matter of fact I think the exercise would do members good.

The Hon. F. R. White: I will quote the Minister during the Committee stage.

The Hon. J. DOLAN: Very well. To continue: Future works are envisaged by all planning but our total plan is designed to minimise future expenditure by constructing as little as possible that has to be displaced later. The previous Government would have constructed the busways, all of which investment would have had to be destroyed later.

We do not envisage constructing the northern loop of the underground for many years. The most likely additional work in 15 to 20 years, as recommended by PERTS 1970, will be the north-south line connecting to the underground.

Both Mr. Arthur Griffith and Mr. Clive Griffiths were also at sea when they talked about \$546,000,000. I trust the table has helped them to appreciate what sum of money we are in fact talking about.

The Hon. Clive Griffiths: The amount was \$700,000,000.

The Hon. J. DOLAN: Mr. Arthur Griffith raised the question as to whether or not the M.R.P.A. had been asked to give an opinion on the Perth Regional Railway Bill. By virtue of common membership



between the Perth Regional Transport Coordinating Committee and the Metropolitan Region Planning Authority, and as a result of a series of deliberate briefings of the M.R.P.A. by the Director-General of Transport at its regular meetings, the M.R.P.A. is fully aware of the Government's transport proposals. That statement was conveyed to me by the Director-General of Transport himself.

The Hon. A. F. Griffith: What did Dr. Carr say?

The Hon. J. DOLAN: I do not know, I was not there. No specific M.R.P.A. discussion has taken place because there is obviously no conflict between the M.R.P.A.'s corridor concept and these proposals. The corridor concept requires a strong public transport system, arranged radially, serving the corridors. The Government's proposals provide precisely that—by rail rather than by bus which would have been the situation had the previous Government remained in office.

The Hon. A. F. Griffith: Can the Minister imagine what made Dr. Carr say that the M.R.P.A. had not been consulted?

The Hon. J. DOLAN: I was not there and I do not know.

The Hon. A. F. Griffith: He was the chief planner and, therefore, land utilisation was one of his principal functions, but he did not know.

The Hon. J. DOLAN: I heard what the Leader of the Opposition said, and I referred to this matter specifically.

The Hon. A. F. Griffith: Did you ask Dr. Carr?

The Hon. J. DOLAN: I have not seen him.

The Hon. A. F. Griffith: Well, you could.

The Hon. J. DOLAN: I may if I get the opportunity. To continue: The corridor plan and the railway system envisaged by this Bill are 100 per cent. complementary.

Mr. Arthur Griffith refers to the construction of the bus terminal on railway land north of Wellington Street. This has commenced and why should it not? Construction of it requires no Act of Parliament. I drove past the area last week and the preliminary work was under way. According to the Chairman of the M.T.T. the project will be finished and in operation on the 28th February next year. I think it was originally planned to have it operating by the 31st December, of this year. Construction is required, as the honourable member well knows, irrespective of whether this Bill passes through Parliament or not, to enable the traffic flow in the city to be rearranged. I refer, of course, to the use of Barrack Street and William Street as a one way pair. For a number of years this has been an objective of the Perth City Council and the bus terminal is the key

to it. Without the bus terminal site it would be impossible to implement the proposal of the Perth City Council.

The Government is proceeding with all three stages of this facility for completion in February next year. Whilst its usefulness would be enhanced by the passage of this Bill there is a requirement for the terminal irrespective of whether the Bill passes or not and I suggest that if Mr. Griffiths had taken the trouble to acquaint himself with what has been a long term objective of the Perth City Council he would not have embarrassed himself with ill-informed comment.

The Hon. A. F. Griffith: How did I embarrass myself?

The Hon. J. DOLAN: I was referring to Mr. Clive Griffiths.

The Hon. Clive Griffiths: I did not embarrass myself.

The Hon. G. C. MacKinnon: It sounds as though Mr. Clive Griffiths has fallen out of grace and favour.

The Hon. Clive Griffiths: Last night I was on top of the clouds.

The Hon. J. DOLAN: He still stands very high in my estimation. The important point is that PERTS 1970 recommended a bus station, necessarily a very large one to serve a much larger purpose than the terminal now being built. PERTS 1970 located the terminal underground because if it were above ground it would take up most of the area which we wish to convert to open space. The smaller terminal now being built can conveniently be placed above ground at much less cost—something which should please members of the Opposition. I am sure every member will be pleased about that.

I apologised previously, and I do so again, to Mr. Clive Griffiths over the fact that he did not have an opportunity to peruse the PERTS 1972 report. I made it available as soon as it became available to me, and since that time it has been on the Table of the House.

The Hon. A. F. Griffith: I was wondering how long the Government had the report before the Minister received a copy of it.

The Hon. J. DOLAN: I will have to ask. I received a copy only about one day before I tabled it.

The Hon. A. F. Griffith: You are the Minister for Railways and you are speaking to the Bill now before us, but you did not get a copy of the report until the day before you introduced this Bill?

The Hon. J. DOLAN: There are many things associated with the PERTS 1972 report which do not affect me alone.

The Hon. F. R. White: Did members of another place have an opportunity to peruse it?

The Hon. J. DOLAN: Mr. Logan said it was his intention during the Committee stage of the Bill to move an amendment to the effect that Parliament should not agree to this measure until such time as a proper feasibility study is presented.

The Government holds the view that the transportation study work has been well and truly done, but I have made the point that the engineering study which leads to a final design has not been done, nor has a long-term economic study been done on the effect which an underground railway will have on the development of the city, property values, and the like. An economic study is not possible until an alignment has been chosen, which is in turn dependent on the engineering study.

Accordingly, the Government would be prepared to accept an amendment to clause 5, which would require it to report to Parliament on these matters when they have been completed. I will move that clause 5 of the Bill be replaced with a new clause 5, in two parts, as follows:—

5. (1) Subject to subsection (2) of this Section it shall be lawful to construct each of the parts of a railway to be called "Perth Regional Railway" described respectively in the Second and Third Schedules to this Act, with all necessary, proper, and usual works in connection therewith, along the lines described respectively for those parts in those Schedules, and it shall be lawful to deviate from those lines at a distance of twenty chains on either side thereof, but no more.

(2) Before commencement of construction of any part of the Perth Regional Railway referred to in subsection (1) of this section, the Minister shall lay before each House of the Parliament of the State in turn, a Report on the results of the engineering and economic study applicable to that part.

If the second reading of the Bill is agreed to, I propose to move that the Committee stage be made an Order of the Day for the next sitting of the House, which will give members an opportunity to look at the proposed amendment, the table in regard to costs, and the other information with which I have provided them. In this way, I think we will perhaps be better equipped to handle the Committee stage of the Bill.

The Hon. A. F. Griffith: The amendment you have read out will be placed on the notice paper?

The Hon. J. DOLAN: Yes. That is the purpose in delaying the Committee stage.

The Hon. A. F. Griffith: That is very gratifying.

Question put and passed.

Bill read a second time.

## QUESTION WITHOUT NOTICE

### AMBASSADOR FOR SOUTH AFRICA

*Visit: Apology for Demonstration*

The Hon. R. J. L. WILLIAMS, to the Leader of the House:

Would the Leader of the House take steps to see that the Premier apologises on behalf of the people of this State to the South African Ambassador for the unruly behaviour of a fringe element at the university, and would he further assure the Ambassador that this is completely out of keeping with the Western Australian character?

The Hon. W. F. WILLESEE replied:

The Premier has expressed personally to His Excellency the Ambassador for the Republic of South Africa his regret and that of the Government on behalf of the people of Western Australia for the demonstration which occurred.

## QUESTIONS (5): ON NOTICE

1.

### FISHING

#### *Shark Bay Area*

The Hon. G. W. BERRY, to the Leader of the House:

Is the Government considering re-imposing the ban on the use of fish traps in the Shark Bay area?

The Hon. W. F. WILLESEE replied:

The use of fish traps in Shark Bay is not permitted between the northern end of Dirk Hartog Island and the outer entrance to South Passage.

Prior to 1967 the use of snapper traps was banned in all Western Australian waters. However, the ban proved impractical and was allowed to lapse as the Commonwealth Department of Primary Industry was not prepared to impose the ban on Commonwealth waters.

A petition has recently been received from professional fishermen at Shark Bay requesting re-imposition of the ban. A departmental research biologist is preparing an up-to-date report on the status of snapper populations in

Shark Bay and on any damage caused to snapper grounds by the use of snapper traps. Any reimposition of the ban will be considered in the light of his recommendations.

## 2. TRADES HALL BUILDING PROJECT

### *Government Guarantee*

The Hon. F. D. WILLMOTT, to the Leader of the House:

Is the redevelopment and building programme proposed for the site in Beaufort Street where Trades Hall is situated, to receive any assistance by way of Government Guarantee, and if so, what is the extent of such guarantee?

The Hon. W. F. WILLESEE replied:

The Government has undertaken to guarantee a loan up to the amount of \$1,900,000.

## 3. TRAFFIC

### *Actions of Harvey Shire Inspector*

The Hon. Lyla ELLIOTT, to the Minister for Local Government:

- (1) Is the Minister aware that the traffic inspector employed by the Shire of Harvey is recording on a tape recorder conversations with motorists he apprehends, without the knowledge or consent of the motorists concerned, and then informing them after the conversation about the recording?
- (2) Does he agree that this practice is an infringement of civil liberties?
- (3) If so, will he take action to have it stopped?

The Hon. R. H. C. STUBBS replied:

- (1) I was unaware of this matter, but have since been informed that this procedure was adopted.
- (2) Yes.
- (3) A Committee of the Shire Council has recommended a cessation of the practice.

## 4. ELECTRICITY SUPPLIES

### *Street Lighting*

The Hon. G. W. BERRY for the Hon. R. J. L. WILLIAMS, to the Leader of the House:

- (1) What studies, if any, does the State Electricity Commission undertake when installing street lighting to ensure that—
  - (a) areas to be lighted are correctly illuminated; and

(b) the installed lighting does not interfere with the privacy of the owners or tenants of private dwelling houses?

- (2) What redress against the State Electricity Commission does a tenant have if such trespass of privacy does occur?

The Hon. W. F. WILLESEE replied:

- (1) (a) Installations follow standard practice to ensure that every endeavour is made to have areas to be lighted, correctly illuminated.
- (b) Every endeavour is made to ensure each light is properly installed under all the circumstances.
- (2) Questions asking for the solution of a hypothetical proposition and seeking an expression of opinion on a question of law, are not admissible.

## 5.

## EDUCATION

### *School Grounds: Grassing*

The Hon. G. C. MacKINNON for the Hon. W. R. WITHERS, to the Leader of the House:

- (1) Are there any restrictions on the size of grass plots allowed to be grown in school grounds in the—
  - (a) Metropolitan area;
  - (b) South West Land Division; and
  - (c) above the 26th parallel?
- (2) If so, what are the maximum grassed areas allowed in the districts mentioned?
- (3) Will the Government permit greater grassed areas in districts with higher average daily temperatures and high dust problems?

The Hon. W. F. WILLESEE replied:

- (1) Yes, in all cases except where a school has an independent water supply.
- (2) Where a school is dependent on the scheme water supply the allowable grassed area is an initial development of  $\frac{1}{4}$  acre with any additional development to be in the proportion of one acre per 1,000 pupils.
- (3) This is not possible as the amount of water to be made available for grassed areas is determined by the Country Water Supply.

## GOVERNMENT RAILWAYS ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 15th August.

**THE HON. N. McNEILL** (Lower West) [5.08 p.m.]: This Bill is very much a domestic matter as far as the Railways Department is concerned. Therefore, it has little in common with the Bill which has been so lengthily debated this afternoon.

It is not my intention to oppose the legislation but it would be desirable to raise a number of questions in respect of it. I think the Minister for Railways might request that he be given an opportunity to consider the questions I will raise.

One of the two sections of the Act which it is proposed to amend by this Bill relates to the existing requirement for the Railways Department to display in a public place in ticket offices and other places where tickets are sold the rules and regulations of the department, over the name of the Commissioner of Railways. It is quite rightly claimed by the department and the Minister that the need for this to be done is probably outdated, and it has been found difficult to display the regulations in the manner prescribed in the Act because of acts of vandalism and the difficulties experienced in keeping the posters in a reasonably presentable form.

I agree that there does not now appear to be the necessity there may once have been for these regulations to be displayed. It therefore seems reasonable that the statutory requirement should be removed. In fact, I think it will contribute to the general appearance of railway premises if there is no superfluous material of this nature on display.

In recent months I have had occasion to compliment the Commissioner of Railways and the department on the appearance of railway premises in Western Australia—particularly suburban premises—in comparison with those I observed in the Eastern States. I went so far as to indicate that the general appearance of railway premises in Western Australia which were visible from the east-west standard gauge line was far superior to that of buildings I saw on the main line between Perth and Brisbane.

I think moves such as those contained in this Bill are evidence of the interest taken by the commissioner and the department, generally. I therefore agree with the first proposed amendment.

In relation to the second amendment, I would like to direct a query to the Minister for his consideration. The amendment proposes a change in the present system of appeal. I think it is desirable for me to recapitulate a little of the background given to us by the Minister because it is some time since the Bill was introduced and explained.

I understand that where damage is caused to railway property, allegedly as a result of misconduct or negligence on the part of a railway employee, the cost of such damage can be deducted from the salary, wages, or other emoluments of the employee, and when those deductions have been made the employee has the right of appeal to the appeal board. It has been the practice for a considerable time for the department to notify the employee concerned that he is considered to be responsible for the damage and that deductions will be made from his wages, following which the employee is entitled to appeal to the board against such deductions.

Apparently the appeal and the deductions have been virtually occurring at the same time, but it has recently come to the notice of the commissioner that perhaps this practice is not in accordance with the Statute. I agree that the Statute provides that the deductions shall be made, and after they have been made the person concerned may appeal to the appeal board in the manner prescribed in the Act. I will make reference to that a little later. I agree that perhaps this is not altogether a fair practice; that in some cases the damage may be very considerable; there may be considerable sums involved and deductions, may in fact, take place over a very lengthy period.

According to the present Statute it appears that no appeal can be heard until the deductions have, in fact, been finalised. In any event it is obvious that in the event of an appeal being found in favour of the appellant there would have to be a refund and perhaps certain other adjustments would need to be made.

This clearly could cause some inconvenience though I presume it has not caused any inconvenience up to the present, because of the practice in which the Railways Department has been indulging for a long time; that is, that the deductions are made and the appeal is heard at the same time. Accordingly the problem has not arisen though I feel it could well have done so.

It is proposed instead by this amendment that before having deductions made from his wages the employee shall at any time have a right of appeal to the appeal body. I use the words "at any time" quite deliberately, because that is the wording contained in the amending Bill. It may be as well if I read the existing section of the Act. Section 52 reads as follows:—

Every person employed on or about a railway shall be responsible for any damage caused by his wrong-doing or neglect; and the loss occasioned thereby may be deducted from any salary, wages, or emolument due to such person, or may be recovered in a summary way:

Provided that in the case of a permanent employee (as defined in section seventy-seven of this Act) where the loss occasioned by such damage is deducted as aforesaid, then such employee shall be entitled to appeal against such deduction to the Appeal Board as provided in said section seventy-seven.

Now it is proposed that that be amended in particular to add a further subsection which will read—

(2) Before any loss is deducted, or commenced to be deducted, pursuant to subsection (1) of this section from any salary, wages or emolument due to a person who is a permanent employee within the meaning of section seventy-seven of this Act, that person shall be given notice in writing containing particulars of the damage which is alleged to have been caused by his wrongdoing or neglect and of the loss which is to be so deducted.

For the purposes of this discussion the following new subsection is important—

(3) A person who receives a notice pursuant to subsection (2) of this section may, at any time after receiving that notice, appeal to the Appeal Board against the deduction of the loss referred to in that notice and any such appeal may be made in the same manner as if it were an appeal made under the provisions of section seventy-seven of this Act.

I was concerned about the use of the words "at any time." I should imagine this would mean, literally, at any time. If it means just that—that an appeal may be heard today, the following day, in a year, or in five or 10 years' time—the words "at any time" would be in order.

I am sure, however, that this would not have been the intention of the Railways Department or of the Minister. I thought then that the protection necessary would be contained in section 77 particularly when the Bill states "in the same manner as if it were an appeal made under the provisions of section seventy-seven of this Act."

Section 77 of the Act specifies—

Any person who, being permanently employed on a Government railway is, under section seventy-three of this Act,—

- (1) fined; or
- (2) reduced to a lower class or grade; or
- (3) dismissed; or
- (4) suspended from employment in such circumstances as to involve loss of pay; or
- (5) transferred by way of punishment involving loss of transfer expenses,

may, in the prescribed manner, appeal to an Appeal Board constituted as hereinafter provided.

I will not read the balance of the section because it is not applicable. I will however repeat the last portion which says—

may, in the prescribed manner, appeal to an Appeal Board constituted as hereinafter provided.

The appeal board constituted as hereinafter provided is set out in section 78 of the Act which I will not read because it is not relevant to the debate.

Perhaps the words "in the prescribed manner" may cover the position, but I am not sure whether it is provided, other than in the schedule, as to what the prescribed manner of appeal may be. I think this may well need clarification, particularly the use of the words "at any time," which are intended to be introduced into the Act by the amendment contained in the Bill. Section 80 of the Act, however, states—

Notice of every appeal—

It is not limiting—

To the Appeal Board shall be lodged with the Commission within fourteen days of the date of the decision appealed against, and the appeal shall be heard by the Appeal Board within thirty days from the date of notice being so lodged.

I am a little interested to know whether the words "at any time" contained in the amendment to section 52 in fact do mean "at any time" or do they mean an appeal may be made at any time within the provisions set out in section 80 of the Act.

It appears to me that there may be some degree of conflict. I should think that the intention of the Railways Department would probably be that if an appeal is to be made it shall be made in the same manner as is the case with all other appeals, in which case it would need to be lodged with the commission within 14 days of the decision appealed against—in other words notification of the alleged offence—and then the appeal shall be heard within 30 days of that notice being so lodged.

In order to meet the requirements of the Railways Department I wonder whether the Minister could look at this subclause in the Bill to see whether in fact it needs some clarification; whether it needs to be specified that an appeal shall be made perhaps under section 80 of the Act.

That is the only query I have on this matter. As it stands I should imagine it could cause a certain amount of confusion in the minds of those who in fact would be called upon to interpret it. I imagine a situation where considerable damage or loss may be occasioned as a result of alleged negligence or wrongdoing. A person may be billed for several hundred dollars, for argument sake; and we must

appreciate that by a definition in the Act a permanent employee is one who has been in the employ of the commission for not less than three months. In other words, from my investigations he is not one who has met any requirements other than the three-monthly requirement; in which case if a person can be held responsible for several hundreds of dollars worth of damage there may be no opportunity for the commissioner to be reimbursed for that damage other than by salaries and wages, because there would be insufficient wages available if a person decided to leave the service.

The commissioner could certainly institute court proceedings to recover the money, but once again it is apparent that if the person involved were a man of small means there would be very little virtue in taking such action, particularly if the person was not capable of paying a large amount of damages.

So it would clearly be in the interests of the Railways Department where deductions are to be made and an appeal is to be made that this should be done in a fairly restricted time within which the offence has been committed or the notice of appeal has been given.

I contemplated placing an amendment on the notice paper but I felt this was unnecessary in the circumstances because it is simply a matter, I think, of clarification. I will just leave it to the Minister to make some comment on this and advise whether the query I have raised is valid and, if it is, perhaps it could be attended to by him during the Committee stage of the Bill.

It may well be that the comments I have made are unnecessary, but it does seem to me that the Bill leaves a little latitude in the interpretation that may be placed upon its provisions. I feel it could possibly defeat the purpose the commissioner would have in mind with the amendment contained in the Bill.

Subject to those queries I give my support to the measure.

Debate adjourned, on motion by The Hon. D. K. Dans.

## TRANSPORT COMMISSION ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 9th August.

**THE HON. G. C. MacKINNON** (Lower West) [5:27 p.m.]: This is another very simple Bill which seeks to make matters a little more flexible. As the Minister's explanation was given some time ago it may be as well for me to go through it again and indicate that under section 21 of the parent Act power is given for payments with regard to license fees as they refer to road and air transport.

A great deal of flexibility is given in this particular category of license fees; indeed only the maximum limits are set and, therefore, the commission has discretionary power to move anywhere within the framework from any amount up to the maximum that happens to be set.

In the case of ocean-going transport, however, this flexibility was not included and the fees set were \$50 a month or 5c a ton of the relevant cargo. The same flexibility is not allowed here as is allowed for road and air transport. It is now desired that this flexibility be given and the Bill contains an amendment which aims at doing just that; and it will, in fact, accomplish its purpose. Incidentally the amendment which will give this flexibility is an amendment to section 47B and as the Act has been amended a fair bit it may be as well if I read out the relevant portion because, as I have said, quite a number of amendments have been included in the Act. Section 47B of the Act runs to eight subsections. Subsection 8 is to be re-enacted as follows:—

(8) There shall be paid, in the prescribed manner, to the Commissioner, in respect of every licence or permit under this Division, a fee determined by the Commissioner but not exceeding—

(a) in the case of a licence, or the renewal of a licence, an amount of fifty dollars for each month or part thereof of the term of the licence or renewal; and

(b) in the case of a permit, an amount calculated at the rate of five cents per ton of cargo carried on the voyage to which the permit relates,

with a minimum fee of five dollars per permit.

This re-enacted subsection will again fix a maximum figure. There are also a number of cargo vessels on the coast which were listed by the Minister when he said it was not intended that the provisions of the Act should apply to bulk tanker cargo such as crude oil from Barrow Island to Kwinana, iron ore from Koolan to Kwinana, or fresh water supplies to Koolan. The Minister did not mention the ship engaged in the cartage of cement.

The Hon. D. K. Dans: It is finished.

The Hon. G. C. MacKINNON: It is finished now, is it? There was a special provision applying to this ship before the change of Government.

The Hon. J. Dolan: The commissioner will find that the Act will be flexible enough to deal with a ship such as that.

**THE HON. G. C. MacKINNON:** I see. The particular amendment in relation to this situation is to be found in clause 2 which seeks to amend section 47A. This section sets out the interpretations. Clause 2 seeks to add a new subsection (4) which will give the Minister power, by notice in the *Government Gazette*, to declare that the provisions of this particular division of the Act—that is, division 5 dealing with ships—will not apply to any ship or class of cargo, subject to the conditions set out in the notice. So, acting on the advice of the transport commissioner, and with the application of his own intelligence following the advice that is given to him, the Minister can exempt any particular ship he so desires.

I believe that the Bill, purely and simply, seeks to tidy up the Transport Commission Act and therefore deserves the support of this House. I intend to give it that support.

**THE HON. J. DOLAN** (South-East Metropolitan—Minister for Transport) [5.33 p.m.]: I thank Mr. MacKinnon for his support of the Bill. During my second reading speech I think I outlined sufficient reasons for its passage. Mr. MacKinnon has accepted them as being quite valid. We do not wish to place a burden on those ships that do not carry out the same work as the State ships. Some of them could be liable for an expenditure of \$2,000 just to transport water to Koolan Island. That is a state of affairs we do not wish to see and that is why the Bill is so necessary. I commend the measure to the House.

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.

## MENTAL HEALTH ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 24th August.

**THE HON. G. C. MacKINNON** (Lower West) [5.35 p.m.]: This Bill will prove of great interest to Mr. Cloughton, because it is another one of those measures which actually seeks a diminution of the effect of theological law on the temporal laws of a country. In effect, what the Bill seeks to do is to tidy up the Mental Health Act in regard to suicides. For a number of years it was a crime if a person attempted to commit suicide, and last May this House amended the Criminal Code so that it was no longer an offence when a person attempted to commit suicide. I think it was found that if a person was successful in his attempt there was not much point

in pursuing a prosecution, and if a person was not successful it was generally found that he was too ill for a humanitarian authority to take action in any way.

However, a slight quandary remained in the Mental Health Act because section 30 of that Act reads as follows:—

(1) Where a complaint on oath is made before a justice that a person who appears to be suffering from mental disorder—

(a) is without sufficient means of support; or

(b) is wandering at large; or

(c) has been discovered under circumstances that denote a purpose of committing an offence against the law,

the justice may, by order in the prescribed form under his hand, require a police officer or some person duly authorised in that regard, by the Minister, to apprehend the person in respect of whom the complaint was made and forthwith cause him to be examined by a medical practitioner.

The medical practitioner would, in all probability, be a psychiatrist. This procedure worked very well for a person who was mentally sick and who may have been attempting to take his life when, in fact, such an act was an offence under the provisions of the Criminal Code. However, that offence having been deleted from the Criminal Code, it leaves any police officer or any well-meaning person in a situation where nothing can be done; because section 30 (1) (c) provides that the person concerned must be discovered under circumstances that denote a purpose of committing an offence against the law. So what the Bill proposes to do is to insert after the word "law" in line three of paragraph (c), the words "or of attempting to take his own life."

With the insertion of these words it will not be an offence for a person to attempt to take his own life. It will merely give a reason for the justice, by order in the prescribed form, to require a police officer or someone in authority to have a person taken away and examined. This is a logical extension of what has been done previously concerning the elimination of suicide, or attempted suicide, as a crime, and I have much pleasure in supporting the Bill.

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the House) [5.39 p.m.]: Firstly I wish to apologise to Mr. MacKinnon for being absent during the first part of his speech. I had not realised we had made such progress with the items on the notice paper. I thank the honourable member for the attitude he has shown towards the Bill, because I appreciate he has a very deep knowledge of this legislation and his words must be looked upon with considerable respect. He

has studied this subject and has been actively associated with it. Therefore, when the honourable member indicates his support of this Bill it gives it added merit and I am extremely pleased to accept the remarks he expressed in support of the measure.

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.

## AUCTIONEERS ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 24th August.

**THE HON. C. R. ABBEY** (West) (5.42 p.m.): The purpose of the Bill is to effect a small amendment to the Auctioneers Act and thus enable bloodstock to be sold in the evening. I believe this will be a worthwhile addition to the Act, because it will provide an additional outlet and better facilities for the sale of bloodstock.

We have been told by the Minister that it is intended to conduct auction sales of bloodstock in the evenings and I understand that these auctions will be conducted by a very well known Eastern States firm; namely, Coles Bros., in conjunction with Elder Smith Goldsbrough Mort Limited. The activities of Coles Bros. have become a very important feature on the calendars of livestock breeders in this State. Already the preparation and the breeding of horses for trotting and racing have developed into quite a large industry and I can foresee that in the future it could well become a multi-million dollar industry.

We have a State that has the pastures, the land, and the producers with the ability to breed top-class stock. I can envisage that once the Bill becomes law, many people who were restricted from attending auctions of livestock during the daytime will be able to attend such auctions in the evening, thus creating greater interest than formerly.

I understand that the sales will be held at new facilities at Belmont and that in future the activities will be considerably widened.

**The Hon. I. G. Medcalf:** I believe they are going to have bloodstock sales in Carnarvon.

**The Hon. C. R. ABBEY:** That is an interesting fact of which I was not aware. Will it be just in the evening?

**The Hon. I. G. Medcalf:** I believe so, if they are allowed to.

**The Hon. C. R. ABBEY:** That is an interesting fact because it shows the importance of racing in the north.

Obviously horses bred all over the State will be attracted to that venue and the holding of an auction at night will provide a carnival atmosphere.

The horse is a noble animal and throughout history it has been well regarded, particularly by the English and French communities. Of course the interest has extended to America where the industry has become a multi-million dollar business. That country often draws on Australia for stock to upgrade its race-horses and, in some cases, trotting horses. Our export industry is of some importance.

The small amendment in this Bill could cater for a much wider field. I understand that moves are afoot in Sydney regarding the possibility of holding cattle sales in the evening. Anyone who has had the opportunity to visit Sydney will know that a great deal of stock is auctioned there during and after the Sydney Royal Show. It could well be that so much stock will be offered for auction in the future that insufficient time will be available during the day to cater for it and therefore the auction will possibly be extended to the evenings. I am not sure, but I understand the legislation in that State would allow for this.

I would be appreciative if the Minister would indicate whether the Government has considered the possibility of extending the evening auction facility to other classes of stock. This could well become necessary in the future, particularly for the auction of beef animals during Beef Week at Claremont. The number of stock is increasing and could well become an embarrassment to the auctioneers. At present 600 head are offered over three days, but this number will be increased and it may therefore become necessary to provide some facility for evening sales.

That is perhaps looking a little into the future, but it is a possibility and I would like to know whether the Government has considered the matter.

I am not sure whether the auctioning of sheep at night under artificial light would be a good idea. It would be more difficult to display those animals at that time, but beef cattle, if properly prepared and handled, could well be displayed and auctioned at night. This is a possibility for the future and one we should keep in mind and perhaps extend the legislation to cater for it.

I notice that Mr. Baxter has, on the notice paper, a small amendment to correct what appears to be an omission, and he has my support.

To return to the actual purpose of the Bill, the night auctioning of bloodstock could well attract many more buyers, and, naturally, if the industry is to flourish it must have the support of the buying public. Many groups and individuals are taking an increasing interest in racing and trotting and I can see the time coming



when even more people will take an interest in trotting or racing. Some will perhaps form a small syndicate. The evening auctions will enable such people to participate to a greater extent than is possible at the moment.

If the greyhound legislation is passed I can envisage auctions affecting that industry taking place at night as well. Obviously people who have an interest in greyhound racing will also have a profession or job to keep them occupied during the day, and night auctioning would enable them to take a greater interest in the sale of the animals involved.

So, all in all, I believe this is a Bill which will create an opportunity for an extension of the industry and it has my support.

**THE HON. N. E. BAXTER** (Central) [5.52 p.m.]: In addressing myself to this measure I would like to advise members that for quite a number of years Elder Smiths conducted bloodstock sales at the Claremont Show Grounds in appointments which were not of the best. The stalls are provided for show animals and temporary selling rings are established for the sale of the animals, and such facilities do not show the horses off particularly well.

Last year arrangements were made between Coles Bros. of Adelaide and Elder Smiths to sell conjointly and an approach was made to the W.A. Turf Club which expended a considerable amount of money to erect very good facilities at the Belmont Park racecourse. They comprise stalls enclosed with weld mesh, so that the horses are separated from one another and cannot come in contact with other youngsters at the sales. Each stall has a door and is provided with a water supply, and so on.

The saddling paddock and an area fenced off in front of the stand is used to parade yearlings at the sales. As usual they have a Sunday parade of yearlings and then sell the animals on the Monday and Tuesday.

I have in my hand a catalogue of the South Australian 44th annual sale of thoroughbred yearlings. The animals are sold there on a Monday and Tuesday, but in addition an evening session is conducted on the Monday for the sale of horses. At this particular sale lots 1 to 161 inclusive were sold on the Monday in the daytime, and at the evening session lots 162 to 227 were sold, and lots 228 to 403 were sold the next day.

The sales take quite a long time to conduct. They are not like sheep and cattle sales. The auctioneer must go through the pedigree of the horses and

give a great deal of detail of what one might call relatives or progeny associated with the sires and dams, particularly of youngsters. He spends quite a long time boosting the youngsters before he actually commences the bidding. A lot more time is involved than in the sale of cattle and sheep.

**The Hon. C. R. Abbey:** The same would apply to stud cattle.

**The Hon. N. E. BAXTER:** Yes, I also have here the 1972 Western Australian yearling thoroughbred catalogue involving 228 lots. On the first day—the Monday—lots 1 to 110 were sold and on the Tuesday the remaining lots were disposed of. The auctioneer had to rush quite a lot to get through the catalogue of horses, although some were withdrawn.

About December I was approached by representatives of Coles Bros. to see if I could help in any way in the establishment of evening sales. I discussed the matter with the Attorney-General who inquired into the matter and he was responsible for the Bill before us, which proposes to amend section 11. This section reads—

No person shall act as an auctioneer after sunset or before sunrise on any day except for the purpose of selling freehold or leasehold lands or tenements or shares in any incorporated company, or wool included and described in a catalogue issued prior to and for the purpose of the sale of such wool.

**Penalty:** Fifty pounds.

The Bill intends to insert after the word "company" in the fourth line of the section the words "or bloodstock." Unfortunately the draftsman did not go far enough. The words "or bloodstock" should also be inserted after the word "wool" in line 6.

When I realised this I contacted the Attorney-General who told me that as far as he was concerned the amendment could be made in this House. For this reason I have placed the amendment on the notice paper.

I believe this Bill will be a great help in the sale of both thoroughbred and standard horses. Some members probably do not know what is meant by "standard" horses. For their information these are trotting horses. Those concerned will be very pleased to have the facility of night selling available to them should it become necessary. They visualise that an increasing number of youngsters will be available for sale in this State and this facility may well be necessary at the end of February when the next yearling sales will be conducted. I support the Bill.

*Sitting suspended from 5.59 to 7.30 p.m.*

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the House) [7.30 p.m.]: I appreciate the remarks of Mr. Abbey in connection with this Bill. It is a simple Bill brought about by a custom which has developed throughout Australia in regard to the sale of bloodstock. The trend has been for breeders of bloodstock to sell in the evening rather than throughout the day. Many turf clubs have encouraged this practice recently by spending considerable sums of money to provide facilities for a good presentation of the bloodstock. This benefits the seller by providing a spectacular event for the buyer.

Recently this practice has been tried successfully within Western Australia, although not strictly within our Act. This Bill legalises the selling of bloodstock after the hours of sunset. It is not intended to widen the scope of the legislation beyond this particular facet. At the same time I am conscious of the fact that a considerable number of sales occur between the hours of sunrise and sunset in the country. Therefore, whilst we move in one direction in the metropolitan area we will still retain the *status quo* in the country areas.

Although this is a minor measure, it has very great implications for the people associated with this type of sale.

I would just like to touch on Mr. Baxter's proposed amendment. I feel that possibly it goes a little further than he intended when we consider the simple implication of this Bill. If we leave the Bill as it has been drafted we can certainly look at it again if we find it causes disadvantages to any particular set of people. The whole purpose of the amendment in the Bill is to allow the buyer and the seller a better opportunity to negotiate in the sale of bloodstock throughout the State of Western Australia. This practice is already in vogue in many other parts of Australia. Therefore, I commend the Bill to the House.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Amendment to section 11—

The Hon. N. E. BAXTER: When I first saw this Bill and discussed it with the Attorney-General I was under the impression it was restricted purely to bloodstock sales in the metropolitan area where a catalogue of the sale was provided. However, during his second reading speech the Minister explained this matter.

Sometimes in country areas after a race day, sales of bloodstock horses are held. This is particularly so in the north and one can imagine that after a race meeting the sale would run into the evening hours. I would not like to restrict these people to the hours between sunrise and sunset. I therefore do not intend to proceed with the amendment on the notice paper.

The Hon. W. F. WILLESEE: I appreciate the remarks of the honourable member. It is true that the situation he envisages arises frequently without all the paraphernalia of presentation and many sales are made in this way.

I very much appreciate the honourable member's action in not proceeding with the amendment, and I assure him that if at some future time he feels we should look at this Act again, I would be very happy to assist him in an effort to create a better situation. I believe the present Bill is adequate in the circumstances.

Clause put and passed.

Title put and passed.

#### *Report*

Bill reported, without amendment, and the report adopted.

### **NOXIOUS WEEDS ACT AMENDMENT BILL**

#### *Second Reading*

Debate resumed from the 24th August.

**THE HON. D. J. WORDSWORTH** (South) [7.40 p.m.]: I rise to support this Bill. In many ways I feel the Minister's second reading speech underestimates the significance of this piece of legislation. The amount of money spent on the control of weeds is frightening.

We are becoming more and more aware of the pollution resulting from DDT and other sprays for the control of weeds. In Western Australia we are very fortunate in that we do not have many of the problems which exist with noxious weeds in the Eastern States. The Minister mentioned Bathurst burr and other such plants.

Many of the farmers, particularly those in the outlying districts, have complained for some time about the slack conditions regarding the checking of vehicles and livestock entering this State. I am perhaps more appreciative of this position as I live in Esperance, which is near one of the few checkpoints into Western Australia at Norseman. However, we see people coming straight through to Esperance without a check on entry. The people of Esperance generally, and I, have long demanded a continuous manning of the checkpoint at our border.

In another place a question was asked as to the hours during which checkpoints operated. I was rather amazed at the

reply that they were kept open during office hours and every other weekend. This will give members a fair idea of how lax we are. The motorist who drives through during office hours will be subject to a check, whereas others will not.

The wheatgrowers are particularly happy that skeleton weed has been kept under control. This is a very bad noxious weed in other States and although outbreaks have occurred here, they have been kept under control. This weed can come into this State in secondhand agricultural machinery. We saw it when conditional purchase areas were opened up in Esperance and farmers came into Western Australia from many different farming areas.

These machines could have harvested any crop previously and may not have been properly cleaned. In fact, it is practically impossible completely to clean out a header.

In this measure we see a widening of the definition of "machinery." The Bill states—

"machinery" means a vehicle or machine which has been used for agricultural, excavation or earthmoving purposes;

Many cars are now travelling across the Nullarbor and motorcars will become more significant as carriers of noxious weeds as time goes by.

Members are also aware that problems may arise in the north with the opening of the Ord River dam. This area is very close to foreign countries such as Indonesia.

It will be necessary for us to be more aware of the possibility of the introduction of tropical plant diseases and weeds which may easily spread in the north. In fact, this Bill significantly mentions vessels, which previously have not been covered.

One of the problems in dealing with noxious weeds in this State is that a plant may be a noxious weed in one area of the State but not in another. This is one of the reasons that the scope of the Act is to be broadened by this Bill. At present a person could have livestock in one part of Western Australia and find the weed is of no importance at all to him; yet in an agricultural area the weed assumes significant importance. So we have the difficulty in this State of plants being declared noxious weeds in some parts and not in others.

The Hon. W. F. Willesee: This Bill will help to alleviate that situation.

The Hon. D. J. WORDSWORTH: Yes. It will give the department a chance to take the necessary action. It remains to be seen whether we will sufficiently strengthen our system to keep out noxious weeds; but certainly the Bill provides the power to do so.

Obviously the architect of this Bill had a little trouble with descriptions, because this is the first time I have seen the word "thing" used. The Bill refers to, "Any animal or thing. . ." That seems to be a very broad term. I wonder what is the description of a "thing." I presume it will cover anything! The Bill also widens the interpretation to include products of which grain is an ingredient. I think members will appreciate the difficulty that can arise with products such as dog biscuits, which are manufactured from offal in the Eastern States and brought to this State. In other words, the biscuits contain flour and other by-products of wheat, and could include weed seed.

The Bill states that any person importing stock, fodder, machinery, etc. must report that to the Agriculture Protection Board and deliver the goods into the custody of a Government inspector. One wonders whether it will be possible to cover such things as dog biscuits, quite apart from the many seeds imported into the State. I recall that in Esperance only a couple of years ago we imported sorghum seed. It was a most expensive, certified seed worth 20c to 30c a pound. After we had sown several thousand acres a farmer looking at the seed found some Bathurst burr. The department was quick to recall all the seed and to put it through the cleaning works. From then on the department inspected every paddock which had been sown with sorghum to ensure that no seeds germinated. This indicates how seeds can enter the State in the most unsuspected manner, for this was a certified seed.

The Hon. J. Dolan: Where did the seed come from?

The Hon. D. J. WORDSWORTH: It came from New South Wales. Proposed new section 28 places an obligation on the owner of machinery, stock, fodder, etc. to examine those articles for weed seeds. I think that may prove a little difficult in operation. Obviously the idea is to try to cover the possibility of seeds moving from one district to another; in other words, if I brought some bags or sheep from Kalgoorlie to Esperance they could well be infested with Bathurst burr because, unfortunately, that weed is found in Kalgoorlie. It is not of great significance to the pastoral industry there, but if it were to spread to Esperance it would be of great significance. The Bill places the onus to check for weed seeds on the owner of the article.

Proposed new section 31A gives to inspectors the right to stop and search all vehicles. I think this is a significant broadening of the past policy. The inspectors will now be allowed to search vehicles without a warrant if they consider there is any risk of weeds being imported.

The Hon. W. F. Willesee: Actually, this is an addition to the original Act.

The Hon. D. J. WORDSWORTH: Yes. Clause 12 broadens the power to make regulations so that in future additional regulations may be promulgated to cover products such as wool. I think members will appreciate the difficulty that can be experienced by a firm such as Albany Woollen Mills, which buys wool from outside as well as inside Australia and has it scoured at Fremantle. Even if that firm buys scoured wool there is still the risk of bringing in noxious weeds, especially now that it is making yarn for carpets. To do this the firm must import wool from New Zealand and other overseas countries. Power is included for regulations to be made to cover that situation.

I do not think that the country people would argue as to the content of this Bill. Possibly some of its clauses may be a little arduous, but I think in the circumstances they are well warranted. I support the Bill.

**THE HON. C. R. ABBEY** (West) [7.52 p.m.]: I also rise to support the Bill. The only slightly detrimental thing I could say about the measure is that it is many years too late. It should have been introduced years ago.

I well recall some 10 or 12 years ago that a number of parliamentary members of the Country Party and the Liberal Party toured with a representative of the Farmers' Union throughout country districts. The tour was of a week's duration and commenced at Northam. We travelled up the line to Kalgoorlie and thence to Southern Cross, down to Esperance, and back through the Lakes district.

Even as long ago as that we found a disturbing situation at Northam. It was possible to find caltrop along the railway and in the station yards. I believe it may still be there. From there we went through to Merredin, Kellerberrin, Southern Cross, Kalgoorlie, and so on. As we progressed in each area we found the situation getting worse. There was a great deal of caltrop along the railway lines, in the railway yards, and sometimes in the towns.

At Kalgoorlie, of course, as goldfields members will well know, a considerable amount of both caltrop and Bathurst burr is to be found. It is rather strange that there has been no great distribution of Bathurst burr from Kalgoorlie, from which point stock is distributed—both cattle and sheep—to Esperance and other places throughout the State. I am aware that the weed has commenced to grow in one or two other places in the State but, probably as a result of unsuitable climatic conditions, it has not grown at a great

rate and has been picked up by the Agriculture Protection Board. In the main it has been eradicated.

Bathurst burr was first introduced into this State in the collars of camels driven by Afghans, so it has been here for a long time. Anyone who has seen sheep or sheep skins infested with Bathurst burr would realise how difficult it is not to spread this weed. One has to only walk through a patch of Bathurst burr to find each side of one's trousers covered with the clinging burrs; they transfer very easily.

This is the case with sheep. Along each side their ribs and hind quarters become matted with the burrs. Properties in the goldfields area which are infested with Bathurst burr must send their wool to be auctioned under a controlled system. So we may consider ourselves fortunate that those two weeds have not spread any further than they have.

This Bill has a general application, and it covers many aspects. One can recall that 10 or 12 years ago we had verified instances of weeds being introduced as a result of machinery coming here by road for delivery to properties mainly in the Esperance area. This was a great risk for the introduction of Bathurst burr in particular, and also of other weeds. Mainly it was due to the alertness of some people that the introduction of the weeds was discovered in those times.

Mr. Wordsworth has pointed out that under the Bill it will be mandatory for people who become the owners of, or take possession or control of, any coat, fodder, machinery, sack, wool pack, or restricted animal to examine it or cause it to be examined for the presence of prohibited material. That provision throws the onus back on to those who are importing such things.

That is all very well whilst the people concerned are responsible. However, unfortunately we always have a percentage of those who are irresponsible; who carelessly forget to examine the goods, or who perhaps do not know the dangers associated with the introduction of weeds.

The Hon. J. L. Hunt: The caltrop in the north is a menace to the agricultural areas in the south?

The Hon. C. R. ABBEY: It may be spread quite easily by vehicles. This is a great danger because the seed is so easily transferred. Where sheep are concerned, it becomes a considerable menace on cultivated land. But, of course, some weeds, and caltrop in particular, have become so widely established that I suppose it will be impossible ever to eradicate them properly. This sort of thing has happened in the Eastern States and the situation is

getting beyond control. However, we are fairly fortunate in this State, as pointed out by the previous speaker.

I wonder what the term, "any coat" really means. It sounds as though it could mean the clothes of a visitor.

The Hon. W. F. Willesee: To which part are you referring?

The Hon. C. R. ABBEY: Clause 8, page 4. Proposed new section 27(1) states among other things—

27. (1) A person shall not bring or receive into the State from elsewhere any coat, fodder, machinery, sack, wool pack or restricted animal without first giving—

(a) notice, in the manner prescribed, of his intention to do so;

What does the term "coat" cover? It is a fairly wide description, and I would like the Minister to tell the House what it means.

I have had personal experience of bringing stock from the Eastern States to Western Australia, and I found the general inspection carried out at Kalgoorlie was quite good. The department has stationed a very efficient officer there, and any particular consignment of sheep or cattle is examined to the best of his ability. The sheep are supposed to be fairly freshly shorn and should not have any great length of wool. It is possible for the wool on the underside to pick up an odd burr, and if one is discovered the whole consignment has to be examined and the burr removed. Burr can be found on the tails of some cattle. This is where the burr becomes entangled at some of the transit points along the railway line in the Eastern States.

I have discovered that it is quite possible for animals, herded at points in South Australia prior to the long haul over the desert to Western Australia, to be placed in infested yards. In all probability they left their properties of origin free from any noxious weed, and picked up the burr on the way. It is therefore vital that inspection be carried out on the entry of stock into Western Australia.

The Hon. D. J. Wordsworth: Even circus animals carry these weeds.

The Hon. C. R. ABBEY: Any animal can pick up Bathurst burr or Noogoora burr. This leads me to an important point which was raised briefly by Mr. Wordsworth: that we have introduced limited inspections along the road system in the State. These inspections are limited and are of recent origin. Many years ago we should have introduced a system of full-time inspection, because at that time it was foreseen there was a need to provide accommodation and, in particular, watering points for the people who manned these

posts. This was not an insurmountable problem. We know the various resting points on the overland track, and it is possible for adequate facilities to be provided.

It is not beyond the ability of the Department of Agriculture to set up a full-time post for the inspection of all vehicles, people, and stock coming into the State. I would remind the House that there are tracks from the main highways southwards which can be used by people who desire to evade inspection. They are fairly rough tracks. I daresay only a few people would do this, but some of them seem to have reason to want to avoid inspection.

The Bill will make it mandatory for the owner or the person introducing stock and various other items mentioned to present such stock or items for inspection. Whilst this may be a provision in the legislation it is not enforced at this point of time. I hope that in the future we will see a greater effort being made to check thoroughly all vehicles and stock entering Western Australia, whether by road or by rail. Of course, a similar check should be made on vehicles and stock from the Northern Territory entering the northern part of the State. It is quite possible to bring stock from the Northern Territory to the northern areas, particularly the Kimberley. The inspection rests on a voluntary system, but that is not good enough. We require a proper inspection system. I have pleasure in supporting the Bill.

**THE HON. S. T. J. THOMPSON** (Lower Central) [8.06 p.m.]: I rise to support this Bill. In some respects, like the two previous speakers I feel that perhaps it is a little late. The Bill seeks to achieve three important objectives. The first is to broaden the definition of weeds or carriers; the second is to increase the penalty; and the third is to increase the powers of inspection. These are three very vital issues, and provided they can be fully administered they will enable us to have a much better chance of coping with the problem that exists.

Like Mr. Abbey I, too, was on the noxious weeds tour some years ago. We were really surprised with the amount of noxious weeds found in the Kalgoorlie area, particularly Bathurst burr. What surprised me most was that the pastoralists who were affected by this noxious weed were not concerned. It did not seem to be a problem to them, because it had been there for a long time.

I am afraid the same attitude applies throughout the agricultural districts. It seems that Cape tulip does not worry some farmers, whose attitude is that they would let the next door neighbour keep it out of his property if he could. That is the unfortunate attitude which prevails.

I would like more to be done to eradicate the noxious weeds in this State, and to prevent others from coming in. Today we find enough noxious weeds in the agricultural areas. As Mr. Wordsworth pointed out, weeds are classified as noxious in some areas but not in others.

I think the Bill is a step in the right direction. I only hope that the Government in its wisdom—I know that Mr. Abbey has been advocating this for a long time—will increase the manning of the post on the border. I support the measure.

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the House) [8.08 p.m.]: I appreciate the analytical discussion that has taken place on the Bill. Whilst it has received support, there has been a critical analysis of what could be regarded as a shortcoming in a situation as envisaged in the Bill; the shortcoming being that a person is only as good as he is, and Western Australia is a big, wide State.

I appreciate very much the fact that greater policing measures, and greater protection to growers, farmers, and pastoralists should be provided wherever possible; but we can only legislate within our means.

I have touched upon a truth in saying that we can only associate ourselves with the people of good intent. So we legislate to the best of our ability within the confines of the small circumference that surrounds us; but if people desire deliberately to defraud they have every advantage to do so in a State as large as Western Australia.

I appreciate the remarks which have been made by members in this debate, and I thank them for their support of the Bill.

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.

#### **WAR SERVICE LAND SETTLEMENT SCHEME ACT AMENDMENT BILL**

*Second Reading.*

Debate resumed from the 24th August.

**THE HON. F. D. WILLMOTT** (South-West) [8.12 p.m.]: I think I would be right in saying that the Leader of the House would have little difficulty in anticipating my reaction to this measure. I am sure it will be no surprise to him to know that it has my fullest support.

I have no doubt that you, Mr. President, will recall that in 1971 legislation was introduced in this House to amend the Land Act, and it had the effect of granting to the holders of land held under

freehold or conditional purchase conditions the sole right and title to all indigenous timber on the land.

From 1926 until 1971, all indigenous marketable timber on freehold or conditional purchase land was reserved to the Crown. For a long time I campaigned to have this altered. With the amendments introduced in 1971 this objective was achieved.

The amendments to the Land Act in 1971 did nothing for the persons on war service land settlement blocks, because such land is held under perpetual lease; and, of course, the amendments to the Land Act did not cover them. However, the amendments in the Bill now before us will have the effect of granting to the holders of war service land settlement blocks the same right and title to the timber on the land, as has been given to the holders of other land.

As is well understood, the War Service Land Settlement Scheme is financed by the Commonwealth, and therefore the consent of the Commonwealth had to be obtained before the amendments in the Bill could be introduced.

With the passing of this legislation the timber on a war service land settlement block, or on blocks held under perpetual lease, will become the sole property of the landholder.

That is precisely what the Bill states, and for that reason I can see no reason to delay its passage any longer. I support the Bill.

**THE HON. T. O. PERRY** (Lower Central) [8.16 p.m.]: I rise to support this Bill which will bring war service land settlers into line with other landholders of alienated land. As Mr. Willmott has said, prior to 1926 timber rights automatically belonged to landholders in this State. However, some landholders, or selectors, took advantage of that privilege by cutting the timber and then forfeiting the land. For that reason, the Land Act was amended in 1926 to enable timber rights to be retained for the Crown.

A detrimental effect of that amendment was that many landholders wantonly destroyed the timber on their land because they had no financial interest in it. Now that the war service land settler will have a right to the timber on his land he will be more inclined to farm and preserve it, rather than destroy it.

We have been very careless with our timber for far too long. Many methods of timber cutting have been wasteful. Although the old method of cutting timber with the broad axe gave greater production per man than the present system, it was very wasteful. The method used of

splitting the billets and cutting the sleepers down to size wasted quite a lot of timber. It is most essential to preserve our precious hardwoods in this State.

The granting of timber rights to war service land settlers will encourage those settlers to farm and preserve the timber and, for that reason, I support the Bill.

**THE HON. V. J. FERRY** (South-West) [8.17 p.m.]: I would like to record, very briefly, my support of this Bill. As previous speakers have said, this is a case of bringing into line timber rights as they apply to war service land settlers and to other owners of freehold or conditional purchase land.

The privilege of granting timber rights to land owners is a comparatively new innovation, and I think I have already said in this Chamber that these rights should have been given to the land owners many years ago. I am pleased to note that early this year rights were, in fact, granted to land owners. The Bill now before us is complementary to previous legislation, and will grant the same rights to war service land settlers. It is only right and just that the war service land settlers should have the same privilege as other land owners. I support the Bill.

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the House) [8.19 p.m.]: I thank the members who have spoken to this Bill. They are knowledgeable people on this subject and their approbation of the Bill indicates it is something of which they approve, and which they consider necessary.

The fact that the support for this piece of legislation has been unanimous indicates that it is warranted, and it should receive the blessing of those who are associated with the land. I commend the second reading.

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.

## FACTORIES AND SHOPS ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 16th August.

**THE HON. V. J. FERRY** (South-West) [8.22 p.m.]: I am sure members will realise that the subject covered by the Bill now before us is, indeed, complex. I believe successive Governments have experienced a great deal of difficulty in providing

adequate provisions to cover all contingencies. Of course, it is almost impossible to cover all contingencies by way of legislation and for that reason we observe that the parent Act comes up for review from time to time.

At the outset I would remind members that this Bill is complementary to—and somewhat interlocking with—two other Bills which are on the notice paper. I refer to the Interpretation Act Amendment Bill, and the Public and Bank Holidays Bill.

I make that reference because those Bills deal with the granting of public holidays, and attempt to standardise and regularise the granting of public holidays so that those who are engaged in industry, and the general public, will have a clearer idea of when holidays will occur, and under what circumstances they will occur.

There are a few points to which I wish to refer in dealing with the Bill now before us. I suggest that further debate will take place during the Committee stage because greater value will arise from that discussion. The Bill contains a provision to allow greater flexibility in the appointment of inspectors to the Factories Inspection Branch. At present, inspectors are required to pass a prescribed examination, and that provision meets with my approval. However, there are circumstances whereby inspectors can be appointed to that branch without having to pass the prescribed examination. I refer to those who, because of the qualifications which they hold, would exceed the standards laid down to allow them to undertake inspection work. In other words, the provision will facilitate the employment of persons in the branch who have qualities equal to, if not in excess of, those held by departmental officers. To me this appears to be a reasonable and sensible arrangement. People who are not necessarily qualified in a standardised way will be brought into the ranks of the Factories and Shops Department.

A notable provision in the Bill refers to exempted goods. It seems that the provisions of the Act will, in future, apply to exempted goods rather than to exempted shops, which has been the case up till this time. I understand there has always been a difficulty associated with describing exempted shops by the very nature of the goods they sell. Under the Bill before us it is intended to exempt certain goods which may be sold. I believe this provision will provoke some discussion during the Committee stage.

Under the provisions of the parent Act a Retail Trade Advisory and Control Committee has been established and one of its functions is to recommend that certain classes of shops be permitted to trade during 24 hours a day. I understand the committee comprises three

members, and I pose the question to the Minister concerning the future functions of this committee.

I presume it will continue to appraise the situation with respect to trading hours. I cannot find any reference in the Minister's second reading speech to the work or the functions of the committee. Perhaps I have overlooked the point. It may have been raised, but I would like some clarification with respect to the future activities of the committee. The committee has power to stipulate the hours during which certain types of shops can trade. It can also assess the types of goods which may or may not be sold during certain hours.

Another feature of the Bill, which I am sure will provoke some comment at a later stage, is in respect of motor retail outlets. I think we all realise that motor retail trading has had its problems over the years in the way of trading hours, and with regard to outlets. There is some need to examine fairly carefully the situation with respect to the motor trade with the passing of this legislation.

It is recognised that some motor traders sell goods other than legitimate motor-ing requisites. For example, members have no doubt seen garden fertilisers for sale alongside petrol bowlers, and I suppose some of us have taken advantage of this type of outlet and purchased an odd bag of fertiliser for use in our gardens.

However, other articles are sold by motor retail outlets which may not be termed as legitimate motor requisites. Perhaps I could refer to garden tools. As I have said, I think we need to examine this matter fairly carefully to ensure an even tenor of orderly trade within the community, and between retail outlets, which is not detrimental to the public and the traders.

I am a little curious as to the effect that the proposed legislation will have on broadcasting by wireless transmission or by television stations with regard to what they may or may not broadcast or televise, and what may contravene the provisions of the Act.

I query the existing situation. I believe it needs clarification in a legal sense. I do not feel qualified to interpret the effect of the proposals in this regard, and I again request that the Minister be good enough to amplify and clarify the situation that will exist, with the passing of this legislation, in respect of the effect it will have on radio and television stations when broadcasting anything relative to the Factories and Shops Act that might be of an advertising nature.

I said earlier that this Bill was linked with others in respect of holidays. I do not think the provisions in respect of holidays need comment by me at this

stage. I think they are fairly obvious to anyone who studies the Bill, and I see no problems in that regard. With respect to the other two Bills that are complementary, I will have something further to say about public holidays. My comments will be more appropriate to those Bills.

The Hon. W. F. Willesee: This is an interesting point. You have on the notice paper amendments to the Factories and Shops Act Amendment Bill and the Public and Bank Holidays Bill. We could adjourn now, or would you prefer that we dealt with the three Bills before adjourning?

The Hon. V. J. FERRY: Perhaps we could complete the second reading of this Bill and adjourn the Committee stage to another sitting.

The Hon. G. C. MacKinnon: Another speech is to be made which might raise some points of interest to you. The person who was going to speak could seek an adjournment, if you wish.

The Hon. W. F. Willesee: In that case, we will adjourn after dealing with this Bill.

**THE HON I. G. MEDCALF** (Metropolitan) [8.33 p.m.]: I would like to address myself fairly briefly to this Bill. In particular I want to refer to clause 10. I have on the notice paper an amendment in relation to clause 10, and I will deal with it in detail in the Committee stage. However, I think it is desirable that I acquaint the House of the general intention of the amendment.

Section 93C of the Act, which this Bill seeks to repeal and replace, was inserted in the Act in 1970. In effect, under the existing section a person shall not publish any statement which suggests that a shop is open for business. I have summarised it very briefly—there are all sorts of ifs and buts about it—but by and large it means that no person is permitted under the old section to publish any statement which implies or suggests that, at a time when the Act requires a shop to be closed, a shop is open for business, goods will be sold, or someone will be in attendance at the shop.

The word "publish" is defined to include not only what we ordinarily understand it to mean—such as insertion in a newspaper or a broadcast on radio or television—but also a verbal statement made to anybody, and not necessarily publicly. One can publish a statement simply by speaking to another person. That is the law as it exists at present. I therefore suggest that the House, being advised that that is how the law now stands, should think very carefully before amending the law to make it even more stringent than it is at the present time.

The proposed new law will be even tighter than the existing law by throwing in the provision that if one happens to



publish a statement in the paper or on television one is guilty of an offence. If one's name and address appears in the statement, that is *prima facie* evidence or proof that one has in fact published it. In effect, someone could place an advertisement in the paper, using my name and address without my permission, and I would thereby have committed an offence against the section and be liable to prosecution.

We cannot expect a newspaper or television station to check in great detail the credentials of everyone who forwards an advertisement for publication. The newspapers are rather careful about this matter. When putting an advertisement in a newspaper one is required to supply one's name and address. Normally speaking, the newspaper will not accept the advertisement unless one has an account or pays cash.

But what if someone gives a false name and address—perhaps the name and address of a person against whom he has a grudge—and the newspaper publishes the statement in good faith? It need not even be an advertisement; it might be a news commentary, but if it mentions that a shop will be open after hours it offends against the section. If the statement contains a name and address, that is *prima facie* evidence that the person so named is guilty. It is only necessary to produce in court a copy of the newspaper containing the statement which includes the name and address, and that is the end of it as far as the magistrate is concerned. No further proof is required of identity or of the fact that the statement was inserted by the person named with the intention of breaking the law.

That is a rather serious situation. It becomes even more serious when we realise the section does not apply only to a newspaper advertisement or a radio or television broadcast. It applies to any statement that is made. A statement could be made quite innocently by one person to another or to a group of people, even though it is not made in public or with the intention of publishing or advertising. Nevertheless, it is an offence against the section. A person who informed his friends at the dinner table that the chemist's shop around the corner was open would be committing an offence under the section and would be liable to a penalty of \$100. That is quite improper. If a husband asked his wife whether a chemist's shop nearby were open—because he had a cold and he wanted some tablets—and his wife said, "Yes, there is one in Stirling Highway," that would be an offence under this section if that shop were trading out of hours.

The situation becomes even more impossible when one contemplates the many different hours of business for all the different occupations and industries in the

community. Not all of them operate from 8 a.m. to 5 p.m., 9 a.m. to 5 p.m., 8 a.m. to 4 p.m., or for any other specific period. They work staggered hours. Industries work differing hours. Different types of shops are entitled to be open for varying hours—some of them for extensive hours, others for hours which are not so extensive. This makes it extremely difficult, if not impossible, not only for private people who may be offending against the section but also for the proprietors of television and radio stations, newspapers, magazines and all other publications, the printers of pamphlets, and so on, who accept *bona fide* advertisements.

It is therefore a fairly serious position. My attention has been drawn to it, and in the Committee stage I will adduce further documentation to prove what I am now saying. I want the House to realise that it is not desirable to increase the restrictions. Instead, we should be more reasonable and make the section apply only in cases where people are deliberately advertising to advise the public that their shops are open after hours.

I am not suggesting we should let offenders off. I am suggesting the law should be reasonable so that it does not catch people who have no intention of breaking the law. It might be felt I have drawn a long bow in talking about husbands and wives breaching this law. I believe that is in fact the position but it may well be that inspectors appointed under the Act would not take any action on a private communication such as that.

Nevertheless the law in that respect is absurd. There is also the case of a person who, during the course of a *bona fide* news broadcast or commentary, refers to the fact that one of the station's reporters informed him that so-and-so intended to defy the regulations and remain open at the weekend, on Sunday, or at night. That person might have been reporting an incident which occurred at the shop which was open after hours. Clearly, we do not subscribe to censorship to the extent that we believe *bona fide* news items such as that should be censored. That is what this law would amount to—censorship of a *bona fide* news item. I think the House will agree that would be ridiculous, and that it is not what we would wish as a result of this legislation. I will raise that point in the Committee stage. At the present time, I merely draw it to the attention of the House.

Debate adjourned, on motion by The Hon. J. Dolan (Minister for Police).

House adjourned at 8.43 p.m.